

# **Scotland's Strategic Framework**

## **Equality Impact Assessment**

## CONTENTS

Page 3 – 9.....	<b>Introduction</b>
Page 10 – 18.....	<b>Accommodation</b>
Page 19 – 27.....	<b>Nightclubs and adult entertainment</b>
Page 28 – 35.....	<b>Casinos</b>
Page 36 – 45.....	<b>Bingo Halls</b>
Page 44 – 50.....	<b>Funfairs</b>
Page 51 – 59.....	<b>Theatres and music venues</b>
Page 60 – 71.....	<b>Life events</b>
Page 72 – 79.....	<b>Unregulated children’s activities</b>
Page 80 – 90.....	<b>Transport</b>
Page 91 – 97.....	<b>Places of worship</b>
Page 98 – 108.....	<b>Public libraries</b>
Page 109 – 124.....	<b>Schools</b>
Page 125 – 136.....	<b>Further and higher education</b>
Page 137 – 158.....	<b>ELC/formal childcare</b>
Page 159 – 174.....	<b>Informal childcare</b>
Page 175 – 176.....	<b>Conclusion</b>

## The Health Protection (Coronavirus) (Restrictions and Requirements)(Local Levels) (Scotland) Regulations 2020

### Introduction

1. The COVID-19 pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. While it has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life and the right to health for Scotland's population, the unequal impact of the pandemic and the requirement to have due regard to the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
2. The Coronavirus (COVID-19): Framework for Decision-Making and *Scotland's route map through and out of the crisis* ("the Route Map") published earlier this year made clear that COVID-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The *Framework for Decision-Making* identified four main categories of harm: **direct health impacts, non-COVID-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
3. On Friday 23 October, we published *COVID-19: Scotland's Strategic Framework*. This new framework sets out how we intend to respond to the crisis over the coming period, across the four key harms of the virus. It details how we will work to suppress the virus and sets out our proposal to move to a strategic approach to outbreak management based on five levels of protection, across many aspects of our lives.
4. Some harms will be felt over different time horizons: short, medium and long-term. Some may not be fully understood for many months or even years, such as the long term impacts on mental health and school attainment. However, even in these initial stages, it is clear that impacts have not been felt equally across the population. Consideration of the continued, but differential, impacts at the different levels is therefore critical to the decision making process.

### Legislative background

5. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 ("the first regulations"), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. They came into force on Thursday 26 March 2020.
6. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They make provision which is substantially similar to the first regulations, as amended at the date on which they were revoked.
7. On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Restrictions) (Scotland) 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 0600 on 2 November to allow for consultation on the levels-based approach.

8. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implemented the new strategic framework and were published on 30 October on [www.legislation.gov.uk](http://www.legislation.gov.uk) and came into effect at 0600 hours on 2 November 2020. These regulations revoke the additional temporary restrictions regulations and the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020.
9. Decision-making under the new Strategic Framework system will be more straightforward. It will build on existing structures and processes and will include engagement with local leadership as decisions to move up and down levels are taken. However, decisions will be made by Ministers, with input from relevant advisers, because implementing levels decisions is the exercise of a statutory power for the protection of public health, for which Ministers are responsible and accountable.
10. Regular reviews of the levels system will take place and 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.
11. As soon as the Scottish Ministers consider that it is no longer necessary for the Level 1 Restrictions, Level 2 Restrictions, Level 3 or Level 4 Restrictions to apply to a specified area, the Scottish Ministers will amend the Regulations so that those restrictions no longer apply to that area.
12. The *Framework for Decision Making* makes clear that the reviews of the levels system within the Strategic Framework will be informed by assessments of options for relaxation or restriction under their impact on the four harms, their viability, and broader considerations including equality impacts, the impact on individual rights and consideration of measures, for example, for specific geographies and sectors.
13. The Scottish Government considered from the outset whether the lockdown provisions were consistent with the Equality Act 2010 and also considered whether the provisions could constitute indirect discrimination. In many cases, the provisions have applied to all persons irrespective of protected characteristic, although we acknowledge that the same provision may not have equal impacts. Equality Impact Assessments (EQIAs) have been carried out to consider the likely or anticipated impact of the measures contained in the Coronavirus (Scotland) Act 2020 and for the respective legislation thereafter, as mentioned in paragraphs five, six and seven above. Where some possible negative impacts have been identified, the Scottish Government has considered these to be justified as both a necessary and proportionate means of achieving the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland; and has sought to mitigate disadvantage wherever possible, e.g. developing exemption cards for people whose health or disability makes the wearing of face coverings unsuitable. However, from the beginning, measures were put in place to support people with protected characteristics as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March 2020.

14. The impact assessment has identified some potential positive impacts on one or more of the protected characteristics. Reductions in the spread of coronavirus are designed to positively affect the whole population, but will particularly affect the health of those people who are more severely affected by the disease.
15. This includes older people (age), those with underlying health conditions (some disabled people are more likely to experience severe ill-health from contracting COVID-19 than the general population), ethnicity and sex. [Early data](#) showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain ethnic groups<sup>1</sup>, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and over 2 times more likely in African and Afro-Caribbean people<sup>2</sup>.
16. As we follow the levels approach, some changes will be delivered through regulations, such as amending regulations to allow for local areas to move in or out of a level. Other measures will be delivered through changes to guidance. However, all measures are given thorough consideration on the basis of their impact, including on equality and human rights<sup>3</sup>.

## Policy Objectives

17. We published our Strategic Framework and levels table in response to the rising number of COVID-19 cases seen recently in Scotland, and increase in hospital and intensive care unit (ICU) admissions. A paper published on 7 October 2020 sums up the evidence on infection trends, confirmed cases, hospital use and deaths, and how these vary across Scotland and is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/>.
18. The framework moves Scotland from the Route Map, which applies countrywide, into something that allows us to flex, on a much more transparent basis, depending on rates of transmission across different areas of the country. However, we recognise that many of the restrictions and requirements in place have a negative impact on some aspects of people's lives, such as increasing loneliness and social isolation, and have potential to deepen inequalities and damage our economy.
19. The hospitality industry is an important employer in Scotland – we estimate that 13,855 business units in the Food and Beverages Services sector in Scotland, employ 155,000 people directly with many more employed in its supply chains<sup>4</sup>. Alongside the UK Government Job Support Schemes, Scottish Government has provided closure grants and hardship payments to help ease the difficulties caused by the necessary restrictions on the hospitality industry. However, we know that what many want is to return to work.

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<sup>1</sup>

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

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

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

<sup>4</sup> Business Register and Employment Survey 2018

20. Reopening the sector would be positive for the economy and for many people's wellbeing but we must do it in a way that does not increase the health risk for the vulnerable, many of whom are employed in this sector. The Strategic Framework aims to strike a balance between the two, allowing most hospitality venues to open at almost all levels and for the public to enjoy them, while ensuring this happens in a way that is safe and gives the virus limited opportunity to spread.
21. Since the start of the pandemic, we have engaged directly with the hospitality sector on an ongoing basis, as well as trade unions and other relevant bodies, on our response to the virus.
22. Among others, we have worked in partnership with the Scottish Licensed Trade Association, the Scottish Beer and Pub Association, UK Hospitality, the Scottish Hospitality Group, their industry legal advisers and the Scottish Trades Union Congress (STUC), Unite the Union and Prospect. We also established the Scottish Tourism Emergency Response Group (STERG) and have ensured that all guidance has taken account of EHRC protocols.
23. Our engagement with the industry has covered a variety of issues, and has contributed to a number of positive outcomes, including: the easing of restrictions affecting hospitality following the initial lockdown; exemption from two-metre distancing rule for the industry; implementation of additional mitigating measures; detailed sectoral guidance; and a comprehensive support package.
24. The Scottish Government has continued to engage proactively and meaningfully with the hospitality industry throughout the development of the new Strategic Framework, and as we move towards its implementation.
25. Throughout our extensive engagement we have listened to all of the concerns raised by industry representatives, and have worked in partnership with them to mitigate these concerns as far as the public health emergency has made that possible. We are aware that it has not been possible to fully address all of the issues raised, but we have always sought to balance our continued support for the sector with our primary objective of suppressing the virus and saving lives.
26. We invited feedback when we published the Strategic Framework and proposed levels on 23 October and have received written submissions from the Scottish Beer and Pub Association, the Scottish Licensed Trade Association, UK Hospitality, and the Scottish Hospitality Group. These representations acknowledge our efforts to simplify the measures currently in place for the sector, while also highlighting issues of continued concern for their members – in particular the hospitality restrictions proposed for Level 3.
27. The key current asks from the sector include: allowing the consumption of alcohol outdoors and indoors with a main meal; introducing different time restrictions for different levels and changing the 10 pm curfew to a cut off for last entry; allowing business meetings in hospitality settings; enabling flexibility around the definition of outdoor space; and recommencing night-time events in Levels 0 and 1.
28. We welcome the industry's engagement on all the key issues they have raised, as we have throughout the pandemic. We listened to the sector's calls for exemption from the two-metre distancing rule, the implementation of additional mitigating measures, and a significant financial support package, and we acted. We continue to listen to their legitimate concerns and have made amendments to the new levels system to reflect as many of these as it is safe to do so at this time, including enabling pubs and restaurants who have the ability to serve substantial meals to remain open in level 3 (though alcohol

must not be sold), allowing alcohol to be served with meals in level 2, and extending opening hours in level 2.

29. We are continuing our constructive engagement with the sector, and are analysing the clinical evidence to determine whether it is possible to allow alcohol to be sold with meals in level 3, as well as continuing our discussions with the sector – in addition to planning, licensing and environmental health colleagues – on options for the definition of 'outdoor space'. We are examining how best to implement different time restrictions across the respective levels.
30. We are continuing to work constructively to address all their requests for further clarity and certainty as we move into the new levels system.
31. The framework was implemented following a debate and agreement on the strategic approach and the necessary regulations (The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020) in the Scottish Parliament on 27 October. The Regulations came into effect from 2 November.
32. The Scottish Government's Coronavirus (COVID-19) guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the Strategic Framework. The revised guidance is available at [www.gov.scot/collections/coronavirus-covid-19-guidance](http://www.gov.scot/collections/coronavirus-covid-19-guidance).

### **Accommodation**

33. Level 0 – 2 open (socialising and hospitality rules apply).
34. Level 3 open (socialising and hospitality rules apply). Guidance advises non-essential (leisure/tourism) use only by locals. Essential, e.g., work-related use can continue.
35. Level 4 only essential permitted, e.g., work-related (no tourism). Socialising and hospitality rules also apply.

### **Leisure and entertainment** (casinos, bingo halls, funfairs, adult entertainment venues, nightclubs, and theatres and music venues)

36. Level 0 - 1 open with the exception of adult entertainment and nightclubs (unless permitted events). Hospitality rules apply.
37. Level 2 - Cinemas, amusement arcades, bingo halls can open (Level 2 Hospitality rules apply). Following closed: soft play, funfairs, indoor bowling, casinos, theatres, snooker/pool halls, music venues, nightclubs and adult entertainment.
38. Level 3 and 4 closed.

### **Unregulated children's activities** (e.g. youth clubs, children's groups)

39. Level 0 – 1 permitted.
40. Level 2 – 3 differentiated restrictions apply.
41. Level 3 indoor activities not permitted.

### **ELC/Formal Childcare**

42. Level 0 – 2 open with standard protective measures in place.
43. Level 3 open with enhanced protective measures in place.
44. Level 4 open, subject to targeted intervention which may impact on capacity

### ***Informal childcare***

45. Level 0 – 3 permitted in line with household/numbers restrictions.
46. Level 4 essential worker informal childcare only. In line with household/numbers restrictions, children only may enter other households.

### ***Schools***

47. Level 0 – 2 open with standard protective measures in place.
48. Level 3 open with enhanced protective measures in place.
49. Level 4 open with enhanced and targeted protective measures  
Colleges.

### ***Universities / colleges***

50. Level 0 – 2 blended.
51. Level 3 - 4 restricted Blended

### ***Life Events (weddings and civil partnerships, funerals)***

52. Level 0
- Weddings/civil partnerships – 50 person limit
  - Funerals – 50 person limit
  - Wakes and receptions permitted, subject to 50 person limit
53. Level 1 - 3
- Weddings/civil partnerships – 20 person limit
  - Funerals – 20 person limit
  - Wakes and receptions permitted, subject to 20 person limit
54. Level 4
- Weddings/civil partnerships – 15 person limit
  - Funerals – 20 person limit
  - Wakes permitted subject to 20 person limit
  - No receptions

### ***Worship***

55. Level 0 – 3 open with restricted numbers (50).
56. Level 4 open with restricted numbers (20).

### ***Public libraries***

57. Level 0 – 1 open.

58. Level 2 open with protective measures.

59. Level 3 open with protective measures.

60. Level 4 closed.

### ***Transport***

61. Level 0 - 2

- Active travel (walk, run, cycle, wheel) where possible
- Avoid car sharing with people outside extended household wherever possible
- Face coverings compulsory on public transport

62. Level 3

- Active travel (walk, run, cycle, wheel) where possible
- Avoid car sharing with people outside extended household wherever possible
- Avoid non-essential use of public transport
- Face coverings compulsory

63. Level 4

- Active travel (walk, run, cycle, wheel) where possible
- Avoid car sharing with people outside extended household wherever possible
- No use of public transport, except for essential purposes
- Face coverings compulsory

<b>Title of Proposal</b>	<b>Accommodation</b> (hotels, B&Bs, self-catering, caravan and campsites).
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**Impact**

Visitor accommodation provides an important contribution to Scotland’s visitor economy. Almost 53,000 jobs are provided by the accommodation sector as a whole (BRES 2018), with GVA for Accommodation at more than £1.6bn in 2017.

Accommodation (hotels, B&Bs, self-catering, caravan and campsites), provides a wide range of holiday opportunities, contributing to physical and mental wellbeing and reduced social isolation.

The tourism sector has a disproportionately young workforce compared to other sectors. 36% of the accommodation and food services sector workforce is aged 16-24, compared to 12% overall for Scotland.<sup>5</sup>

Women are more likely than men to work in the accommodation and food sector industry. Women constitute 52.3% of the tourism workforce.<sup>6</sup> The increases the risk of infection for women given the customer facing nature of many of the roles. Women are the majority of those employed in many ‘shut down’ sectors at Level 4, including Accommodation (58%) and Food and beverage service activities (53%).<sup>7</sup>

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Level 0 - 1	Open – socialising and hospitality limits apply.  No differential impact.
		Level 2 - 3	Open – socialising and hospitality limits apply.  No differential impact.
		Level 4	Closed other than for essential use.  No differential impact.
	<b>Age: Older People</b>	Level 0 -1	Open – socialising and hospitality limits apply.
		Level 2 - 3	Open – socialising and hospitality limits apply.  No differential impact.
		Level 4	Closed other than for essential use.  No differential impact.
	<b>Sex: Women</b>	Level 0 -1	Open – socialising and hospitality limits apply.
		Level 2 - 3	Open – socialising and hospitality limits apply.

<sup>5</sup> Data has been extracted from the Annual Population Survey 2019 and the Annual Survey of Hours and Earnings 2018

<sup>6</sup> Annual Population Survey 2019, and the Annual Survey of Hours and Earnings 2018

<sup>7</sup> [Scottish Household Survey, 2018](#) ; Annual Population Survey 2019 ; [Sick Pay for All](#) ; [Public Health Scotland COVID-19 Statistical Report](#) & [Deaths involving coronavirus in Scotland](#)

	Level 4	<p>Closed other than for essential use.</p> <p>Before the pandemic, women met socially with friends, relatives, neighbours or colleagues more regularly than men, for example for hen parties and weekends away, and so might be more likely miss doing so.<sup>8</sup></p> <p>Women constitute 52.3% of the tourism workforce.<sup>9</sup> This increases the risk of infection for women given the customer-facing nature of many of the roles, so closure would reduce this risk. However, it would also mean a greater impact in terms of employment.</p> <p>Women are also more likely to be victims of domestic abuse and so closure may impact on their ability to seek places of safety.</p>
<b>Sex: Men</b>	Level 0 - 1	Open – socialising and hospitality limits apply.
	Level 2 - 3	Open – socialising and hospitality limits apply.
	Level 4	<p>Closed other than for essential use.</p> <p>Men may be more likely to be employed in occupations (construction, forestry, digital installation) that involve working away from home and using visitor accommodation. This may mean greater exposure to the virus, and so may impact more on mens' health.</p>
<b>Race</b>	Level 0 - 1	Open – socialising and hospitality limits apply.
	Level 2 - 3	Open – socialising and hospitality limits apply.
	Level 4	<p>Closed other than for essential use.</p> <p>Feelings of loneliness are highest in single-occupier households<sup>10</sup> and people of 'Black, Black Scottish or Black British' ethnicity were most likely to be living alone at the time of the last census in 2011.<sup>11</sup> They may be negatively impacted from not being able to take breaks or holidays due to accommodation closures.</p> <p>The reduced opportunity to take breaks or holidays may also have a negative impact for those living in overcrowded households.</p> <p>The evidence shows that some minority ethnic groups, particularly South Asian, are at a higher risk of catching and being seriously ill from COVID-19<sup>12</sup>. For these groups there will be a balance between welcoming the closure measures in these levels with the potential at</p>

<sup>8</sup> <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/pages/4/>

<sup>9</sup> Annual Population Survey 2019, and the Annual Survey of Hours and Earnings 2018

<sup>10</sup> [Scottish Household Survey 2018](#)

<sup>11</sup> [Census 2011: Detailed Characteristics on Population and Households in Scotland](#)

<sup>12</sup> [Ethnicity and Outcomes from COVID-19 The Lancet 2020](#)

		these levels for a higher risk of transmission.
<b>Religion or Belief</b>	Level 0 -1	Open – socialising and hospitality limits apply.
	Level 2 - 3	Open – socialising and hospitality limits apply.
	Level 4	Closed other than for essential use.  No evidence of a differential impact identified at this time.
<b>Disability</b>	Level 0 -1	Open – socialising and hospitality limits apply.  Employers will need to ensure safety and guidance is fully adhered to in order to protect employees with long-term conditions or illnesses as well as all other employees.
	Level 2 - 3	Open – socialising and hospitality limits apply.  Employers will need to ensure safety and guidance is fully adhered to in order to protect employees with long-term conditions or illnesses as well as all other employees.
	Level 4	Closed other than for essential use.  Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the lockdown. People with mental health issues may be at greater risk of the impacts of social isolation. Not being able to take a break or holiday could therefore disproportionately negatively impact on disabled people.  A closure for a specific time period could lead to an decreased risk of transmitting COVID-19. This could disproportionately positively affect some disabled people. Around 170,000 adults in Scotland have been defined on medical grounds as clinically extremely susceptible due to having an existing health condition that puts them at very high risk of severe illness from COVID-19. Therefore, measures designed to protect people who are at greater risk from Covid-19 should have a positive effect.
<b>Sexual Orientation</b>	Level 0 -1	Open – socialising and hospitality limits apply.
	Level 2 - 3	Open – socialising and hospitality limits apply.
	Level 4	Closed other than for essential use.  There is little evidence of a differential impact identified at this time, although LGBTI people experiencing harassment may have reduced accommodation opportunities with attendant impact on physical and mental wellbeing.
<b>Marriage and Civil Partnership<sup>13</sup></b>	Level 0 -1	Open – socialising and hospitality limits apply.
	Level 2 - 3	Open – socialising and hospitality limits apply.

		Level 4	<p>Closed other than for essential use.</p> <p>Closure may restrict the opportunities for people to attend marriage or civil partnership ceremonies, which are permitted at this level.</p>
<b>Pregnancy and Maternity</b>		Level 0 -1	Open – socialising and hospitality limits apply.
		Level 2 - 3	Open – socialising and hospitality limits apply.
		Level 4	<p>Closed other than for essential use.</p> <p>No evidence of a differential impact identified at this time.</p>
<b>Gender Reassignment</b>		Level 0 -1	Open – socialising and hospitality limits apply.
		Level 2 - 3	Open – socialising and hospitality limits apply.
		Level 4	<p>Closed other than for essential use.</p> <p>Closure of accommodation could impact negatively on the ability of those undertaking gender reassignment procedures to stay away from home, so may have a disproportionate impact on their safety and mental wellbeing.</p>
<b>Socio-economic disadvantage</b>		Level 0 -1	Open – socialising and hospitality limits apply.
		Level 2 - 3	Open – socialising and hospitality limits apply.
		Level 4	<p>Closed other than for essential use.</p> <p>Closure of visitor accommodation at Level 4 (other than for work purposes) will have a differentially positive impact on those living in deprived areas, as those living in more deprived areas are more likely to have longstanding illnesses. Closure of accommodation should reduce the risk of infection. However, those in more deprived areas may have less opportunity to take advantage of the visitor accommodation sector by having holiday and short break.</p> <p>People who are socio-economically disadvantaged, including those who may have lost jobs or have seen their incomes reduce during lockdown, may be less able to afford to engage with hospitality businesses, due to affordability.</p> <p>There is a high incidence of low pay in the tourism sector.<sup>14</sup> 58% of adult tourism workers earn less than the living wage (an hourly rate set at £8.75 in 2018), compared to 19% overall in Scotland. The proportion earning below the living wage is highest for young workers (82%), but remains high across all age ranges (39%-50%). It is also higher for women (63%) than for men (52.5%), and for part-time workers (73.2%)</p>

<sup>14</sup> Data has been extracted from the [Annual Population Survey 2019](#), and the [Annual Survey of Hours and Earnings 2018](#)

			than full-time workers (40.4%). <sup>15</sup>
<b>Mitigating actions:</b>	Level 0 - 1	Open – socialising and hospitality limits apply.  Risk is mitigated by allowing all types of accommodation to remain open at this level, subject to legal requirements on businesses to take reasonably practicable measures to ensure physical distancing and other practicable measures to reduce the risk of transmission, and guidance. Published guidance is subject to Scottish Government accessibility standards and protocols and hygiene protocols have been developed and implemented with the sector.  There has been ongoing and regular engagement with sector stakeholders to take on board and try to address their concerns and issues. A range of support measures has been put in place for the sector, including bespoke funding packages and advice and guidance.	
	Level 2 - 3	Open – socialising and hospitality limits apply.  Risk is mitigated by allowing all types of accommodation to remain open at this level, subject to legal requirements on businesses to take reasonably practicable measures to ensure physical distancing and other practicable measures to reduce the risk of transmission, and guidance. Published guidance is subject to Scottish Government accessibility standards and protocols.	
	Level 4	Closed.  The threat to public health means that it is not possible to further mitigate against negative equalities impacts at Level 4, aside from ongoing monitoring and return to lower levels at the earliest opportunity.  Businesses that remain open are also under legal duties to take reasonably practicable measures to ensure physical distancing and other practicable measures to reduce the risk of transmission. Guidance is in place to mitigate against remaining risks for those using accommodation for essential purposes.	

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		As outlined above, closure will have differential impacts on different age groups in relation to health and wellbeing and employment. Older people may benefit from less exposure to transmission.
Advancing equality of		X		The accommodation sector employs large numbers of younger workers, restrictions on

<sup>15</sup> [Annual Population Survey 2019](#), and the [Annual Survey of Hours and Earnings 2018](#)

opportunity				the sector will reduce the employment opportunities available.
Promoting good relations among and between different age groups			X	No evidence of a differential impact identified at this time.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation		X		Disabled people may be impacted negatively in terms of social isolation and mental and physical wellbeing. Carers may be unable to seek respite, with attendant negative wellbeing impacts. However, closure may also mean less risk of transmission for disabled people.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Women may experience negative impacts in relation to employment, safety from domestic violence and social interaction.
Advancing equality of opportunity		X		The accommodation sector employs large numbers of women, restrictions on the sector will reduce the employment opportunities available.
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?**

<b>Pregnancy and</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
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<b>Maternity</b>				
Eliminating unlawful discrimination, harassment and victimisation	X			There may some positive benefits through reduced risk of transmission for pregnant women.
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	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation		X		Safety and mental wellbeing in relation to accommodation availability may have a negative impact on those seeking gender reassignment.
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	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation		X		There is little evidence of a differential impact identified at this time, although LGBTi people experiencing harassment may have reduced accommodation opportunities with attendant impact on

				physical and mental wellbeing.
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	X		There may be some negative impacts in terms of social isolation and respite from overcrowding for some ethnic groups. However closure may also safeguard some groups from additional health risks.
Advancing equality of opportunity		X		The accommodation sector employs large numbers of minority ethnic people, restrictions on the sector will reduce the employment opportunities available.
Promoting good race relations			X	No evidence of a differential impact identified at this time.

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

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

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision

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

<b>Title of Proposal</b>	<b>Nightclubs and Adult Entertainment Venues</b>
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Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
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## Impact

Nightclubs and sexual entertainment venues (SEVs) fall within the broader leisure and entertainment grouping within the new Strategic Framework. All nightclubs and SEVs have been closed since the beginning of the pandemic and under the Strategic Framework they will remain closed under all levels.

The nightclub and sexual entertainment sector is an important part of Scotland's economy. It is estimated, based on the Inter-Departmental Business Register 2019 and 2018 Business Register and Employment Survey that there are 115 businesses under the heading non-charity licensed clubs. Nightclubs and sexual entertainment businesses in Scotland fall under this classification. These businesses operate across 145 sites and are estimated to employ around 3,000 people. The vast majority of nightclub and sexual entertainment businesses are small (employing less than 50 people). It is likely that most of these are based in cities and larger towns although it is not possible to obtain detailed data at this time.

Scotland's hospitality industry has been particularly hard-hit by the pandemic because of its customer-facing nature. This has been particularly true with regard to nightclubs and SEVs.

Registered enterprises within the sustainable tourism sector accounted for around 8% of all registered businesses in Scotland in 2019 with just under 15,000 tourism businesses in Scotland. Within the sustainable tourism growth sector, restaurants comprise the highest proportion (51%) while pubs and clubs and hotels account for 19% and 11% respectively.<sup>17</sup>

Guidance for the Tourism and Hospitality Industry, developed in partnership with industry and unions, was published on 18 June, and has been revised on a regular basis to take account of changing circumstances. It advises businesses that are able to on what they need to do to open and operate safely.

<https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/>

The people-centred nature of the hospitality sector, including nightclubs and SEVs, means that the prolonged closure has had a significant impact, not only those who are employed or operate businesses within the sector, but also in terms of the mental health of some of its customers.

It is not possible to derive data currently for nightclubs and SEVs specifically.

In engagement with night-time economy businesses, it has been noted that it is experiencing substantial cashflow problems and fears for its long-term survival.

In common with the wide range of other countries who have implemented similar measures, the objective of the restrictions set out within the Strategic Framework is to ensure that the operation of nightclub and SEVs is appropriate to the level of COVID-19 risk within the Local Authority area, also taking into account the other restrictions in place. Any restrictions on operations are intended to protect staff and customers, help control and suppress the spread of the virus, ultimately minimising transmission rates, hospital admissions, deaths and the potential overwhelming of the NHS.

High transmission risks mean all nightclubs and SEVs have been subject to closure since the start of the lockdown. There is no likely prospect of reopening until an effective vaccine is found and given to a large percentage of the population. There has been a very high degree of compliance amongst the sector, in spite of the significant impacts it is experiencing.

Differentiated	<b>Age: Children and Younger People</b>	Level 0 -	Children cannot access these venues.
		Level 4	Nightclubs, as opposed to SEVs, are more likely to be used more by younger people, with more younger people employed in the

<sup>17</sup> 14,970 in 2019 <https://www.gov.scot/publications/growth-sector-statistics/>

		<p>hospitality sector, so there is likely to be a greater negative impact on young people.</p> <p>We know that before the pandemic, younger people were more likely than those in older age groups to meet socially with friends, relatives, neighbours or work colleagues at least once a week. These new restrictions will reduce the social engagement for some young people.</p> <p>These measures could have a negative impact for some young people, both in terms of employment and socialising.</p> <p>Accommodation and food services (of which nightclubs form a part) make up a substantial part of the tourism sector. Data from the Annual Population Survey Jan-Dec 2019 shows that people working in the tourism sector when compared to the workforce as a whole are three times more likely to be in the 16-24 age category and make up 54.7% of Scottish employees. This indicates that reducing operating hours or complete closures of the hospitality industry could have a disproportionate effect on young people.</p>
<b>Age: Older People</b>	Level 0 – Level 4	<p>We have no current data on age breakdown of those using nightclubs or SEVs.</p> <p>However it is likely that the former will be used more by younger people, which will reduce the likely impact on older people.</p>
<b>Sex: Women</b>	Level 0 – Level 4	<p>Although we have as yet been able to access any specific data, women are more likely to be employed in both nightclubs and SEVs therefore closure will have a greater detrimental impact on women.</p>
<b>Sex: Men</b>	Level 0 – Level 4	<p>Although we have as yet been unable to access any specific data, women are more likely than to be employed in both nightclubs and SEVs and so closure will have less of an impact on men.</p>
<b>Race</b>	Level 0 – Level 4	<p>The hospitality sector (of which nightclubs and SEVs are a part) is the industry sector with the highest proportion of non-UK nationals in the workforce is distribution, hotels and restaurants – 12.7% of its workforce are non-UK nationals.</p> <p>According to Close The Gap's recent report<sup>18</sup>, Black and Minority Ethnic women are more likely to work in a sector that has been shut down; more likely to be in insecure work which puts them at increased risk of loss of hours and earnings; and are concentrated in low-paid service sectors which are more susceptible to redundancies over the course of the crisis.</p> <p>This has the potential to further entrench labour market inequality for Black and Minority Ethnic women who already face multiple barriers to good quality employment.</p> <p>In Scotland's <a href="#">2011 Census</a>, people describing their ethnicity as one</p>

<sup>18</sup> <https://www.closesthegap.org.uk/content/resources/Disproportionate-Disruption---The-impact-of-COVID-19-on-womens-labour-market-equality.pdf>

		<p>of the 'Asian' categories (columns J to N in the table) were more likely to live in a household with two or more families. Of those living in households, around 1 in 7 (15%) of people describing their ethnicity as Pakistani lived in a household with two or more families. This compared to only 1 in 50 (2%) of the population as a whole.</p> <p>These differences are pertinent in regard to the spread of COVID-19 and highlight particular risks for people from Minority Ethnic groups who are elderly or have pre-existing health conditions. If household members work in customer-facing roles in the nightclub or SEVs they may face higher risk of being exposed to the virus and subsequently bringing it back to those at home. Closing nightclubs and SEVs could therefore have a protective impact on these groups in terms of health (since they will not be exposed to those risks), but a disproportionately negative impact in terms of economic harm since ethnic minority groups may be higher represented in the sector.</p> <p>Around 11% of those working in the Accommodation and Food Services Sector were from Minority Ethnic backgrounds, compared with 4% in the economy overall.<sup>19</sup></p> <p>Minority Ethnic individuals are overrepresented in the distribution, hotels and restaurant industry, which encompasses food and retail sectors. The reopening of businesses will have an increased risk of transmission and infection for this group. These measures should reduce the risk of infection.</p> <p>Feelings of loneliness are highest in single-occupier households<sup>20</sup> and people of 'Black, Black Scottish or Black British' ethnicity were most likely to be living alone at the time of the last census in 2011<sup>21</sup>. They may be negatively impacted from not being able to meet up as easily with other people due to the tightening of the other socialising measures.</p> <p>The reduced opportunity to meet households outside of the home and visit external settings will have a negative impact for those living in overcrowded households which may be detrimental to their mental and physical health. Those identifying as 'White: Polish', 'Bangladeshi' or 'African' were the most likely to live in overcrowded households in 2011.</p>
<b>Religion or belief</b>	Level 0 – Level 4	No evidence of a differential impact identified at this time.
<b>Disability</b>	Level 0 – Level 4	<p>The closure of nightclubs and SEVs (as part of the wider hospitality sector) means less choice for disabled people in terms of socialising.</p> <p>Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the lockdown. In 2018, a higher percentage of disabled</p>

<sup>19</sup> ONS, Annual Population Survey, January to December 2019

<sup>20</sup> [Scottish Household Survey 2018](#)

<sup>21</sup> [Census 2011: Detailed Characteristics on Population and Households in Scotland](#)

		<p>adults in Scotland (39%) said that they felt lonely some, most, or all of the time in the preceding week compared with all adults (21%) and non-disabled adults (16%). People with mental health issues may be at greater risk of the impacts of social isolation.</p> <p>These measures could therefore negatively impact on disabled people. This may have a negative impact in terms of social isolation and loneliness. However, this must be balanced against the need to protect more vulnerable disabled people who are at greater risk from the virus.</p> <p>26.6% of the accommodation and food services sector workforce have a long-term condition or illness. Closure may therefore impact negatively on those disabled people employed in the sector, causing increased financial hardship for those on low-incomes/already at an economic disadvantage</p> <p>Opening of nightclubs and SEVs, facilitating meeting up with others could lead to an increased risk of contracting COVID-19. This could disproportionately affect some disabled people. Around <a href="#">170,000 adults</a> in Scotland have been defined on medical grounds as clinically extremely vulnerable due to having an existing health condition that puts them at very high risk of severe illness from COVID-19. Therefore, measures designed to protect people who are at greater risk from COVID-19 will have a positive effect for disabled people.</p>
<b>Sexual Orientation</b>	Level 0 – Level 4	<p>Inviting LGBTI people into the home may not be an option for people who live in a homophobic environment, so the opportunity for some to meet outside of their household in hospitality settings may be positive.</p> <p>The loss of opportunity to attend informal social meetings in hospitality settings with a wider range of friends who could offer support, may have a negative impact on an LGBTI person’s mental and physical health.</p> <p>The Scottish Government has provided a package of support to organisations who support LGBTI people across Scotland to help mitigate negative effects.<sup>22</sup></p>
<b>Marriage and Civil Partnership<sup>23</sup></b>	Level 0 – Level 4	No evidence of a differential impact identified at this time.
<b>Pregnancy and Maternity</b>	Level 0 – Level 4	Loneliness is higher than average among those in lone parent households. The majority of lone parents are women including some with this protected characteristic. The closure of nightclubs

<sup>22</sup> <https://www.equality-network.org/emergency-funding-for-lgbtq-organisations-and-groups/>

<sup>23</sup> this protected characteristic does not require to be assessed in relation to the public sector equality duty, under section 149(7) of the Equality Act 2010

		may have some negative impact on the physical and mental wellbeing of lone parents by reducing opportunities to socialise. Being able to meet people outside the home at these levels will provide some support to those who are main carers, especially lone mothers, who account for the majority of lone parents. <sup>24</sup>
<b>Gender Reassignment</b>	Level 0 – Level 4	The loss of opportunity to attend informal social meetings in hospitality settings (including nightclubs) with a wider range of friends, who could offer support, could have a negative effect on a trans or transgender person’s mental physical health. Reduced opportunities to meet people from other households may have a negative impact. The Scottish Government has provided a package of support to organisations who support LGBTI people across Scotland to help mitigate negative effects. <sup>25</sup>
<b>Socio-economic disadvantage</b>	Level 0 – Level 4	<p>Any increase in risk of contracting COVID-19 due to the reopening of these venues would disproportionately affect people in the most deprived areas. Throughout the pandemic more cases and more COVID related deaths have been identified in the more deprived areas. In the last 7 days (as of 29 October) 153 new cases were identified in the least deprived area while 292 new cases were identified in the most deprived.<sup>26</sup></p> <p>Although level of deprivation does not directly lead to social isolation, as measured by the number of people meeting socially at least once a week, those living in the most deprived areas are almost twice as likely to experience feelings of loneliness as those living in the least deprived areas.<sup>27</sup></p> <p>People living in more deprived areas may be less likely to have private outdoor space, so not having access to nightclubs or SEVs may create a barrier for social connections.</p>
<b>Mitigating actions:</b>	Level 0 – Level 4	The risks and impacts of transmission in these settings means that there are likely to be few actions that can be undertaken to minimise the equalities impacts of closure at this time. The sector has been able to access relevant aspects of the Scottish and UK Governments’ business support packages, including specific funding for nightclubs. <sup>28</sup> The Scottish Government has provided a package of support to organisations who support LGBTI people across Scotland to help mitigate negative effects. <sup>29</sup>

<sup>24</sup> Women spent far more time than men caring for children on average in 2014-15 ([Centre for Time Use Research: Time Use Survey 2014-15 Results for Scotland](#)) and were far more likely to be looking after the home or family in 2018 ([Scottish Household Survey 2018](#)). The vast majority of single parents are also women ([Household composition for specific groups of people in Scotland](#)).

<sup>25</sup> <https://www.equality-network.org/emergency-funding-for-lgbtq-organisations-and-groups/>

<sup>26</sup> [https://public.tableau.com/profile/phs.covid.19#!/vizhome/COVID-19DailyDashboard\\_15960160643010/Overview](https://public.tableau.com/profile/phs.covid.19#!/vizhome/COVID-19DailyDashboard_15960160643010/Overview)

<sup>27</sup> [Scottish Household Survey 2018](#)

<sup>28</sup> <https://www.creativescotland.com/funding/funding-programmes/culture-organisations-and-venues-recovery-fund>

<sup>29</sup> <https://www.equality-network.org/emergency-funding-for-lgbtq-organisations-and-groups/>

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity		X		There will be negative impacts in terms of both social interaction and employment for younger people.
Promoting good relations among and between different age groups			X	We have no evidence of differential impact at this time.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity		X		There will be negative impacts in terms of both social interaction and employment for disabled people
Promoting good relations among and between disabled and non-disabled people			X	We have no evidence of differential impact at this time.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues. There may be more positive impacts in terms of reduced sexual harassment and, perhaps, domestic violence. Further exploration of this is required.
Advancing equality of	X	X	X	There will be greater negative impacts on women in terms of employment and,

opportunity				potentially, social isolation but there may be more positive impacts in terms of reduced sexual harassment and, perhaps, domestic violence. We have no evidence of differential impact at this time and further exploration is required.
Promoting good relations between men and women			X	We have no evidence of differential impact at this time.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity			X	There may be some negative aspects for lone parents who also have this protected characteristic, in terms of social isolation. We have no evidence of differential impact at this time.
Promoting good relations			X	We have no evidence of differential impact 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).**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues
Advancing equality of opportunity		X		There may be some negative aspects for those undergoing gender reassignment in terms of social isolation. However, we have no evidence of differential impact at this time.
Promoting good relations				We have no evidence of differential impact at this time.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity		X		A number of SEVs and clubs may cater to those with different sexual orientations. Closure may therefore impact more significantly on those of those sexual orientations through lack of access to specific social settings. We have no evidence of differential impact at this time.
Promoting good relations			X	We have no evidence of differential impact at this time.

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time.
Promoting good race relations			X	We have no evidence of differential impact at this time.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time.
Promoting good			X	We have no evidence of differential

<b>Title of Proposal</b>	<b>CASINOS</b>
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relations				impact at this time.
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**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation caused by closing these venues.

<b>Impact</b>			
Casinos provide economic impact through employment and tax paid. These facilities can open at Levels 0-1 and are closed at Levels 2-4. While open, facilities must follow Betting and Gaming Council industry guidance on safety measures including maintaining 2 metres physical distancing, wearing face coverings, and hygiene. This guidance is referenced from the Scottish Government guidance for Tourism and Hospitality.			
<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Levels 0-1	The measure does not apply to children. For younger adults, facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Levels 2-4	Facilities are closed. We do not have a breakdown of the age of those who attend casinos. It is not therefore possible to identify whether younger people will be disadvantaged as a result of closure.
	<b>Age: Older People</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 2-4	Facilities are closed. We do not have a breakdown of the age of those who attend casinos. It is not therefore possible to identify whether older people will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to older people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
	<b>Sex: Women</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 2-4	Facilities are closed. We do not have a breakdown of the sex of those who attend casinos. It is not therefore possible to identify whether women will be disadvantaged as a result of closure.
	<b>Sex: Men</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 2-4	Facilities are closed. We do not have a breakdown of the sex of those who attend casinos. It is not therefore possible to identify whether men will be disadvantaged as a result of closure.
	<b>Race</b>	Levels 0-1	Facilities are open but must follow guidance as above.  The opening of facilities has a negative aspect for people who are most at risk of the worst effects of Covid-19, because of their race, due to the increased expose to the virus. This is one of the reasons why facilities are open at levels 0-1 subject to adherence to guidance to minimise transmission, when the prevalence of the virus is relatively low.
		Level 2-4	Facilities are closed.

		We do not have a breakdown of the race of those who attend casinos. However, closure of facilities has a positive aspect in that people who are most at risk of the worst effects of Covid-19, because of their race, are likely to be less exposed to the virus.
<b>Religion or belief</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 2-4	Facilities are closed. We do not have a breakdown of the religion or belief of those who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Disability</b>	Levels 0-1	<p>Facilities are open but must follow guidance as above . It is possible that certain measures implemented to mitigate the spread of virus may create barriers to disabled people who wish to attend casinos: For example:</p> <ul style="list-style-type: none"> <li>• General guidance not to use lifts (impact on people who use wheelchairs or others who find it difficult to use the stairs).</li> <li>• Use of face coverings by staff and/or those attending may have an impact on people who lip read or those who cannot wear face masks due to health conditions.</li> <li>• Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height may have an impact on those in wheelchairs.</li> <li>• Provision of information about the measures to reduce spread of coronavirus at the venue may not be available in a range of formats which may exclude those who are reliant on a particular format – e.g. people who are blind or deaf.</li> <li>• Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use in order to increase capacity.</li> </ul> <p>However, there is also a positive impact of the protective measures as disabled people are more at risk from COVID-19 and these measures should help reduce the risk of transmission.</p>
	Level 2-4	Facilities are closed. We do not have a breakdown of the numbers of disabled people who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to disabled people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
<b>Sexual Orientation</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 2-4	Facilities are closed. We do not have a breakdown of the sexual orientation of people who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.

<b>Marriage and Civil Partnership<sup>30</sup></b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.	
	Level 2-4	Facilities are closed. We do not have a breakdown of the marital or civil partnership status of people who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.	
<b>Pregnancy and Maternity</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.	
	Levels 2-4	Facilities are closed. We do not have a breakdown of the numbers of women in this group who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.	
<b>Gender Reassignment</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.	
	Level 2-4	Facilities are closed. We do not have a breakdown of the numbers of those who have undergone gender reassignment who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.	
<b>Socio-economic disadvantage</b>	Levels 0-1	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.	
	Level 2-4	Facilities are closed. We do not have a breakdown of the numbers of people at socio-economic disadvantage who attend casinos. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.	
<b>Mitigating actions:</b>	Levels 0-1	Facilities are open but must follow guidance as above agreed between the Betting and Gaming Council and the Scottish Government.	
	Level 2-4	Because of closures, it is envisaged that the majority of businesses and employees would be able to access the highest levels of the financial support package we have set out for these levels, in order to mitigate the negative financial impacts as far as possible.	

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

<sup>30</sup> No requirement when considering the public sector equality duty under the Equality Act 2010 to consider this protected characteristic (section 149(7))

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different age groups when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		Closure of facilities has a positive aspect in that older people who are most at risk of the worst effects of Covid-19 are likely to be less exposed to the virus.  When facilities are open, this may have a negative aspect for older people, who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 to 1 subject to adherence to guidance to minimise transmission when the prevalence of the virus is relatively low .
Promoting good relations among and between different age groups			X	There is no evidence of a differential impact on people due to their age in promoting good relations between the age groups.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation of disabled people when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		Closure of facilities has a positive aspect in that disabled people, who are most at risk of the worst effects of Covid-19, are likely to be less exposed to the virus.  When facilities are open may have a negative aspect for disabled people who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0-1 subject to adherence to guidance to minimise transmission, when

				the prevalence of the virus is relatively low.
Promoting good relations among and between disabled and non-disabled people			X	There is no evidence of a differential impact on disabled people in promoting good relations between disabled people and non-disabled people.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for men and women when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus
Advancing equality of opportunity			X	We have no evidence that this measure has a differential impact on women or men in advancing equality of opportunity.
Promoting good relations between men and women			X	There is no evidence of a differential impact on men or women in promoting good relations between them.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for women because of pregnancy and maternity when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence that this measure has a differential impact on women because of pregnancy or maternity.
Promoting good relations			X	There is no evidence of a differential impact on women because of pregnancy or maternity in promoting good relations with people who are not pregnant or in the maternity stage.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the**

**Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used, although it may include a wide range of people not covered by the Act).**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people going through gender reassignment when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence of a differential impact identified for people going through gender reassignment.
Promoting good relations			X	We have no evidence of a differential impact on people going through gender reassignment in promoting good relations with people who are not going through gender reassignment.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people because of their sexual orientation when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence of a differential impact identified for people because of their sexual orientation.
Promoting good relations			X	We have no evidence of a differential impact on people because of their sexual orientation in promoting good relations with people who have a different sexual orientation.

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different racial groups when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus
Advancing equality of opportunity	X	X		<p>Closure of facilities has a positive aspect in that people who are most at risk of the worst effects of Covid-19, because of their race, are likely to be less exposed to the virus.</p> <p>The opening of facilities has a negative aspect for people who are most at risk of the worst effects of Covid-19, because of their race, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0-1 subject to adherence to guidance to minimise transmission, when the prevalence of the virus is relatively low</p>
Promoting good race relations			X	There is no evidence of a differential impact on people because of their race in promoting good relations with people from different racial groups

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different religious or belief groups when casinos are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	No evidence of a differential impact identified because of a person's religion or belief.
Promoting good relations			X	There is no evidence of a differential impact on people because of their religion or belief in promoting good relations with people from different religion or belief groups.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Title of Proposal</b>	<b>BINGO HALLS</b>
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<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people due to their marriage or civil partnership status when casinos are open with restrictions or when closed as the impacts of any restrictions apply to people of all relationship statuses equally.

<b>Impact</b>			
<p>Licensed bingo clubs provide economic impact through employment as well as social benefit in communities where these venues provide one of few social opportunities. These facilities are open at Levels 0-2 and closed at Levels 3-4. While open, facilities must follow Bingo Association industry guidance on safety measures including maintaining 2 metres physical distancing, wearing face coverings, and hygiene. This guidance is referenced from the Scottish Government guidance for Tourism and Hospitality.</p>			
<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Levels 0-2	The measure does not apply to children. For younger adults, facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Levels 3-4	Facilities are closed. We do not have a breakdown of the age of those who attend bingo halls. It is not therefore possible to identify whether younger people will be disadvantaged as a result of closure.
	<b>Age: Older People</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 3-4	Facilities are closed. Older people may be impacted by this measure as bingo clubs are visited by people covering a range of different ages, including older people, between 25-35% according to some operators' data. Staff in bingo halls are a mix of ages. Closure will help to reduce the risk of transmission to older people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
	<b>Sex: Women</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 3-4	Facilities are closed. Data from individual operators suggest that women form a higher proportion of bingo hall customers, who will be affected by venue closure. There are also more female employees than male. Therefore women will be more adversely affected than men.
	<b>Sex: Men</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 3-4	Facilities are closed. Data from individual operators suggest that men form a lower proportion of bingo hall customers, who will be affected by venue closure. There are also fewer male employees than female. Therefore men will be less adversely affected than women.
	<b>Race</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
		Level 3-4	Facilities are closed. We do not have a breakdown of the race of those who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.

<b>Religion or belief</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 3-4	Facilities are closed. We do not have a breakdown of the religion or belief of those who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Disability</b>	Levels 0-2	<p>Facilities are open but must follow guidance as above. It is possible that certain measures implemented to mitigate the spread of virus may create barriers to disabled people who wish to attend bingo halls: For example:</p> <ul style="list-style-type: none"> <li>• General guidance not to use lifts (impact of people who use wheelchairs or others who find it difficult to use the stairs).</li> <li>• Use of face coverings by staff and/or those attending may have an impact on people who lip read or those who cannot wear face masks due to health conditions.</li> <li>• Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height may have an impact on those in wheelchairs.</li> <li>• Provision of information about the measures to reduce spread of coronavirus at the venue may not be available in a range of formats which may exclude those who are reliant on a particular format – e.g. people who are blind or deaf.</li> <li>• Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use in order to increase capacity</li> </ul>
	Level 3-4	Facilities are closed. We do not have a breakdown of the numbers of disabled people who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to disabled people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
<b>Sexual Orientation</b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 3-4	Facilities are closed. We do not have a breakdown of the sexual orientation of people who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Marriage and Civil Partnership<sup>31</sup></b>	Levels 0-2	Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 3-4	Facilities are closed. We do not have a breakdown of the marital or

<sup>31</sup> There is no requirement when considering the public sector equality duty under the Equality Act 2010 to consider this protected characteristic (section 149(7)).

			civil partnership status of people who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Pregnancy and Maternity</b>	Levels 0-2		Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Levels 3-4		Facilities are closed. We do not have a breakdown of the numbers of women in this group who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Gender Reassignment</b>	Levels 0-2		Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 3-4		Facilities are closed. We do not have a breakdown of the numbers of those who have undergone gender reassignment who attend bingo halls. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
<b>Socio-economic disadvantage</b>	Levels 0-2		Facilities are open but must follow guidance as above. We have no evidence of a differential impact on this group as a result of the additional COVID-19 measures which must be put in place.
	Level 3-4		Facilities are closed. In some communities of greater socio-economic disadvantage, bingo halls can provide one of few opportunities for social gathering and enjoyment. This group are more affected by closure than other groups.
<b>Mitigating actions:</b>	Levels 0-2		Facilities are open but must follow guidance agreed between the Bingo Association and the Scottish Government.
	Level 3-4		Because of closures, it is envisaged that the majority of businesses and employees would be able to access the highest levels of the financial support package we have set out for these levels, in order to mitigate the negative financial impacts as far as possible.

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different age groups when bingo halls are open with restrictions or closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of	X	X		Closure of facilities has a positive aspect in that older people who are most at risk of the

opportunity				<p>worst effects of Covid-19 are likely to be less exposed to the virus.</p> <p>When facilities are open, this may have a negative aspect for older people, who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 to 2 subject to adherence to guidance to minimise transmission, when the prevalence of the virus is relatively low .</p> <p>Closure of facilities can negatively impact older people where bingo clubs provide one of their few social opportunities</p>
Promoting good relations among and between different age groups			X	There is no evidence of a differential impact on people due to their age in promoting good relations between the age groups.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation of disabled people when bingo halls are open with restrictions or closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		<p>Closure of facilities has a positive aspect in that disabled people, who are most at risk of the worst effects of Covid-19, are likely to be less exposed to the virus.</p> <p>When facilities are open this may have a negative aspect for disabled people who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 to 2 subject to following the guidance to minimise transmission, when the prevalence of the virus is relatively low.</p>
Promoting good relations among and between disabled and non-disabled people			X	There is no evidence of a differential impact on disabled people in promoting good relations between disabled people and non-disabled people.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for men and women when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity		X		As data suggest that there is a higher proportion of women in bingo halls both as customers and staff, closure will have a higher impact on them.
Promoting good relations between men and women			X	There is no evidence of a differential impact on men or women in promoting good relations between them.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for women because of pregnancy and maternity when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence that this measure has a differential impact on women because of pregnancy or maternity.
Promoting good relations			X	There is no evidence of a differential impact on women because of pregnancy or maternity in promoting good relations with people who are not pregnant or in the maternity stage.

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

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people going through gender reassignment when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence of a differential impact identified for people going through gender reassignment.
Promoting good relations			X	We have no evidence of a differential impact on people going through gender reassignment in promoting good relations with people who are not going through gender reassignment.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people because of their sexual orientation when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence of a differential impact identified for people because of their sexual orientation.
Promoting good relations			X	We have no evidence of a differential impact on people because of their sexual orientation in promoting good relations with people who have a different sexual orientation.

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different racial groups when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		<p>Closure of facilities has a positive aspect in that people who are most at risk of the worst effects of Covid-19, because of their race, are likely to be less exposed to the virus.</p> <p>The opening of facilities has a negative aspect for people who are most at risk of the worst effects of Covid-19, because of their race, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0-2 subject to adherence to guidance to minimise transmission, when the prevalence of the virus is relatively low.</p>
Promoting good race relations			X	There is no evidence of a differential impact on people because of their race in promoting good relations with people from different racial groups

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different for the different religious or belief groups when bingo halls are open with restrictions or when closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	No evidence of a differential impact identified because of a person's religion or belief.
Promoting good relations			X	There is no evidence of a differential impact on people because of their religion or belief in promoting good

				relations with people from different religion or belief groups.
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**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people due to their marriage or civil partnership status when bingo halls are open with restrictions or when closed as the impacts of any restrictions apply to people of all relationship statuses equally.

<b>Title of Proposal</b>	<b>FUNFAIRS</b>
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### Impact

The objective of Scotland’s Strategic Framework is to set out a sustainable response to the pandemic to be implemented until either a vaccine or highly effective treatments to the virus are developed. The Framework covers the four key harms of the virus, how we will work to suppress the virus, and sets out our proposal to move to a strategic approach to outbreak management based on five levels of protection.

This EQIA is focused on the set of leisure and entertainment measures for Funfairs included within Scotland’s Strategic Framework. However, individual measures need to be viewed within the broader context of the package of measures within each level, with the strategic framework taking a four harms approach to considering which interventions are introduced at each level through assessment of:

- direct health harms associated with COVID-19
- broader health harms
- social harms
- economic harms

The Strategic Framework includes measures across a wide number of settings and provides a comprehensive approach to reducing infection rates and suppressing the spread of the virus. Each of the levels is designed to reflect the relative severity of the area it is being applied to, with progressively heightened restrictions implemented as necessary.

The key measures relating to **Funfairs** are set out in the table below:

<b>Leisure and Entertainment Sector Measures (socialising rules apply)</b>	<b>Level 0 (Baseline)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
Funfairs	Funfairs may open in line with specific guidance	Funfairs may open in line with specific guidance	Funfairs must close	Funfairs must close	Funfairs must close

There are two distinct types of funfairs currently operational in Scotland: travelling funfairs, such as those operated by members of the Showmen’s Guild; and non-travelling or static funfairs, such as Codona’s Amusement Park in Aberdeen.

There is currently no statutory definition of a funfair. This is set to be remedied by MSP Richard Lyle’s Travelling Funfairs (Licensing) (Scotland) Bill<sup>32</sup>, which contains within section 1 a definition of a travelling funfair as well as a definition of a funfair:

- a “funfair” is a number of structures and other equipment designed and operated to provide public entertainment, amusement or leisure activity, and
- a “travelling” funfair is one— (i) in respect of which those operating it travel with those structures and equipment from site to site and operate the funfair in those sites, but (ii) which, as respects its site, is being or is to be operated there for a period of not more than six weeks

<https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/travelling-funfairs-licensing-scotland-bill/introduced/bill-as-introduced-travelling-funfairs-licensing-scotland-bill.pdf>

Section 1(2) of the Travelling Funfairs (Licensing) (Scotland) Bill states that: “examples of those structures and equipment are carousels and similar roundabouts, swings, roller-coasters and similar rides, helter-skelters and similar slides, coconut shies and similar stalls and dodgem cars. But the presence or absence

of any of those is not, of itself, conclusive.”

The Travelling Funfairs (Licensing) (Scotland) Bill is currently at Stage 1 in the Scottish Parliament and is not currently law.

Both types of funfair vary in size. The numbers of funfair visitors vary by size of fair and location.

### Travelling funfairs

Travelling funfairs are planned, highly regulated, professional events, and vary from micro business to substantial limited companies. Staffing of funfairs also varies. Most travelling funfairs are staffed by family members, who have varying roles within the business.

The Showmen’s Guild of Great Britain and N Ireland represents over two thousand operating members in the travelling funfair industry and some circuses. When family members and employees are taken into account, it represents approximately 25000 people. The Showmen’s Guild in Scotland currently has 322 members, making it 7th out of the 10 UK Showmen’s Guild regional sections<sup>33</sup> in terms of the number of members that are registered with each section (office). Each member will have funfair equipment and is a usually business in their own right. Membership of the Guild is normally held by the head of the household, with all the family involved in the day-to-day running of the funfair operation.

Members must declare each piece of funfair equipment that they intend to operate with the Guild and all have test certificates and insurances. A spreadsheet provided by the Showmen’s Guild lists 915 separate pieces of equipment, although some are mothballed and others have no operational status given.

Travelling funfairs can vary from one or two rides to over twenty and in the case of Kirkcaldy Links Market (the largest fair in Scotland) over 100 attractions. Most fairs last for a week in each location but some may be longer, and some summer fairs last for the duration of school holidays at the seaside or other attractions. The season normally lasts from March just before Easter until November for fireworks displays but there are some exceptions to this, e.g. Christmas fairs, St. Valentines etc.

The majority of the most profitable fairs are attached to other events like Highland games and gala days.

### Static funfairs

Scotland’s Economic Strategy identifies those sectors where Scotland has a distinct comparative advantage. These are called Growth Sectors and data within these sectors is classified using Standard Industrial Classification (SIC) codes. The Inter-Departmental Business Register (conducted by the Office for National Statistics<sup>34</sup>) as at March 2019 shows that under SIC code 93.21, Activities of Amusement Parks and Theme Parks, there were 25 businesses operating across 25 sites.

The Business Register and Employment Survey 2018 (conducted by the Office for National Statistics<sup>35</sup>) showed there were approximately 900 employees work in Scotland in activities covered by SIC 93.21.

There is no difference between the number of workers that appear under the ‘employee’ and ‘employment’ status, indicating that the number of self-employed workers registered for VAT or PAYE were so low as not to appear in the survey.

The largest concentrations of workers were located in North Lanarkshire (400), Aberdeen (200) and Inverclyde (100).

<sup>33</sup> <https://showmensguild.co.uk/sections/>

<sup>34</sup> <https://www.ons.gov.uk/>

<sup>35</sup> <https://www.ons.gov.uk/>

## COVID-19 and the funfair Sector

The Showmen's Guild in Scotland is not aware of any members that have furloughed staff, given the seasonal nature of the business.

Static funfairs are likely to have furloughed most staff, as has been the case with Codona's.

Data on loss of revenue for the sector is currently limited.

Funfairs were allowed to reopen on 24<sup>th</sup> August 2020 having been closed since late March. We have worked with key industry bodies in ensuring there is appropriate guidance that meets the needs of the sector in Scotland. Guidance for operators is now available online and can be accessed through links in the Tourism and Hospitality Guidance. Funfair guidance should be applied in conjunction with the Tourism and Hospitality Guidance.

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Levels 0 and 1	Children and young people are more likely to attend funfairs and so will benefit for them being open at these levels.
		Levels 2, 3 and 4	Closure is likely to have a more negative effect on children and young people, reducing social activities.
	<b>Age: Older People</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2, 3 and 4	No evidence of differential impact at this time.
	<b>Sex: Women</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2, 3 and 4	No evidence of differential impact at this time.
	<b>Sex: Men</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2, 3 and 4	No evidence of differential impact at this time. (although some who have a role as traditional heads of their household and who work in this sector may be marginally more adversely impacted mentally by closures and removal of livelihoods for themselves and their family members).
	<b>Race</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2, 3 and 4	No evidence of differential impact at this time.
	<b>Religion or belief</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2, 3 and 4	No evidence of differential impact at this time.
	<b>Disability</b>	Levels 0 and 1	Disabled people may be adversely affected by some of the mitigations put in place when funfairs reopen, for example wearing face coverings, requirements to physically distance etc.
		Levels 2, 3 and 4	Some disabled people may be protected from the impacts of the virus through closure at these levels.
<b>Sexual Orientation</b>	Levels 0 and 1	No evidence of differential impact at this time.	

		Levels 2, 3 and 4	No evidence of differential impact at this time.
	<b>Marriage and Civil Partnership</b>	Levels 0 to 1	No evidence of differential impact at this time. <sup>36</sup>
		Level 2, 3 and 4	No evidence of differential impact at this time.
	<b>Pregnancy and Maternity</b>	Levels 0 and 1	There may be some negative impacts on pregnant women as a result of mitigations such as queuing due to physical distancing.
		Levels 2 - 4	Pregnant women may be protected from the impacts of the virus due to closure at these levels.
	<b>Gender Reassignment</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Levels 2 - 4	No evidence of differential impact at this time.
	<b>Socio-economic disadvantage</b>	Levels 0 and 1	No evidence of differential impact at this time.
		Level 2 - 3	No evidence of differential impact at this time.
	<b>Mitigating actions:</b>	Levels 0 and 1	Specific guidance in place within general tourism and hospitality guidance. <sup>37</sup>
		Levels 2, 3 and 4	Risks of transmission at these Levels mean there are no mitigating actions that can be put in place to allow opening.

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity		X		When closed, lack of access to social activities will have a negative impact on children and younger people
Promoting good relations among and between different age groups			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations among and between different age groups.

**Do you think that the policy impacts disabled people?**

<sup>36</sup> This protected characteristic does not require to be assessed under section 149(7) of the Equality Act 2010.

<sup>37</sup> <https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/>

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		There may be negative impacts through some mitigations put in place on opening but disabled people will also be protected from the virus during closure periods.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations among and between disabled and non-disabled people			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations between disabled and non-disabled groups.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations between men and women			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations between men and women.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		There may be negative impacts through some mitigations put in place on opening but pregnant women will also be protected from the virus during closure periods.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations between groups with this protected characteristic

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

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations between groups with this protected characteristic and other groups.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations			X	The Strategic Framework approach to Funfairs should not have a direct impact on promoting good relations between groups with this protected characteristic and other groups

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation for this group. Show people see themselves as having a distinct cultural heritage and have the protected characteristic of race).

<b>Title of Proposal</b>	<b>Theatres, concert halls, comedy clubs and any other venue which—</b>
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Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good race relations			X	The Strategic Framework approach to Funfairs should not have an direct impact on promoting good relations between groups with this protected characteristic and other groups.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations			X	The Strategic Framework approach to Funfairs should not have an direct impact on promoting good relations between groups with this protected characteristic and other groups.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to Funfairs should not have an impact on unlawful discrimination, harassment or victimisation.

	<p>(i) normally opens at night,  (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and  (iii) provides music, whether live or recorded</p>		
<p><b>Impact</b></p> <p>Theatres, concert halls, comedy clubs and any other venue which— (i) normally opens at night, (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and (iii) provides music, whether live or recorded, make a key contribution to Scotland’s economy, boost Scotland’s profile internationally and also significantly boost health and well-being, community engagement, empowerment and inclusion.</p> <p>The Local Levels Regulations and performing arts and venues guidance set out restrictions at different Levels for Scotland’s performing arts venues, including theatres and concert halls, for business while putting in place key safeguards such as physical distancing, enhanced hygiene and restricted numbers.</p> <p>Level 0: Performing arts venues are permitted to open where audience members have allocated seats (either physical seats or marked areas of the ground within which households must sit) and with restricted numbers, 2 metre physical distancing and hygiene measures in place and if the venue can comply with the requirements specified in the <a href="#">performing arts and venues guidance</a>. Capacity should be calculated based on ensuring 2 metre physical distancing up to a limit of 250, set in guidance. Discussions on restricted numbers should take place between the local authority and venue. Matters such as ventilation system, pinch points, transport, performance type, local circumstances and length of performance should be taken into account to determine appropriate number for the event which might be below the upper limit of 250.</p> <p>Level 1: Performing arts venues are permitted to open where audience members have allocated seats (either physical seats or marked areas of the ground within which households must sit) and with restricted numbers, 2 metre physical distancing and hygiene measures in place and if the venue can comply with the requirements specified in the <a href="#">performing arts and venues guidance</a>. Capacity should be calculated based on ensuring 2 metre physical distancing up to a limit of 100, set in guidance. Discussions on restricted numbers should take place between the local authority and venue. Matters such as ventilation system, pinch points, transport, performance type, local circumstances and length of performance should be taken into account to determine appropriate number for the event which might be below the upper limit of 100.</p> <p>Levels 2 - 4: Performing arts venues closed to the public for live performance.</p> <p>Performing arts venues have been able to open for working purposes only (not for audiences) since 24 August 2020, prior to reopening to the public. The measures required by the Local Levels Regulations and the performing arts and venues guidance as outlined above will have significant economic impact on the performing arts sector – although while physical distancing measures are in place concerns about economic viability may prevent some venues from reopening until these are relaxed. The measure will contribute to the health and wellbeing of those working in the sector, and that of audiences.</p> <p>After lockdown began in March 2020, all of Scotland’s performing arts venues closed and their performance programmes were cancelled or rescheduled. Due to economic concerns and the time required to prepare productions, much activity is on hold until there is more confidence about a return to stages across the country with economically viable audience capacity. Research indicates that confidence amongst audiences about returning to performing arts venues is low and will take time to rebuild.</p>			
<p><b>Difference</b></p>	<p><b>Age: Children and Younger People</b></p>	<p>Level 0 &amp; 1</p>	<p>Comfort with returning to indoor venues is highest among younger people (16-34) according to <a href="#">Creative Scotland/ 56 Degree</a> Insight research.</p>

	Level 2 – 4	As younger people (16 – 34) are most comfortable about returning to indoor performing arts venues, it follows that they are currently impacted more than other by closure of venues at these levels.
<b>Age: Older People</b>	Level 0 & 1	<p>The measure relates to working adults and to audience members of all ages.</p> <p>According to the <a href="#">Creative Scotland/ 56 Degree Insight research</a>, the frequency with which the Scottish population expects to attend arts events and venues has decreased. Although around half of respondents expected the extent of their activity to be the same as before the COVID-19 outbreak, many others expect to attend less often, particularly for live music events, dance, theatre and cinema. People who are most confident in attending in the near future tend to be younger and are more likely to have children at home.</p> <p>Respondents were asked how comfortable they would feel attending performances at a range of venue types. While over half (56%) felt very or fairly comfortable attending outdoor events, fewer were comfortable attending community venues (39%), medium to large indoor venues (37%), arena sized venues (34%) or smaller indoor venues (30%). Notably, nearly 40% of the population would not feel comfortable in smaller indoor venues even if they had assurances on safety measures. Across all venue types, people aged 16-34 were more likely to state that they felt comfortable while people aged over 55, those with a disability or long-term health condition, residents of rural areas and infrequent arts attenders were least comfortable. Comfort with indoor venues is highest among younger people (16-34).</p> <p>We are not aware of any evidence that suggests the other measures (apart from closure) will create any particular inequalities for this protected characteristic</p>
	Level 2 - 4	See above. Older people were found to be less comfortable about attending certain venues so are less affected by their closure. However, older people will be advantaged more than some other groups by closure of venues due to the need to reduce the transmission of the virus as they are more badly affected by it.
<b>Sex: Women</b>	Level 0 & 1	Attendance at a cultural event or place is higher among women ( <a href="#">SHS 2018</a> ) and, therefore, more likely to benefit if open. 82% of women attended or visited a cultural event or place compared to 79 per cent of men. Women also had higher cultural attendance than men after excluding trips to the cinema, with the gap between women and men increasing to five percentage points (76 per cent and 71 per cent). We are not aware of any evidence that suggests the other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 4	Attendance at a cultural event or place is higher among women (SHS 2018) and, therefore, women more likely to be impacted if closed
<b>Sex: Men</b>	Level 0 & 1	Attendance at a cultural event or place is higher among women (SHS

		2018) and, therefore, men less likely to be benefit if open. We are not aware of any evidence that suggests the other measures will create any particular inequalities for this protected characteristic
	Level 2 - 4	Attendance at a cultural event or place is higher among women (SHS 2018) and, therefore, men less likely to be impacted if closed
<b>Race</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic
<b>Religion or belief</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues with restrictions will create any particular inequalities for this protected characteristic.
<b>Disability</b>	Level 0 & 1	<p>People with a disability or long-term health condition were amongst those least comfortable about returning to indoor venues according to <a href="#">Creative Scotland/ 56 Degree Insight research</a>.</p> <p>It is possible that certain measures implemented to mitigate spread of virus may create barriers to disabled people working at or attending events. For example:</p> <ul style="list-style-type: none"> <li>• General guidance not to use lifts (impact of people who use wheelchairs or others who find it difficult to use the stairs).</li> <li>• Use of face coverings by event staff and / or those attending events (impact on people who lip read or those who cannot wear face masks due to health conditions).</li> <li>• Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height (impact on those in wheelchairs).</li> <li>• Provision of information before and on the day of the event about the measures to reduce spread of coronavirus not available in a range of formats (may exclude those who are reliant on a particular format – e.g. people who are blind or deaf).</li> <li>• Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use to increase capacity.</li> </ul>
	Level 2 - 4	Disabled people may be advantaged more than some other groups by closure of venues due to the need to reduce the transmission of the virus as they are more badly affected by it.
<b>Sexual Orientation</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.

	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic.
<b>Marriage and Civil Partnership</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 3	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic.
<b>Pregnancy and Maternity</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic.
<b>Gender Reassignment</b>	Level 0 & 1	We are not aware of any evidence that suggests the opening of performing arts venues with restrictions or other measures will create any particular inequalities for this protected characteristic.
	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic.
<b>Socio-economic disadvantage</b>	Level 0 & 1	<p>Less people may attend or participate in performing arts performances and activities due to financial implications of COVID-19 on households.</p> <p>Any move to completely cashless events may have a negative impact on people from lower socio-economic backgrounds, who are more likely to use cash. Completely removing paper tickets and moving to smartphones could exclude people without access to this technology or with limited data allowances, which could include people on lower incomes.</p>
	Level 2 - 4	We are not aware of any evidence that suggests the closure of performing arts venues will create any particular inequalities for this protected characteristic.
<b>Mitigating actions:</b>	Level 0 & 1	<p>Sector-led <a href="#">guidance</a> has been developed for the performing arts and venues sector to help them plan and prepare for the resumption of activity, including the importance of inclusive workplaces and guidance available from the Equality and Human Rights Commission. The industry guidance includes links to the SG <a href="#">guidance on facecoverings</a>, and to other relevant guidance such as <a href="#">events sector guidance</a>.</p> <p>In fostering good relations, the performing arts and venues guidance links to the Equality and Human Rights Commission<sup>38</sup> as a source to</p>

<sup>38</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance>

		<p>support performing arts and venues and to provide advice on issues such as non-discrimination, communication on equality issues, adjustments for disabled people, support for pregnant employees, flexible working for those with caring responsibilities, and mental health issues.</p> <p>The guidance states that workers who are themselves, or live with someone who is clinical high risk, should not be compelled to attend work and employers should make arrangements to ensure those staff are not disadvantaged due to obeying medical advice.</p> <p>Other mitigating actions:</p> <p><b>Age (All):</b> Ensure that communication is provided through a range of channels to help ensure that they are accessed by the intended audience for the event. Similarly, ensure that communications with the workforce are provided in a range of ways, workers are able to ask questions, and that workforce representatives are fully involved.</p> <p><b>Disability:</b> Venues should consider whether any of the measures they are implementing could create barriers for disabled people. They should take into account anticipated access requirements of disabled visitors; make reasonable adjustments to avoid disabled workers being put at a disadvantage; and the opening of toilets should be accompanied by local risk assessment, taking into account anticipated access requirements of disabled visitors.</p> <p><b>Socio-economic disadvantage:</b> Venues should consider what will happen where people do not have access to contactless payments so that people are not excluded from a performance and should consider what will happen where people do not have access to a smart phone or other electronic device (where electronic tickets are used) so that people are not excluded from a performance or associated communications and information.</p>
	Level 2 - 4	No specific mitigating action in relation to any protected characteristic has been identified that could be taken while venues are closed

**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	X		<p>Younger adults are more comfortable with attending venues etc – so must be more adversely affected by closure.</p> <p>As a positive – older adults will be advantaged more by closure due to the need to reduce the transmission of the virus as they are more badly affected by it.</p> <p>We are not aware of any evidence that suggests the opening of performing arts venues with restrictions will create any</p>

				particular inequalities for this protected characteristic.
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations among and between different age groups			X	We are not aware of any evidence of impact.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		<p>It is possible that certain measures implemented to mitigate spread of virus may create barriers to disabled people working at or attending venues when they are open with restrictions in place. For example:</p> <ul style="list-style-type: none"> <li>• General guidance not to use lifts (impact of people who use wheelchairs or others who find it difficult to use the stairs).</li> <li>• Use of face covering by event staff and / or those attending events (impact on people who lip read or those who cannot wear face masks due to health conditions).</li> <li>• Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height (impact on those in wheelchairs).</li> <li>• Provision of information before and on the day of the event about the measures to reduce spread of coronavirus not available in a range of formats (may exclude those who are reliant on a particular format – e.g. people who are blind or deaf).</li> <li>• Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use to increase capacity.</li> <li>• Positive impact if venues closed due to need to reduce transmission of the virus as disabled people more badly affected by COVID-19</li> </ul>
Advancing equality of opportunity	X	X		Some of the measures above may be a positive in terms of advancing equality of opportunity for disabled people when venues are open. There are also potential negatives where necessary protection measures can

				themselves cause issues for disabled people.
Promoting good relations among and between disabled and non-disabled people	X		X	We are not aware of any evidence of impact when venues are closed. When venues are open this might be a positive, giving opportunities for disabled people to meet and socialise with those in other groups

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	As stated above, women attend culture events and venues more than men and therefore may be more affected by closures but we are not aware of any published or stakeholder evidence which suggests that this will impact on unlawful discrimination, harassment and victimisation
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations between men and women			X	We are not aware of any evidence of impact.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any evidence that suggests that the restrictions at different Levels for performing arts venues will create any particular inequalities for this protected characteristic.
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations			X	We are not aware of any evidence of impact.

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

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any evidence that suggests that the restrictions at different Levels for performing arts venues will create any particular inequalities for this protected characteristic.
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations			X	We are not aware of any evidence of impact.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any evidence that suggests that the restrictions at different Levels for performing arts venues will create any particular inequalities for this protected characteristic.
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations			X	We are not aware of any evidence of impact

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any published or stakeholder evidence which suggests that the restrictions at different Levels for performing arts venues will create any particular inequalities for this protected characteristic..
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good race relations			X	We are not aware of any evidence of impact.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination,			X	We are not aware of any evidence that suggests that the restrictions at different Levels for performing arts venues will

<b>Title of Proposal</b>	<b>Life Events – Marriages, funerals and the associated receptions and wakes</b>
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harassment and victimisation				create any particular inequalities for this protected characteristic.
Advancing equality of opportunity			X	We are not aware of any evidence of impact.
Promoting good relations			X	We are not aware of any evidence of impact.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any evidence that suggests that the restrictions at different Levels for performing arts venues will create any particular inequalities for this protected characteristic.

The key measures relating to **life events** are set out in the table below:

<b>Life Events Measures</b>	<b>Level 0 (Baseline)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
	<p>Weddings/civil partnerships – <b>50</b> person limit</p> <p>Funerals – <b>50</b> person limit</p> <p>Wakes and receptions permitted, subject to <b>50</b> person limit</p>	<p>Weddings/civil partnerships – <b>20</b> person limit</p> <p>Funerals – <b>20</b> person limit</p> <p>Wakes and receptions permitted, subject to <b>20</b> person limit</p>	As level 1	As level 1	<p>Weddings/civil partnerships – <b>15</b> person limit</p> <p>Funerals – <b>20</b> person limit</p> <p>Wakes permitted subject to <b>20</b> person limit</p> <p>No receptions</p>

**The restrictions set out above for each level reflect an:**

- Easing of marriage and civil partnership restrictions at Level 0 by increasing the numbers from 20 to 50 attendees
- At Levels 1, 2 and 3, permitting up to 20 people to attend marriages and civil partnerships
- Tightening of marriage and civil partnership restrictions at Level 4 by reducing the numbers from 20 to 15, and to provide that there should be no receptions
- Easing of funerals restrictions at Level 0 By increasing the numbers from 20 to 50 attendees
- At Levels 1 – 4, permitting up to 20 people to attend a funeral service and wake/post-funeral gathering

From 17 November 2020 the limit on the number of people who could attend a marriage ceremony or civil partnership registration in an area affected by Level 4 was raised to 20 from 15. This EQIA considers the rules for marriage and civil partnership at Level 4 when the Strategic Framework was implemented on 2 November 2020.

### **Impact**

Level 0 will result in more marriage ceremonies and civil partnership registrations to take place (as more couples may wish to proceed as more can attend the event). It will likely have a positive impact for family and friends of couples marrying or entering a civil partnership by allowing more people to attend the ceremony or registration.

At Level 4 the rules on the numbers who can attend a marriage or civil partnership registration has been reviewed since the draft Strategic Framework was published and there is a 15 person limit (previously 5 or 6 in the draft) to ensure there is no adverse impact for certain religious groups.

From 15 July 2020 the Regulations restricting funeral attendance to members of an individual's household, close family member, or if neither household or close family members could attend – a friend, were revoked. Instead, guidance set out that up to 20 people could attend funeral service. From 14 September, up to 20

<p>people were also able to attend wakes. The Strategic Framework maintains this position of allowing up to 20 people to attend a funeral service and wake. At level 0 (baseline) up to 50 people will be able to attend funeral services and wakes. This will likely have a positive impact for all members of society who are bereaved, regardless of any protected characteristic(s).</p>			
Differential impacts	<b>Age: Children and Younger People</b>	Level 0	<p>NRS <a href="#">publish statistics</a> on the ages of people entering marriage and civil partnership.<sup>39</sup></p> <p>For those living within a Level 0 area, or attending a ceremony or service in such an area, the numbers able to attend a marriage, civil partnership, funeral and associated receptions/wakes have been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events.</p>
		Levels 1, 2 and 3	<p>There are no changes at Levels 1-3 when compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
		Level 4	<p>The position at Level 4 for funerals is unchanged from the position before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4, the numbers able to attend a wedding ceremony or civil partnership registration has been reduced to 15 and receptions are not permitted. Children are included in this headcount. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	<b>Age: Older People</b>	Level 0	<p>NRS <a href="#">publish statistics</a> on the ages of people entering marriage and civil partnership.</p> <p>For those attending a marriage, civil partnership, or funeral and their associated receptions/wakes within a Level 0 area, numbers able to attend have been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We have not identified any differential impact for older people.</p>
		Levels 1, 2 and 3	<p>At Levels 1, 2 and 3 there is no change on the restrictions in place for these life events before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
		Level 4	<p>At Level 4, there is no change on the restrictions in place for funerals before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4, the numbers who may attend a wedding ceremony or civil partnership registration has been reduced to 15 and receptions are not permitted. We are not aware of any evidence that suggests this level of</p>

		restriction will create any particular inequalities for this protected characteristic.
<b>Sex: Women</b>	Level 0	<p>NRS <a href="#">publish statistics</a> on the sexes of each party entering marriage and civil partnership.</p> <p>For those living in, or attending a marriage, civil partnership or funeral within a Level 0 area, the permitted number has been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We have not identified any differential impact for women.</p> <p>Marriage is one of the ways in which a second female parent can obtain parental responsibilities and rights (“PRRs”) when they marry a child’s mother. Marriages can take place at all Levels.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3 there is no change on the restrictions in place for these life events before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Marriage is one of the ways in which a second female parent can obtain parental responsibilities and rights (“PRRs”) when they marry a child’s mother. Marriages can take place at all Levels.</p>
	Level 4	<p>At Level 4, there is no change on the restrictions in place for funerals before 2 November. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Marriage is one of the ways in which a second female parent can obtain parental responsibilities and rights (“PRRs”) when they marry a child’s mother. Marriages can take place at all Levels.</p> <p>At Level 4, the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Sex: Men</b>	Level 0	<p>NRS <a href="#">publish statistics</a> on the sexes of each party entering marriage and civil partnership.</p> <p>Marriage is one of the ways in which fathers can obtain parental responsibilities and rights. Marriages can take place at all Levels.</p> <p>For those attending a marriage, civil partnership or funeral within Level 0 area, the permitted numbers have been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities or differential impacts for men.</p>
	Levels	Marriage is one of the ways in which fathers can obtain parental

	1, 2 and 3	<p>responsibilities and rights. Marriages can take place at all protection levels.</p> <p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriage is one of the ways in which fathers can obtain parental responsibilities and rights. Marriages can take place at all protection levels including Level 4.</p> <p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Race</b>	Level 0	<p>For those attending a marriage, civil partnership or funeral within a Level 0 area, the permitted numbers have been increased rise from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We have not identified any differential impact for the protected characteristic of race.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Religion or Belief</b>	Level 0	<p>NRS <a href="#">publish statistics</a> about marriages conducted by religious or belief celebrants.</p> <p>Easing of restrictions at Level 0 on the number of people who can attend a funeral service will likely be positive for all those who are bereaved. It will be the case that a larger variety or number of individuals will be able to participate in, via attendance, what is a unique and important event for many religion and faith communities.</p> <p>For those attending a marriage or civil partnership within a Level 0 area, the</p>

		<p>further easing of restrictions now permits 50 people to attend. This change will likely be positive for the protected characteristic of religion or belief. The easing of restrictions at Level 0 may enable more people who want to marry before they cohabit or start a family to exercise their right to marry, including those for whom this is important for their religion or belief.</p>
	Level 2 - 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020.</p> <p>The numbers permitted to attend a marriage ceremony or civil partnership registration at all protection levels addresses religious and belief requirements identified during stakeholder consultation undertaken for earlier EQIAs in relation to the Scottish Government route map.</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>The draft Strategic Framework as published on 23 October 2020 suggested restricting the numbers who may attend a marriage ceremony to the minimum required by law (5 or 6 if an interpreter is needed). This was later revised to take account of religious and belief requirements as it had the potential to impact adversely for some groups. Our stakeholder consultation indicated that 5 or 6 would not have addressed religious requirements. The limit on numbers is now set at 15. We are not aware of any evidence that suggests this revised level of restriction will create any particular inequalities for the protected characteristic of religion or belief.</p>
<b>Disability</b>	Level 0	<p>For those living within a Level 0 area, numbers able to attend a marriage, civil partnership, funeral and associated receptions/wakes has been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We are not aware of any differential impact for disabled people.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Sexual</b>	Level	<p>NRS <a href="#">publish statistics</a> about the numbers of same sex marriages and civil</p>

<b>Orientation</b>	0	<p>partnerships (which must currently be entered into by individuals of the same sex).</p> <p>For those living within a Level 0 area, numbers able to attend a marriage, civil partnership, funeral and associated receptions/wakes has been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events. We have no identified any differential impact for those of any sexual orientation.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Marriage and Civil Partnership</b>	Level 0	<p>In terms of section 149(7) of the Equality Act 2010, the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership.</p> <p>At all Levels, marriage ceremonies and civil partnerships can take place, subject to restrictions to reduce the transmission of COVID-19.</p> <p>We are not aware of any evidence that suggests this level of restriction for marriages, civil partnerships or funerals will create any particular inequalities for this protected characteristic.</p>
	Levels 1, 2 and 3	<p>In terms of section 149(7) of the Equality Act 2010, the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership.</p> <p>At all Levels, marriage ceremonies and civil partnerships can take place, subject to restrictions to reduce the transmission of COVID-19.</p> <p>We are not aware of any evidence that suggests this level of restriction marriages, civil partnerships, or funerals will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>In terms of section 149(7) of the Equality Act 2010, the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership.</p> <p>At all Levels, marriage ceremonies and civil partnerships can take place, subject to restrictions to reduce the transmission of COVID-19.</p> <p>We are not aware of any evidence that suggests this level of restriction for</p>

		<p>marriages, civil partnerships or funerals will create any particular inequalities for this protected characteristic.</p>
<b>Pregnancy and Maternity</b>	Level 0	<p>For those attending a funeral, marriage or civil partnership in such an area, numbers able to attend have been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events.</p> <p>The easing of restrictions at Level 0 may enable more people who want to marry before starting a family to exercise their right to marry.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Gender Reassignment</b>	Level 0	<p>For those living within a Level 0 area, or attending a marriage, civil partnership or funeral in such an area, numbers able to attend a marriage, civil partnership, funeral and associated receptions/wakes has been increased from 20 people to 50 people. This change will likely be positive for those wishing to attend these important life events.</p> <p>We are not aware of any differential impact for people who intend to undergo, are undergoing or have undergone gender reassignment.</p>
	Levels 1, 2 and 3	<p>At Levels 1, 2 and 3, there is no change for these life events compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Socio-economic</b>	Level 0	<p>For those attending a marriage, civil partnership or funeral in a Level 0 area, numbers have been increased from 20 people to 50 people. A couple</p>

	<b>disadvantage</b>		marrying or entering a civil partnership, or those organising a funeral, including those from a socio-economically disadvantaged backgrounds, can continue to choose to have a smaller event to minimise costs. We are not aware of any evidence that suggests this level of restriction will have any particular impact for any socio-economically disadvantaged group.
		Levels 1, 2 and 3	At Levels 1, 2 and 3, there is no change on the restrictions in place for these life events before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will have any particular impact for any socio-economically disadvantaged group.
		Level 4	At Level 4, there is no change for funeral services compared to the restrictions in place before 2 November 2020. We are not aware of any evidence that suggests this level of restriction will create any particular socio-economic disadvantage for any group.  At Level 4 the numbers who may attend a marriage ceremony or civil partnership registration has been reduced to 15, and receptions are not permitted. We are not aware of any evidence that suggests this level of restriction will have any particular impact for any socio-economically disadvantaged group.
<b>Mitigating actions:</b>		Level 0	A range of mitigations in relation to the transmission of COVID-19 have been considered and implemented through guidance, both specifically for marriages, civil partnerships and funerals and in related guidance for hospitality venues and for receptions and funeral wakes to minimise the risks to all attendees at life events.  This guidance has been updated to ensure clear communication of the requirements and we continue to communicate regularly with interested stakeholders.
		Levels 1, 2 and 3	We have updated the guidance for marriages, civil partnerships and funerals to ensure clear communication of the requirements and we continue to communicate regularly with interested stakeholders.
		Level 4	We have updated the guidance for marriages, civil partnerships and funerals to ensure clear communication of the requirements and we continue to communicate regularly with interested stakeholders.

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all Levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.

Promoting good relations among and between different age groups			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.
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**Do you think that the policy impacts disabled people?**

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.
Promoting good relations among and between disabled and non-disabled people			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

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

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.
Promoting good relations between men and women			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

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

Pregnancy and	Positive	Negative	None	Reasons for your decision
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<b>Maternity</b>				
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.
Promoting good relations between groups with this protected characteristic and other groups			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

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

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.
Promoting good relations between groups with this protected characteristic and other groups			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to

				advancing opportunity.
Promoting good relations between groups with this protected characteristic and other groups			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have no evidence of differential impact at this time in relation to advancing opportunity.
Promoting good race relations between groups with this protected characteristic and other groups			X	We have no evidence of differential impact at this time in relation to promoting good relations between this group and other groups.

**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	<p>For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation. Marriages and funerals may be of particular importance to people with the protected characteristic of religion or belief and can take place at all Levels.</p> <p>As originally drafted the Strategic Framework level 4 restrictions for marriage ceremonies would have had a negative impact for some people with the protected characteristic of religion or belief. The change to allow a sufficient number of attendees to satisfy identified religious requirements should have a positive impact, as people of faith can both marry in accordance with the restrictions, and in accordance with their faith.</p>

Advancing equality of opportunity	X			Our amendment of the original proposal for Level 4 restrictions in relation to marriage ceremonies allows people of faith to marry in accordance with that faith and so promotes the right to marry for all groups.
Promoting good relations between groups with this protected characteristic and other groups			X	The Scottish Government recognises the importance to individuals of particular faiths that they marry in accordance with their faith.

**Do you think the policy impacts on people because of their marriage or civil partnership?<sup>40</sup>**

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

<sup>40</sup> In terms of section 149(7) of the Equality Act 2010 the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership

<b>Title of Proposal</b>	<b>UNREGULATED CHILDREN'S ACTIVITIES</b>		
<b>Impact</b>  By retaining access to these activities at a levels, even with restricted numbers, it ensures that children and young people (0-17) can continue to engage with their peers and meet friends they would not usually see in other settings. Organised, unregulated activities for children can continue at all protection levels. These are not permitted indoors at Level 4, and the maximum number of people who can attend at any one time reduces by the levels. Some exceptions have been put in place in guidance for activities directed at under 5s, to enable more adults to attend at any one time, to facilitate their child's activity.			
<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Level 0 - 1	<p>Unregulated children's activities are particularly important for the youngest children and those not in ELC or education, and children who may have a disability, or live in remote or rural areas or not have access to good quality outdoor space. At Baseline and Level 1 there is still a transmission risk, albeit small. To enable all children to participate in relevant activities, we have included a cap in guidance on maximum numbers (over 5s) and on the number of adults who can attend at any one time.</p> <p>Permitting activities to continue at the baseline and level 1 should positively impact on children and younger people through allowing informal socialisation and the opportunity to meet others outside their households. Putting in place caps on numbers in guidance provides public health protection appropriate to the transmission risk at levels 0 and 1.</p>
		Level 2 - 3	<p>The overall cap on numbers in guidance is reduced further at these levels, recognising the increasing transmission risk. All organised activities are permitted to continue. An additional exception has been put in place in guidance to allow more adults to attend, at any one time, where all children are under 5 to continue to ensure that younger children can continue to participate in relevant activities.</p> <p>The impact of permitting unregulated children's activities to continue will provide positive benefits for children through informal socialisation and retain the opportunity to meet others outwith their households. This is particularly true for younger children, those with a disability or those who cannot access safe spaces outwith their home. Some of these activities are low or no cost, and should ensure more equitable access to this social benefit. Putting in place further caps on numbers in guidance provides public health protection appropriate to the transmission risk at levels 2 and 3.</p>
		Level 4	<p>Priority should be given for provision to under 5 to provide a positive impact on their physical and mental wellbeing, particularly when they are not socialising with other children in more formal settings eg. nursery.</p> <p>All activities can continue outdoor. Carrying out these activities outdoors are generally considered to be lower risk, providing appropriate public health measures are in place, including physical distancing. Putting in place further caps on numbers in guidance provides public</p>

		health protection appropriate to the transmission risk at levels 2 and 3.
<b>Age: Older People</b>	Level 0 – 1	Not applicable.
	Level 2 – 3	Not applicable.
	Level 4	Not applicable.
<b>Sex: Women</b>	Level 0 - 1	Women are more likely to be undertaking childcare and generally looking after children. Retaining access to these services are more likely to have a positive impact on parents generally, but more so for women.
	Level 2 - 3	Continuing to prioritise the under 5s provision will continue to provide a positive impact for new mothers to access this vital early support for their short and long term psychological wellbeing, reducing anxiety and stress through forming new friendships and social contacts for themselves and their children <sup>41</sup> .
	Level 4	Continuing to prioritise the under 5s provision will continue to provide a positive impact for new mothers to access this vital early support for their short and long term psychological wellbeing, reducing anxiety and stress through forming new friendships and social contacts for themselves and their children .
<b>Sex: Men</b>	Level 0 - 1	Consideration has been closely considered to ensure that any parent or carer can attend these activities with their children where appropriate. This is inclusive of men and could be seen to be more protective of their mental health, especially when becoming a new parent. <sup>42</sup>
	Level 2 - 3	Same as baseline.
	Level 4	Same as baseline.
<b>Race</b>	Level 0 - 1	Not applicable.
	Level 2 - 3	Not applicable.
	Level 4	Not applicable.
<b>Religion &amp; Faith</b>	Level 0 - 1	Faith based activities and those that take place within these spaces so no differential impact on these activities being prioritised or reduced compared to other activities where faith is not a factor.
	Level 2 - 3	Same as baseline.
	Level 4	Same as baseline.
<b>Disability</b>	Level 0 - 1	Ensuring that parents/carers can continue to attend activities to support their child to participate. Permitting unregulated children’s activities will

<sup>41</sup> <https://www.bestbeginnings.org.uk/news/the-babies-in-lockdown-report>

<sup>42</sup>

[https://d3n8a8pro7vhmx.cloudfront.net/fathersnetwork/pages/4268/attachments/original/1605174910/201112\\_PPNMH\\_A\\_Call\\_to\\_Action\\_V2.pdf?1605174910](https://d3n8a8pro7vhmx.cloudfront.net/fathersnetwork/pages/4268/attachments/original/1605174910/201112_PPNMH_A_Call_to_Action_V2.pdf?1605174910)

			have a positive impact for inclusion of children who may be more limited in other independent social activities that more non-disabled children are able to access eg. meeting up with friends. Putting in place caps on numbers in guidance provides public health protection appropriate to the transmission risk at levels 0 and 1.
		Level 2 - 3	Permitting unregulated children's activities will have a positive impact for inclusion of children who may be more limited in other independent social activities that more non-disabled children are able to access eg. meeting up with friends. Putting in place further caps on numbers in guidance provides public health protection appropriate to the transmission risk at levels 2 and 3.
		Level 4	Further restrictions at this level to not permit indoor activities may have a negative impact. Children who require regular access to indoor hygiene facilities, have conditions that make it difficult to stay outdoors for long periods, or do not have the equipment to enable this will have more limited opportunities to participate.
<b>Sexual Orientation</b>		Level 0 - 1	Not applicable.
		Level 2 - 3	Not applicable.
		Level 4	Not applicable.
<b>Marriage and Civil Partnership</b>		Level 0 - 1	Not applicable.
		Level 2 - 3	Not applicable.
		Level 4	Not applicable.
<b>Pregnancy and Maternity</b>		Level 0 - 1	Isolation and loneliness during their pregnancy, and in the early weeks and months after giving birth can lead to poorer mental health and wellbeing. Informal socialisation, and contact with their peers brings significant positive benefit to their overall wellbeing and the relationship they have with their infant. Putting in place further on numbers in guidance provides public health protection appropriate to the transmission risk at levels 0 and 1.
		Level 2 - 3	Isolation and loneliness during their pregnancy, and in the early weeks and months after giving birth can lead to poorer mental health and wellbeing. Informal socialisation, and contact with their peers brings significant positive benefit to their overall wellbeing and the relationship they have with their infant. Putting in place further on numbers in guidance provides public health protection appropriate to the transmission risk at levels 2 and 3.
		Level 4	Innovative activities to support new mothers to meet their peers outdoors, with their babies, has been shown to provide positive mental health and wellbeing benefits. The restrictions at this level to outdoor activities only may also make pregnant women and those with young babies feel safe, in a lower risk environment. Precautionary measures

		should be undertaken for all pregnant women, and attending lower risk activities should continue to make them feel safe and further reduce their social isolation, particularly in the later stages of pregnancy <sup>43</sup> .
<b>Gender Reassignment</b>	Level 0 - 1	Not applicable.
	Level 2 - 3	Not applicable.
	Level 4	Not applicable.
<b>Socio-economic disadvantage</b>	Level 0 - 1	Retaining access to all activities, as far as possible, means the breadth of activities available includes both low cost, no cost and other fee related services. This has a positive impact on social inclusion and reduces isolation particularly for those children who have limited access to more costly social activities.
	Level 2 - 3	Retaining access to all activities, as far as possible, means the breadth of activities available includes both low cost, no cost and other fee related services. This has a positive impact on social inclusion and reduces isolation particularly for those children who have limited access to more costly social activities.
	Level 4	Unregulated children's activities are particularly important for the children who may not have access to good quality outdoor space. Children who experience socio-economic disadvantage may be less likely to have access to good quality outdoor space. It is therefore anticipated that permitting outdoor activities at level 4 may have a positive impact on children and families who experience a socio-economic disadvantage.
<b>Mitigating actions:</b>	Level 0 - 1	Developing guidance to support organised unregulated activities for children and young people for all ages (0-17) to continue to be able access them, in a safe space, should reduce the social harms of isolation and loneliness that measures to address the pandemic bring. Children and young people are less likely to access spaces that adults may benefit more from, such as licensed premises and gyms, and need to retain as much normality as possible to support their mental and physical health and wider wellbeing.
	Level 2 - 3	Reducing the numbers of people who can attend an activity at any one time, while prioritising access to activities for younger children and those with a disability or additional need, where adults are more likely to attend, provides for a safer environment and continues to reduce the wider social harms.
	Level 4	To protect access to activities that can take place outdoors, where social benefits can be realised, alongside further reducing the transmission risks posed by indoor environments.

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

<sup>43</sup> <https://www.rcog.org.uk/en/guidelines-research-services/guidelines/coronavirus-pregnancy/covid-19-virus-infection-and-pregnancy>

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Enables children of all ages (0-17) to continue to meet their peers in a safe place. Providing informal socialisation. Reducing group sizes based on protection levels provides a public health protection, while retaining an opportunity for these activities, including for under 5s to continue.
Promoting good relations among and between different age groups	X			By ensuring that activities at all age groups (0 - 17) are permitted at all levels, means that the needs of children and young people are seen on a level playing field with other decisions made for older people to access informal social interactions eg. gyms.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Enables children with a disability to continue to meet and engage with their peers in a safe environment. Even with reducing numbers, we have retained the option for parents/carers to attend these activities with their children or children in their care.
Promoting good relations among and between disabled and non-disabled people	X	X		Enables children to continue mixing with each other, in an organised environment.  However, further restrictions at this level to not permit indoor activities may have a negative impact. Children who require regular access to indoor hygiene facilities, have conditions that make it difficult to stay outdoors for long periods, or do not have the equipment to enable this will have more limited opportunities to participate.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Women undertake the majority of childcare duties and make up the majority of single parent households. Continuing to have access to organised socially focussed activities for their children bringing wider benefits to the family wellbeing.
Promoting good relations between men and women			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Enables new mothers and those with very young children to continue to meet their peers, alongside their children, supporting perinatal and infant mental health. Particularly important following the restrictions that may have been in place during pregnancy and birth. We have broadened out the priority groups to ensure that services, aimed at under 5s can largely continue even with the restricting numbers by level. This means for areas in lower protection levels, their services can return to more normal levels, particularly important in remote and rural areas eg. Island areas. Creating a Covid safe environment for new mothers and pregnant mothers with young children to meet and socialise should reduce some of the mental health and wellbeing risks associate with anxiety and concern during this period, particularly for those who have had to take extra precautions and reduce social contact during earlier stages of the

				pandemic.
Promoting good relations			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

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

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

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

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

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful			X	The measures do not constitute unlawful discrimination, harassment and

discrimination, harassment and victimisation				victimisation.
Advancing equality of opportunity			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Promoting good race relations			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			Enables faith based activities for children to be undertaken where it falls under these regulations
Advancing equality of opportunity			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

Title of Proposal	TRANSPORT
<p><b>Travelling safely</b></p> <p><b>Public Transport</b></p> <p>Transport providers will have procedures to promote the safety of customers and staff, but it is an individual's responsibility to comply with guidance.</p> <p>On public transport you must by law wear a face covering, unless one of the exemptions applies, and comply with the physical distancing measures that are in place. More information about face coverings is available on the Scottish Government website<sup>44</sup>.</p> <p>If you can walk or cycle please do as this will save space on public transport for those who need it.</p> <p><b>Car Sharing</b></p> <p>You should avoid sharing a vehicle with people who are not members of your household or extended household wherever possible. If you have no other option, you should:</p> <ul style="list-style-type: none"> <li>• keep to small groups of people up to 6 at any one time</li> <li>• keep your distance and take care entering and exiting the vehicle</li> <li>• sit as far apart as possible in the vehicle, avoiding face-to-face</li> <li>• maintain good ventilation by keeping the car windows open</li> <li>• wear a face covering, unless you are exempt</li> <li>• clean your hands before and after your journey</li> <li>• if the vehicle is your responsibility, clean the door handles and other areas that people touch</li> </ul> <p>If you regularly share transport whether it is a car or minibus or other private vehicle, try and share with the same people each time.</p> <p><b>Guidance as Regional Levels:</b></p> <p><b>Level 0</b> Active travel (walk, run, cycle, wheel) where possible</p> <p>Avoid car sharing with people outside extended household wherever possible</p> <p>Face coverings compulsory on public transport</p> <p><b>Level 1</b> Active travel (walk, run, cycle, wheel) where possible</p> <p>Avoid car sharing with people outside extended household wherever possible</p> <p>Face coverings compulsory on public transport</p> <p><b>Level 2</b> Active travel (walk, run, cycle, wheel) where possible Avoid car sharing with people outside extended household wherever possible</p>	

<sup>44</sup> <https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/#Face%20covering%20exemptions>

Face coverings compulsory on public transport

**Level 3**

Active travel (walk, run, cycle, wheel) where possible

Avoid car sharing with people outside extended household wherever possible

Avoid non-essential use of public transport

Face coverings compulsory

**Level 4**

Active travel (walk, run, cycle, wheel) where possible

Avoid car sharing with people outside extended household wherever possible

No use of public transport, except for essential purposes

Face coverings compulsory

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Level 0 - 2	<p>Young people are more likely to rely on car sharing with other households to access extracurricular activities (e.g sporting activities).</p> <p>Though the distance to be observed on public transport has reduced from 2 metres to 1 metre, physical distancing is remaining in place and public transport capacity will continue to be constrained. A higher proportion of younger people rely on public transport to access education and employment and are likely to be impacted by the restricted capacity.</p> <p>Young people under the age of 5 are exempt from wearing face coverings on public transport. There are some other exemptions to the requirement. For example, exemptions apply for people unable to put on, wear or remove a face covering because of physical or mental illness or impairment or for disability. Exemptions also apply when persons are eating or drinking or taking medication. The full list of exemptions is included in the Regulations.<sup>45</sup></p>
		Level 3	<p>Young people are more likely to rely on car sharing with other households to access extracurricular activities (e.g sporting activities).</p> <p>Though the distance to be observed on public transport has reduced from 2 metres to 1 metre, physical distancing is remaining in place and public transport capacity will continue to be constrained. A higher proportion of younger people rely on public transport to access education and employment and are likely to be impacted by the restricted capacity.</p> <p>Young people under the age of 5 are exempt from wearing face coverings on public transport. There are some other exemptions to</p>

<sup>45</sup> <https://www.legislation.gov.uk/ssi/2020/344/contents>

		<p>the requirement. For example, exemptions apply for people unable to put on, wear or remove a face covering because of physical or mental illness or impairment or for disability. Exemptions also apply when persons are eating or drinking or taking medication. The full list of exemptions is included in the Regulations.<sup>46</sup></p>
	Level 4	<p>Young people are more likely to rely on car sharing with other households to access extracurricular activities (e.g sporting activities).</p> <p>With the expected rise in youth unemployment and the likelihood that young people, particularly in rural areas, will need to travel more and further in order to access employment and education, any restrictions on accessing public transport will therefore impact this section of society.</p> <p>Young people under the age of 5 are exempt from wearing face coverings on public transport. There are some other exemptions to the requirement. For example, exemptions apply for people unable to put on, wear or remove a face covering because of physical or mental illness or impairment or for disability. Exemptions also apply when persons are eating or drinking or taking medication. The full list of exemptions is included in the Regulations.<sup>47</sup></p>
<b>Age: Older People</b>	Level 0 - 2	<p>Older people may be more reluctant to leave the house as they are considered at higher risk. Analysis from responses to the Scottish Government Dialogue tool highlighted that fear of being able to maintain physical distancing may dissuade older and higher risk people from leaving the house due to being at greater risk. This is likely to be heightened if restrictions ease and more people make trips.</p> <p>According to the 2017 Scottish Health Survey<sup>48</sup>, 56% of people aged 75 and over had a limiting long-term condition , and therefore older people may be more likely to have conditions which affect their breathing or require medication. The Regulations set out exemptions, when the wearing of face coverings is not required, including physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010) and when needing to take medication.</p>
	Level 3	<p>Older people may be more reluctant to leave the house as they are considered at higher risk. Analysis from responses to the Scottish Government Dialogue tool highlighted that fear of being able to maintain physical distancing may dissuade older and higher risk people from leaving the house due to being at greater risk. This is likely to be heightened as restrictions ease and more people are making trips.</p> <p>According to the 2017 Scottish Health Survey, 56% of people aged 75 and over had a limiting long-term condition , and therefore older</p>

<sup>46</sup> <https://www.legislation.gov.uk/ssi/2020/344/contents>

<sup>47</sup> <https://www.legislation.gov.uk/ssi/2020/344/contents>

<sup>48</sup> 2017 Scottish Health Survey

		<p>people may be more likely to have conditions which affect their breathing or require medication. The Regulation exempts the wearing of face covering if a person is unable to put on, wear or remove a face covering because of any physical or mental illness or impairment or disability or without severe distress, and if a person is taking medication (the taking of which reasonably requires that the person is not wearing a face covering).</p>
	Level 4	<p>Older people may be more reluctant to leave the house as they are considered at higher risk. Analysis from responses to the Scottish Government Dialogue tool highlighted that fear of being able to maintain physical distancing may dissuade older and higher risk people from leaving the house due to being at greater risk. This is likely to be heightened as restrictions ease and more people are making trips.</p> <p>Older people who no longer drive may be reliant on public transport and therefore impacted by limitation on usage of public transport services.</p> <p>According to the 2017 Scottish Health Survey, 56% of people aged 75 and over had a limiting long-term condition , and therefore older people may be more likely to have conditions which affect their breathing or require medication. The Regulation exempts the wearing of face covering if a person is unable to put on, wear or remove a face covering because of any physical or mental illness or impairment or disability or without severe distress, and if a person is taking medication (the taking of which reasonably requires that the person is not wearing a face covering).</p>
<b>Sex: Women</b>	Level 0 - 2	<p>Women are more likely to have limiting long-term conditions (36% vs 30% of men, 2018).<sup>49</sup> Given that many women rely on public transport to access employment and to access care for children, these measures will be of importance to ensure their safety.</p> <p>Women make more complex journeys due to factors including childcare and working patterns. The use of Scotland’s public transport system is highly gendered<sup>50</sup>. Women are less likely to drive and be more reliant on bus than men<sup>51</sup> and also tend to make more complex and frequent journeys due to caring responsibilities and working patterns. They are also more likely to need a range of orbital transport routes which cross towns and cities, as opposed to commuter routes, and timetables which fit with unpaid care work, part-time employment and shift work. Lack of accessibility on public transport also affects the mobility and isolation of women who care for young children and disabled people. Fears about safety also influence women’s decisions around travel.</p>
	Level 3	<p>Women are more likely to have limiting long-term conditions (36% vs 30% of men, 2018).<sup>52</sup> Given that many women rely on public</p>

<sup>49</sup> [Scottish Health Survey 2018](#)

<sup>50</sup> Engender <https://gendermatters.engender.org.uk/content/public-space/>

<sup>51</sup> Scottish Household Survey 2018 <https://www.transport.gov.scot/media/45852/sct09199889061.pdf>

<sup>52</sup> [Scottish Health Survey 2018](#)

		<p>transport to access employment and to access care for children, these measures will be of importance to ensure their safety.</p> <p>Women make more complex journeys due to factors including childcare and working patterns.</p>
	Level 4	<p>Women are more likely to have limiting long-term conditions (36% vs 30% of men, 2018).<sup>53</sup> Given that many women rely on public transport to access employment and to access care for children, these measures will be of importance to ensure their safety.</p> <p>Women make more complex journeys due to factors including childcare and working patterns.</p>
<b>Sex: Men</b>	Level 0 - 4	<p>No evidence of a differential negative impact for men identified at this time. Evidence highlights that men are more likely to die from the virus, therefore protective measures such as face coverings on public transport are beneficial.</p>
<b>Race</b>	Level 0 - 2	<p>Current guidance<sup>54</sup> indicates 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 minority ethnic groups, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and 3 times more likely in African and Afro-Caribbean people, therefore face masks may be helpful in protecting those potentially at greater risk.</p> <p>For people who do not speak English as a first language, lack of accessible formats of information or through a lack of access to an interpreter / support worker may cause some people to find all of the measures more difficult to understand.</p>
	Level 3	<p>Early data showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain minority ethnic groups, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and 3 times more likely in African and Afro-Caribbean people, therefore face masks may be helpful in protecting those potentially at greater risk.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find this measure more difficult to understand.</p>
	Level 4	<p>Early data showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain minority ethnic groups, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and 3 times more likely in African and Afro-Caribbean people, therefore face masks may be helpful in</p>

<sup>53</sup> [Scottish Health Survey 2018](#)

<sup>54</sup> [NHS Guidance](#) – Coronavirus

		<p>protecting those potentially at greater risk.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find this measure more difficult to understand.</p>
<b>Religion or belief</b>	Level 0 - 4	No evidence of a differential impact identified at this time.
<b>Disability</b>	Level 0 - 2	<p>Disabled adults are more likely to use a local bus service than those not disabled. In 2012, 43.3% of disabled adults had used a bus service in the previous month compared to 39.5% of non-disabled adults.<sup>55</sup></p> <p>The majority of concessionary bus pass holders (90%) in the older and disabled persons scheme hold a pass on the basis of age. Of those who have a pass for the disabled or visually impaired, 76% have a companion card which allows someone to travel with them on the bus.<sup>56</sup></p> <p>On public transport the requirement to wear a face covering is mandatory but with some exceptions, for example, those unable to put on, wear or remove a face covering due a disability or without severe distress, and those who rely on lip-reading. Maintaining physical distance on public transport may also be an issue if disabled people cannot move quickly to avoid others or if those who are visually impaired are having difficulty seeing signage or people nearby.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find this measure more difficult to understand. People experiencing Alzheimer's, dementia, learning difficulties and some other mental health illnesses may struggle to understand and comply with advice across all areas.</p> <p>Data from a survey of disabled people undertaken by Disability Equality Scotland shows that 99% of respondents had concerns over physical distancing.<sup>57</sup> The need for physical distancing on board public transport is making it more difficult for disabled people to travel due to fewer seats overall, including fewer accessible seats and spaces for wheelchairs. The reduction in the distance on public transport from 2 metres to 1 metre has eased this, although it is likely there will still be difficulty for disabled people to travel given reduced capacity.</p>
	Level 3	Disabled adults are more likely to use a local bus service than those

<sup>55</sup> [Scottish Household Survey 2012](#)

<sup>56</sup> <https://www.transport.gov.scot/publication/scottish-transport-statistics-no-37-2018-edition/chapter-2-bus-and-coach-travel/>

<sup>57</sup> <https://yoursayondisability.scot/weekly-poll-results-covid-19-physical-distancing-week-beginning-25-may/>

			<p>not disabled. In 2012, 43.3% of disabled adults had used a bus service in the previous month compared to 39.5% of non-disabled adults.<sup>58</sup></p> <p>The majority of concessionary bus pass holders (90%) in the older and disabled persons scheme hold a pass on the basis of age. Of those who have a pass for the disabled or visually impaired, 76% have a companion card which allows someone to travel with them on the bus.<sup>59</sup></p> <p>On public transport the requirement to wear a face covering is mandatory but with some exceptions, for example, those unable to put on, wear or remove a face covering due to a disability or without severe distress, and those who lip-reading. Maintaining physical distance may also be an issue if disabled people cannot move quickly to avoid others or if those who are visually impaired are having difficulty seeing signage or people nearby.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find this measure more difficult to understand. People experiencing Alzheimer's, dementia, learning difficulties and some other mental health illnesses may struggle to understand and comply with advice across all areas.</p>
		Level 4	<p>Disabled adults are more likely to use a local bus service than those not disabled. In 2012, 43.3% of disabled adults had used a bus service in the previous month compared to 39.5% of non-disabled adults.<sup>60</sup></p> <p>The majority of concessionary bus pass holders (90%) in the older and disabled persons scheme hold a pass on the basis of age. Of those who have a pass for the disabled or visually impaired, 76% have a companion card which allows someone to travel with them on the bus.<sup>61</sup></p> <p>On public transport the requirement to wear a face covering is mandatory but with some exceptions, for example, those unable to put on, wear or remove a face covering due to a disability or without severe distress, and those who lip-reading. Maintaining physical distance may also be an issue if disabled people cannot move quickly to avoid others or if those who are visually impaired are having difficulty seeing signage or people nearby.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find this measure more difficult to understand. People experiencing Alzheimer's, dementia, learning difficulties and some other mental health illnesses</p>

<sup>58</sup> [Scottish Household Survey 2012](#)

<sup>59</sup> <https://www.transport.gov.scot/publication/scottish-transport-statistics-no-37-2018-edition/chapter-2-bus-and-coach-travel/>

<sup>60</sup> [Scottish Household Survey 2012](#)

<sup>61</sup> <https://www.transport.gov.scot/publication/scottish-transport-statistics-no-37-2018-edition/chapter-2-bus-and-coach-travel/>

		may struggle to understand and comply with advice across all areas.
<b>Sexual Orientation</b>	Level 0 - 4	No evidence of a differential impact identified at this time.
<b>Marriage and Civil Partnership</b>	Level 0 - 4	No evidence of a differential impact identified at this time. Section 149(7) of the 2010 Act - the PSED does not apply to the protected characteristic of marriage and civil partnership.
<b>Pregnancy and Maternity</b>	Level 0 - 1	Most pregnant women have no option but to attend some health appointments in hospitals and clinics. They may therefore feel particular stress and concern at having to use public transport to access health facilities. Although there is no evidence of additional risk from being pregnant, the advice as a precaution, is that pregnant women are treated as more at risk. There is evidence of the need for increased consideration for previously shielding pregnant women or women from minority ethnic groups who are more at risk. <sup>62</sup>
	Level 2 - 3	Most pregnant women have no option but to attend some health appointments in hospitals and clinics. They may therefore feel particular stress and concern at having to use public transport to access health facilities. Although there is no evidence of additional risk from being pregnant, the advice as a precaution, is that pregnant women are treated as more at risk. There is evidence of the need for increased consideration for previously shielding pregnant women or women from minority ethnic groups who are more at risk. <sup>63</sup>
	Level 4	Most pregnant women have no option but to attend some health appointments in hospitals and clinics. They may therefore feel particular stress and concern at having to use public transport to access health facilities. Although there is no evidence of additional risk from being pregnant, the advice as a precaution, is that pregnant women are treated as more at risk. There is evidence of the need for increased consideration for previously shielding pregnant women or women from minority ethnic groups who are more at risk. <sup>64</sup>
<b>Gender Reassignment</b>	Level 0 - 4	No evidence of a differential impact identified at this time.
<b>Socio-economic disadvantage</b>	Level 0 - 1	Face masks may be unaffordable to households on very low incomes.
		In remote and rural areas car sharing trips are more common, particularly for children and younger people where public transport is more infrequent or does not run. As for these groups, car sharing relies on private transport provided by adults of different households, with passengers from different households, younger people and

<sup>62</sup> Coronavirus infection and pregnancy <https://www.rcog.org.uk/en/guidelines-research-services/guidelines/coronavirus-pregnancy/covid-19-virus-infection-and-pregnancy>

<sup>63</sup> Coronavirus infection and pregnancy <https://www.rcog.org.uk/en/guidelines-research-services/guidelines/coronavirus-pregnancy/covid-19-virus-infection-and-pregnancy>

<sup>64</sup> Coronavirus infection and pregnancy <https://www.rcog.org.uk/en/guidelines-research-services/guidelines/coronavirus-pregnancy/covid-19-virus-infection-and-pregnancy>

		children will be more restricted in accessing amenities and social activities, e.g. organised sports groups.
	Level 2 - 3	<p>Face masks may be unaffordable to households on very low incomes.</p> <p>In remote and rural areas car sharing trips are more common, particularly for children and younger people where public transport is more infrequent or does not run. As this car sharing relies on private transport provided by adults of different households, with passengers from different households, younger people and children will be more restricted in accessing amenities and social activities, e.g. organised sports groups.</p>
	Level 4	<p>Face masks may be unaffordable to households on very low incomes.</p> <p>In remote and rural areas car sharing trips are more common, particularly for children and younger people where public transport is more infrequent or does not run. As this car sharing relies on private transport provided by adults of different households, with passengers from different households, younger people and children will be more restricted in accessing amenities and social activities, e.g. organised sports groups.</p>
<b>Mitigating actions:</b>	Level 0 - 4	<p>Face coverings became mandatory on public transport from Monday 22 June, to reduce the risk of transmission.</p> <p>The Regulations set out the requirements related to the wearing of face coverings, including the requirement to wear face coverings on public transport.<sup>65</sup></p> <p>There are some exemptions to the requirements. For example, there are exemptions for children under 5 years of age; for persons who 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 2020, or without severe distress; for people eating or drinking; or for people taking medication (the taking of which reasonably requires that the person is not wearing a face covering).</p> <p>Communications around the requirements regarding face coverings will continue to be considered to ensure that the requirement under the Regulations meets the tests of advancing equality and fostering good relations with respect to age. Alternative formats of information documents should be made available on request. This will help to mitigate miscomprehension or anxiety of transport staff and users in instances where people of are exempt from the Regulation on the basis of age i.e. for those under 5.</p> <p>It is recognised that the wearing of face coverings may not be appropriate for disabled people with particular impairments or health</p>

<sup>65</sup> <https://www.legislation.gov.uk/ssi/2020/344/contents>

	<p>conditions. The Regulations therefore exempts the wearing of face coverings for disabled people and for people who have difficulties communicating and relies on lip reading.</p> <p>The Scottish Government's Covid-19 guidance for those who are vulnerable or need additional support provides additional information. Ready Scotland's additional support page<sup>66</sup> also provides links to information for disabled people, linking people to Disability Information Scotland.<sup>67</sup></p> <p>Communications around the levels of restrictions will continue to be considered to ensure that the levels under the Regulations meet the test that the Scottish Government is giving due regard to the need to eliminate discrimination; advance equality; and foster good relations with respect to those with a disability.</p> <p>For some disabled people with learning impairments, understanding of and actions required to comply with each level, may provide additional challenges. Provision of information and advice will be made as accessible as possible and with relevant stakeholder organisations to mitigate this.</p> <p>Guidance has been issued on car sharing (in private vehicles) and whilst it is recommended that individuals should only travel with members of their own, or extended, household or support bubble, it is recognised that there may be occasions when there is no alternative but to travel with people from out with the household. For such instances, safe travel guidance has been published to assist.<sup>68</sup> For private hire vehicles and taxis, separate guidance has been issued<sup>69</sup>, as has guidance on travelling in a vehicle as part of an individual's job or business.<sup>70</sup></p> <p>Contained within the Transport Transition Plan is Guidance for operators and Guidance to assist the public to travel safely during the COVID-19 pandemic, which was produced following engagement and remains under regular review with engagement on any significant changes.</p> <p>This will help to keep transport users and operators informed about how to use public transport safely and help to allay health fears about using public transport which are a particular concern for older people and women. It may also help to limit any increase in discriminatory behaviour as a result of COVID-19, which evidence suggests is a particular issue for disabled people with regard to public transport use, and minority ethnic groups more generally.</p> <p>Individuals do not need to provide written proof that they are exempt</p>
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<sup>66</sup> <https://ready.scot/coronavirus>

<sup>67</sup> <http://www.disabilityscot.org.uk/coronavirus-covid19-help-and-information/>

<sup>68</sup> <https://www.transport.gov.scot/travelling-during-covid-19/advice-on-car-and-vehicle-sharing/>

<sup>69</sup> <https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63887>

<sup>70</sup> <https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/pages/workforce-planning-and-support/>

<b>Title of Proposal:</b>	<b>PLACES OF WORSHIP</b>	
		<p>from wearing face coverings on public transport, but if it would make individuals feel more safe and confident in public and when accessing and using public spaces and services, they can request a face covering exemption card. Disability Equality Scotland, on behalf of the Scottish Government, is administering the distribution of Face Covering Exemption Cards.<sup>71</sup> Guidance on these cards has been issued to operators by Transport Scotland following liaison with Disability Equality Scotland.</p>

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<sup>71</sup> <https://disabilityequality.scot/face-covering/>

## Impact

Places of worship can remain open for congregational services and communal prayer and contemplation, with physical distancing, hygiene measures, limited numbers and meeting general health and safety requirements.. Guidance provided in the Strategic Framework states that for Levels 0 – 3, numbers should be restricted to 50 people, whereas numbers should be limited to 20 in Level 4 areas.

As there is no change to phase 3 of the route map for Levels 0 – 3, the EQIA impact will be the same as previously stated. (Refer to <https://erdm.scotland.gov.uk:8443/documents/A30687137/details>)

Further tightening of restrictions on numbers that should attend at Level 4 (from 50 people to 20) will impact on faith communities' ability to come together to practice their religion. Reducing numbers will impact more significantly on faith communities that tend to have larger venues (mostly Muslim and Sikh communities, as well as some Christian communities). The impact will be less for those communities who do not have many large venues (such as some Christian communities). However, larger venues will allow higher numbers to attend should guidance on numbers to attend be relaxed, on condition that appropriate social distancing is implemented.

In addition, not all services and faith based practices will resume at any Level, as Scottish Government advice is that some higher risk activities such as singing should still be limited to that contained within guidance (<https://www.gov.scot/publications/coronavirus-covid-19-phase-3-guidance-for-the-safe-use-of-places-of-worship/pages/individual-and-congregational-worship/>)

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Level 0 - 1	No change to phase 3 route map assessment.
		Level 2 - 3	No change to phase 3 route map assessment.
		Level 4	Lower cap of 20 will mean that fewer children and young people will be able to attend their place of worship, including for life events such as baptisms, christenings and coming of age ceremonies.
	<b>Age: Older People</b>	Level 0 - 1	No change to phase 3 route map assessment.
		Level 2 - 3	No change to phase 3 route map assessment.
		Level 4	The further restrictions on places of worship will have more of an adverse impact on older people with the loss of group worship etc, as evidence would suggest they regularly attend places of worship more regularly than younger groups and may struggle more with online worship. However, this will have a positive impact in protecting this group of people who are more at risk from the virus
	<b>Sex: Women</b>	Level 0 - 1	No change to phase 3 route map assessment.
		Level 2 - 3	No change to phase 3 route map assessment.
		Level 4	The Scottish Church Census 2016 indicated that three-fifths of churchgoers are women. We do not have similar data available for other religions. The Scotland Household Survey 2018 indicated that more women than men who volunteered profess 'religion and belief' (17 and 13 per cent respectively). This suggests that further restricting attendance at places of worship may have greater negative impact on women than men.

			The lower cap of 20 will mean that fewer women will be able to attend their place of worship.
<b>Sex: Men</b>	Level 0 - 1		No change to phase 3 route map assessment.
	Level 2 - 3		No change to phase 3 route map assessment.
	Level 4		<p>The Scottish Church Census 2016 indicated that two-fifths of churchgoers are men. We do not have similar data available for other religions. The Scotland Household Survey 2018 indicated that more women than men who volunteered profess 'religion and belief' (17 and 13 per cent respectively). This suggests that further restricting attendance at places of worship may have less of an impact on men than women .</p> <p>The lower cap of 20 will mean that fewer men will be able to attend their place of worship.</p>
<b>Race</b>	Level 0 - 1		No change to phase 3 route map assessment.
	Level 2 - 3		No change to phase 3 route map assessment.
	Level 4		No impact identified.
<b>Religion or belief</b>	Level 0 - 1		No change to phase 3 route map assessment.
	Level 2 - 3		No change to phase 3 route map assessment.
	Level 4		<p>Members of faith communities will still be able to attend places of worship for communal or congregational worship, prayer, and wider activities, ceremonies and services. However, this will be in smaller numbers (from 50 to 20). This will ensure that all faith communities continue to benefit from congregational worship.</p> <p>Guidance remain in place advising the lower limits on numbers of people who can attend a place of worship to exercise their religious rights. The greater restriction on the total number of people who can attend a place of worship at one time is likely to have a negative impact on faiths that have larger catchment areas for particular individual places of worship that ordinarily have a high capacity, such as the Muslim and Sikh communities in Glasgow.</p> <p>Additionally, guidance restricting high risk activities such as singing will remain in place and will have a negative impact on some faith groups.</p>
<b>Disability</b>	Level 0 - 1		No change to phase 3 route map assessment.
	Level 2 - 3		No change to phase 3 route map assessment.
	Level 4		Lower cap of 20 will mean that fewer disabled people will be able to attend their place of worship. In addition, any move to Level 4 is likely to be associated with a higher prevalence of virus infection, and at risk groups, including some disabled people, may be advised (or choose) to

		remain at home and not attend places of worship.
<b>Sexual Orientation</b>	Level 0 - 1	No change to phase 3 route map assessment.
	Level 2 - 3	No change to phase 3 route map assessment.
	Level 4	No impact identified.
<b>Marriage and Civil Partnership</b>	Level 0 - 1	N/A - Refer to Live Events EQIA and <a href="#">guidance</a> .
	Level 2 - 3	N/A – Refer to Live Events EQIA and <a href="#">guidance</a> .
	Level 4	N/A – Refer to Live Events EQIA and <a href="#">guidance</a> .
<b>Pregnancy and Maternity</b>	Level 0 - 1	No change to phase 3 route map assessment.
	Level 2 - 3	No change to phase 3 route map assessment.
	Level 4	Any move to Level 4 is likely to be associated with a higher prevalence of virus infection. This may impact on the ability of pregnant women to attend a place of worship at this time.
<b>Gender Reassignment</b>	Level 0 - 1	No change to phase 3 route map assessment.
	Level 2 - 3	No change to phase 3 route map assessment.
	Level 4	No impact identified.
<b>Socio-economic disadvantage</b>	Level 0 - 1	No change to phase 3 route map assessment.
	Level 2 - 3	No change to phase 3 route map assessment.
	Level 4	No impact identified.
<b>Mitigating actions:</b>	Level 0 - 1	The mitigating actions for these levels will be in line with the mitigating actions for the phase 3 EQIA.
	Level 2 - 3	The mitigating actions for these levels will be in line with the mitigating actions for the phase 3 EQIA.
	Level 4	<p>SG Connected Communities officials have engaged closely with faith and belief communities on the further restrictions detailed in the Strategic Framework that may become necessary around attendance at places of worship.</p> <p>We consulted with representatives of faith communities and they are supportive of an approach which allows congregational worship to continue in some form at all levels, even with fewer numbers in attendance (20 instead of 50, as per lower levels). We have ensured that this maximum number was above 10, so as not to disproportionately affect members of the Jewish faith from having congregational services (10 being the minimum number that can constitute a congregation in the Jewish faith).</p> <p>The remaining restrictions are on the basis of public health advice and will be for limited periods only. Those restrictions that remain by way of</p>

	<p>guidance for public health reasons will be clearly communicated. Online streaming, broadcasting or recording of services will continue to help facilitate involvement for higher risk groups, who may continue to be advised or decide not to attend places of worship to help protect their health.</p> <p>Allowing places of worship to open for congregational services even at the highest level of restrictions will contribute to fostering good relations between those with religion or belief and those who do not share this protected characteristic. People who have been unable to attend their place of worship while other sectors have been opened had previously felt left behind or considered less important, particularly in comparison to sectors which are considered to contribute to the economy, such as non-essential shops.</p> <p>We will continue to support faith communities through this further change when necessary, including publishing amendments to the comprehensive <a href="#">guidance for the safe use of places of worship</a>, as relevant to this level of restrictions. This guidance has been drafted in consultation with faith and belief groups to support places of worship to reopen for congregational activities. All recommended mitigations that were in place for phase 3 will continue to be included within guidance.</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	Assessed no further impact on reduction of maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good relations among and between different age groups			X	As above.

**Do you think that the policy impacts disabled people?**

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no further impact on reduction of maximum numbers from 50 to 20.
Advancing				

equality of opportunity			X	As above.
Promoting good relations among and between disabled and non-disabled people			X	As above.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no further impact on reduction of maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good relations between men and women			X	As above.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no further impact on reduction of maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good relations			X	As above.

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

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
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Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no impact on reduction maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good relations			X	As above.

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no impact on reduction of maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good relations			X	As above

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Assessed no further impact on reduction of maximum numbers from 50 to 20.
Advancing equality of opportunity			X	As above.
Promoting good race relations			X	As above.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination,		X		Further tightening of restrictions on numbers attending a place of worship at level 4 (from 50 people to 20) will impact

Title of Proposal	PUBLIC LIBRARIES			
Impact				
harassment and victimisation				on faith communities' ability to come together to practice their religion. Reducing numbers will impact more significantly on faith communities that tend to have larger venues (mostly Muslim and Sikh communities, as well as some Christian communities). The impact will be less for those communities who do not have many large venues, such as some Christian communities.
Advancing equality of opportunity		X		Further tightening of restrictions on numbers attending a place of worship at level 4 (from 50 people to 20) will impact on faith communities' ability to come together to practice their religion. Reducing numbers will impact more significantly on faith communities that tend to have larger venues (mostly Muslim and Sikh communities, as well as some Christian communities). The impact will be less for those communities who do not have many large venues, such as some Christian communities.
Promoting good relations between groups with this protected characteristic and other groups			X	No difference in relationships expected.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Refer to the EQIA for Life events and relevant <a href="#">Guidance</a> .  [section 149(7) of the Equality Act 2010 - the PSED does not apply to the protected characteristic of marriage and civil partnership]

Schedule 5 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 state that public libraries must close in any level 4 area, except for collection or delivery services. The Strategic Framework document, published on 23 October, sets out that libraries can open at levels 0 and 1, and at levels 2 and 3 with protective measures. Public libraries had previously been able to open in line with safer workplaces guidance, which has been updated to reflect the new Strategic Framework. The equalities impacts of the general protective measures within the Safer Workplaces Guidance for Public Libraries were assessed in a previous EQIA.

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Level 0 - 1	<p>Positive benefits for children and young people as libraries can be open. According to SHS 2018 data, a quarter of young people aged 16-24 went to the library in the 12-month period analysed (SHS, 2018). A recent sampling of current user data shows that 34% of library users are children/young people up to the age of 15/16. (SLIC, 2020).</p> <p>Libraries being open can help support children with literacy and reading for pleasure, in particular where some children may not have access to books. Children from households with limited internet and PC access and/or no e-readers will also be unable to access online learning resources without access to library services. A lack of access to libraries could impact educational opportunities and widen the attainment gap. Keeping library services such as mobile libraries closed could widen the attainment gap particularly in rural areas. These impacts can be mitigated if library services are available.</p>
		Level 2 - 3	<p>Positive benefits for children and young people as libraries can be open. According to SHS 2018 data, a quarter of young people aged 16-24 went to the library in the 12-month period analysed (SHS, 2018). A recent sampling of current user data shows that 34% of library users are children/young people up to the age of 15/16. (SLIC, 2020).</p> <p>Libraries being open can help support children with literacy and reading for pleasure, in particular where some children may not have access to books. Children from households with limited internet and PC access and/or no e-readers will also be unable to access online learning resources without access to library services. A lack of access to libraries could impact educational opportunities and widen the attainment gap. Keeping library services such as mobile libraries closed could widen the attainment gap particularly in rural areas. These impacts can be mitigated if some library services are available, with protective measures.</p>
		Level 4	<p>Potentially negative impacts on children, in particular those who cannot access services digitally. According to SHS 2018 data, a quarter of young people aged 16-24 went to the library in the 12-month period analysed (SHS, 2018). A recent sampling of current user data shows that 34% of library users are children/young people up to the age of 15/16. (SLIC, 2020).</p> <p>Libraries being open can help support children with literacy and reading for pleasure, in particular where some children may not have access to books. Children from households with limited internet and PC access and/or no e-readers will also be unable to access online learning resources without access to library services.</p>

		<p>A lack of access to libraries could impact educational opportunities and widen the attainment gap. Keeping library services such as mobile libraries closed could widen the attainment gap particularly in rural areas.</p> <p>Collection and delivery services are still permitted at level 4 which may mitigate some of these negative impacts.</p>
<b>Age: Older People</b>	Level 0 - 1	<p>Positive benefits for older people as libraries can be open. According to SHS 2018 data, 22% of over-75s went to the library in the 12 month period analysed (SHS, 2018). Older people are more likely to have limited access to the internet at home and no access to public libraries may impact their ability to access the internet, if they normally use library computer services.</p> <p>Libraries also provide a social setting for older people and help tackle social isolation. No or limited access to public libraries may result in older people becoming more socially isolated, including where reduced 'dwell time' in branches. These impacts can be mitigated if library services are available.</p>
	Level 2 - 3	<p>Positive benefits for older people as libraries can be open. According to SHS 2018 data, 22% of over-75s went to the library in the 12 month period analysed (SHS, 2018). Older people are more likely to have limited access to the internet at home and no access to public libraries may impact their ability to access the internet, if they normally use library computer services.</p> <p>Libraries also provide a social setting for older people and help tackle social isolation. No or limited access to public libraries may result in older people becoming more socially isolated, including where reduced 'dwell time' in branches. These impacts could be partly mitigated if some library services are available, with protective measures, although numbers allowed in libraries may be further restricted at levels 2 and 3.</p>
	Level 4	<p>Potentially negative impacts for older people if libraries are closed, especially those with less access to digital library services. According to SHS 2018 data, 22% of over-75s went to the library in the 12 month period analysed (SHS, 2018). Older people are more likely to have limited access to the internet at home and no access to public libraries may impact their ability to access the internet, if they normally use library computer services.</p> <p>Libraries also provide a social setting for older people and help tackle social isolation. No or limited access to public libraries may result in older people becoming more socially isolated.</p> <p><a href="#">Research</a> by the Carnegie Trust on library services during lockdown suggests older people were less likely to say that engagement with the service over lockdown helped them feel more connected to their community (50% compared to the UK average of 63%) or that it helped them feel less alone (48% compared to the UK average of 60%). Therefore older people may be disproportionately affected by libraries</p>

		<p>being closed at level 4.</p> <p>Collection and delivery services are still permitted at level 4 which may mitigate some of these negative impacts.</p>
<b>Sex: Women</b>	Level 0 - 1	According to SHS 2018 data, over the 12 month period analysed, 30% of women reported going to the library, compared with 23% of men (SHS, 2018). Potential benefits for women being able to access this service if open.
	Level 2 - 3	According to SHS 2018 data, over the 12 month period analysed, 30% of women reported going to the library, compared with 23% of men (SHS, 2018). Potential benefits for women being able to access this service if open, with some protective measures.
	Level 4	<p>According to SHS 2018 data, over the 12 month period analysed, 30% of women reported going to the library, compared with 23% of men (SHS, 2018). Potentially negative impact on women if libraries are closed.</p> <p>Collection and delivery services are still permitted at level 4 which may mitigate some of these negative impacts.</p>
<b>Sex: Men</b>	Level 0 - 1	As noted above, men are less likely to use libraries than women, so impact of libraries being open or closed may be lower.
	Level 2 - 3	As noted above, men are less likely to use libraries than women, so impact of libraries being open or closed may be lower.
	Level 4	As noted above, men are less likely to use libraries than women, so impact of libraries being open or closed may be lower.
<b>Race</b>	Level 0 - 1	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
	Level 2 - 3	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
	Level 4	We are not aware of any evidence that suggests the closure of libraries will create any particular inequalities for this protected characteristic.
<b>Religion or belief</b>	Level 0 - 1	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
	Level 2 - 3	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
	Level 4	We are not aware of any evidence that suggests the closure of libraries will create any particular inequalities for this protected characteristic.
<b>Disability</b>	Level 0 - 1	According to SHS 2018 data, 19% of those with a condition that causes long-term major reduced capacity, and 30% of those with a minor

			physical or mental health condition, attended a library in the 12 month period analysed (SHS, 2018). Disabled people who use libraries may therefore benefit from library services being available.
		Level 2 - 3	According to SHS 2018 data, 19% of those with a condition that causes long-term major reduced capacity, and 30% of those with a minor physical or mental health condition, attended a library in the 12 month period analysed (SHS, 2018). Disabled people who use libraries may therefore benefit from library services being available, with protective measures.
		Level 4	<p>According to SHS 2018 data, 19% of those with a condition that causes long-term major reduced capacity, and 30% of those with a minor physical or mental health condition, attended a library in the 12 month period analysed (SHS, 2018). There may therefore be a negative impact on disabled people who use libraries, if they are closed. <a href="#">Research</a> by the Carnegie Trust did suggest some concerns around poorer access to digital library services for those with a visual impairment during earlier lockdowns.</p> <p>Collection and delivery services are still permitted at level 4 which may mitigate some of these negative impacts.</p>
	<b>Sexual Orientation</b>	Level 0 - 1	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 2 - 3	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 4	We are not aware of any evidence that suggests the closure of libraries will create any particular inequalities for this protected characteristic.
	<b>Marriage and Civil Partnership</b> <sup>72</sup>	Level 0 - 1	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 2 - 3	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 4	We are not aware of any evidence that suggests the closure of libraries will create any particular inequalities for this protected characteristic.
	<b>Pregnancy and Maternity</b>	Level 0 - 1	<p>The Scottish Library and Information Council note that libraries offer a space for single mothers to visit, spend time and therefore potentially reduce their social isolation and help to build social capital within a community.</p> <p>Most libraries offer parent and baby groups, such as Bookbug, which provides a social and educational environment and reduces social</p>

<sup>72</sup> Under section 149(7) of the Equality Act 2020 marriage and civil partnerships do not apply to protected characteristic's under the Public Sector Equality Duty.

			isolation and loneliness among new parents and offers a development opportunity for babies. Some of these groups may be able to resume under level 0 /level 1 which will benefit participants.
		Level 2 - 3	<p>The Scottish Library and Information Council note that libraries offer a space for single mothers to visit, spend time and therefore potentially reduce their social isolation and help to build social capital within a community.</p> <p>Most libraries offer parent and baby groups, such as Bookbug, which provides a social and educational environment and reduces social isolation and loneliness among new parents and offers a development opportunity for babies. However, these group activities should not take place at levels 2 and 3. Many services are now offering such groups online which provides the educational element but lacks the opportunity to tackle social isolation and loneliness.</p>
		Level 4	As noted above, the main impact on this area will be among groups for new parents including those with this protected characteristic. Many services are now offering such groups online which provides the educational element but lacks the opportunity to tackle social isolation and loneliness.
<b>Gender Reassignment</b>		Level 0 - 1	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 2 - 3	We are not aware of any evidence that suggests that measures at these levels for public libraries will create any particular inequalities for this protected characteristic.
		Level 4	We are not aware of any evidence that suggests the closure of libraries will create any particular inequalities for this protected characteristic.
<b>Socio-economic disadvantage</b>		Level 0 - 1	<p>People in socially and economically disadvantaged groups may benefit if libraries are open. A recent sampling of current library user data shows that 43% of users are from SIMD areas (SLIC, 2020). Individuals from lower income backgrounds often rely on public libraries to access learning resources, gain internet access and/or simply books to read for pleasure. Internet access is often essential to work, study and access essential goods and services.</p> <p><a href="#">Research</a> by the Carnegie Trust on library services during lockdown indicates that those who relied on libraries for internet access were very negatively affected by this loss of access. Maintaining some level of access, for example through bookable computer access, will help mitigate this impact and therefore individuals from these groups may benefit, and negative impacts mitigated, if library services such as access to PCs, remains available.</p>
		Level 2 - 3	<a href="#">Research</a> by the Carnegie Trust on library services during lockdown indicates that those who relied on libraries for internet access were very negatively affected by this loss of access. Maintaining some level of access, for example through bookable computer access, will help

			mitigate this impact and therefore individuals from these groups may benefit, and negative impacts mitigated, if library services such as access to PCs, remains available with protective measures.
		Level 4	People in socially and economically disadvantaged groups may be disproportionately negatively impacted if libraries are closed. A recent sampling of current library user data shows that 43% of users are from SIMD areas (SLIC, 2020). Individuals from lower income backgrounds often rely on public libraries to access learning resources, gain internet access and/or simply books to read for pleasure. Internet access is often essential to work, study and access essential goods and services. No or limited access to public libraries may mean that individuals have little to no access to these services and be affected by the negative impacts found in the Carnegie Trust report.
<b>Mitigating actions:</b>		Level 0 - 1	Public libraries can open in line with Safer Workplaces Guidance for Public Libraries – equalities impacts of the guidance were assessed as part of the EQIA for that guidance when first published.
		Level 2 - 3	Allowing library services to remain available with protective measures may mitigate against some of the negative impacts that might otherwise be felt, such as loss of access to reading materials and to PCs. Public libraries can open in line with Safer Workplaces Guidance for Public Libraries – equalities impacts of the general guidance were assessed as part of the EQIA for that guidance when first published.
		Level 4	Libraries increased their digital offers during earlier lockdown and <a href="#">research</a> by the Carnegie Trust has shown the social benefits of this to many groups, with 3 in 10 people still engaging with library services. Many took action to mitigate against negative impacts such as loss of access to the internet / PCs and this previous action may mitigate some of the negative impact of further closures.  Collection and delivery services are still permitted at level 4 which may mitigate some of the negative impacts.

**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	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity	X	X		The differential impact on children and older people is set out above. Allowing some library services to remain available, with additional protective measures, at Levels 2 and 3, will help mitigate against the negative effects that would come with stopping in person services, such as allowing access to PCs and internet. This will be less the case at Level 4, where for example PC access will be unavailable, this may cause a negative impact on the elderly and those who may not have access to IT. The Carnegie Trust has produced <a href="#">research</a> recently which found that some users were very stressed and anxious after not being able to access the internet (including contacting family members or paying bills) for 3 months.
Promoting good relations among and between different age groups			X	There is no evidence of differential impact.

**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 evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity		X		<a href="#">Research</a> by the Carnegie Trust did suggest some concerns around poorer access to digital library services for those with a visual impairment during earlier lockdowns. People with a visual impairment may therefore be negatively impacted at level 4 if only or mainly digital services available.
Promoting good relations among and between disabled and non-disabled people			X	There is no evidence of differential impact.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	SHS data suggests more women access and use libraries than men. Allowing library services to continue (with protective measures at levels 2 and 3) will help mitigate against the negative effects that would come with stopping in person services, such as allowing access to PCs and internet. This will be less the case at level 4, where for example PC access will be unavailable, but many libraries took action to mitigate against these effects during earlier lockdown periods.
Promoting good relations between men and women			X	There is no evidence of differential impact.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity		X		The main benefits from libraries and library services for these groups are reducing social isolation for single parents and access to activities such as Bookbug. These types of in person services are unlikely to be available at levels 2-4, although some may be delivered online.
Promoting good relations between those with this protected characteristic and other groups			X	There is no evidence of differential impact.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more**

commonly used, although it may include a wide range of people not covered by the Act).

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the measures at any levels for public libraries will create any particular inequalities for this protected characteristic
Promoting good relations between those with this protected characteristic and other groups			X	There is no evidence of differential impact

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the measures at any levels for public libraries will create any particular inequalities for this protected characteristic
Promoting good relations between those with this protected characteristic and other groups			X	There is no evidence of differential impact

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
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Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the measures at any levels for public libraries will create any particular inequalities for this protected characteristic.
Promoting good race relations between those with this protected characteristic and other groups			X	There is no evidence of differential impact.

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the measures at any levels for public libraries will create any particular inequalities for this protected characteristic.
Promoting good relations between those with this protected characteristic and other groups			X	There is no evidence of differential impact.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence of unlawful discrimination, harassment or victimisation.

**Title of Proposal:** Update of Schools COVID-19 guidance to align with strategic framework and latest scientific advice. This is in line with the most recent guidance to schools [Coronavirus \(COVID-19\): reducing risks in schools](#).

**Impact:** The [strategic framework](#) makes clear that: *“Recognising the unique impacts on children and young people, and to ensure the virus does not prevent them receiving the best start in life, we will prioritise keeping schools and regulated childcare, including early learning and childcare, open while ensuring the safety of children and young people and the staff who have worked hard to keep settings open... To ensure we protect the rights of children and young people our aim will always be to keep schools and learning open at all levels.”*

The following assessments are based on the presumption that all schools remain open wherever possible, and subject to mitigation measures to help to reduce the risks of COVID in schools. It remains the case that it may be necessary to move to remote learning for some children and young people/classes in specific circumstances, e.g. due to self-isolation measures or individual school closures as a result of local outbreaks. However, the expectation is that these will be public health-driven, evidence-based decisions in the context of specific outbreaks, which may occur at any level (although the likelihood of such outbreaks is higher at higher levels of the strategic framework). The beneficial impacts of maintaining in-person learning are likely to be reversed in these specific circumstances.

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Levels 0-2	<p><b>Schools open with standard protective measures</b></p> <p>Sustaining full-time in-school education is expected to continue to have a positive impact for most children and young people. As the <a href="#">Children's Parliament How are you Doing? wellbeing survey</a> shows in collated findings published in November 2020, being indoors and learning at home generally had a negative impact on the physical and mental wellbeing of children overall.</p> <p>In developing a suite of mitigation measures to help reduce the risks of COVID transmission in schools, we have sought to balance the negative impacts that some of these measures may have on children and young people's experience of in-person learning with the impacts of schools potentially being unable to remain open safely in the absence of those measures. Our overall judgement is that the negative impacts of school closures would outweigh the negative impacts of the risk mitigation measures we have introduced to help keep schools safe, open and welcoming.</p> <p><b>Face coverings</b></p> <p>As detailed in the Reducing risks in schools guidance, following updated advice from the Advisory Sub-Group on Education and Children's Issues, advice on the use of face coverings has been strengthened.</p> <p>The key points are:</p> <ul style="list-style-type: none"> <li>A) Being clear that face coverings are just one potentially effective measure amongst a package of mitigations, and should not be seen in isolation.</li> <li>B) Anyone should be permitted to wear a face covering in school if they wish to do so.</li> <li>C) Adults should now wear face coverings when they are unable to maintain 2m distancing from children and young people in primary and secondary schools (previous advice was that this was only necessary if distancing was not possible for a sustained period, e.g. 15 minutes or more).</li> <li>D) Adults should wear face coverings whenever they are in communal areas (e.g. staff rooms, staff kitchens, canteens, corridors, etc.) in both primary and secondary schools. This also applies to young</li> </ul>

people in secondary schools.  
F) Children aged 5 and over should wear face coverings on school and public transport.

Guidance makes clear that:

- (i) some individuals are exempt from these arrangements.
- (ii) in order to mitigate any negative impact of adults wearing face coverings in the classroom on younger children, schools may adopt ELC models in P1-2 settings (which do not require the use of face coverings).
- (iii) particular attention should be paid to alternative mitigations when children or young people of any age have additional support needs or a hearing impairment that may make the wearing of face coverings problematic.

The impacts of these measures on children and young people will vary depending on age. In developing guidance, we have had regard to the views of stakeholders and the scientific advice of the Advisory Sub-group on Education and Children's Issues, which in turn takes account of up-to-date evidence on the efficacy and impacts of face coverings, including WHO advice.

We have balanced a range of factors in developing our approach to face coverings, some of which have a specific impact on age-related considerations. Those that weighed in favour of use of face coverings in certain situations included:

- Evidence suggesting that infection rates at the time of implementation are slightly higher among 16-17 year olds, and a growing body of evidence about the role of young people in transmitting the virus, with older teenagers transmitting at levels similar to adults.
- Advice from the WHO that children aged 12 and over should wear a mask under the same conditions as adults, in particular when they cannot guarantee at least a 1 metre distance from others and there is widespread transmission in the area.
- Advice from the advisory sub-group that:
  - As we move towards winter and other mitigations such as ventilation and outdoor activity become less feasible, the use of face coverings may become an increasingly important preventative approach.
  - Should the prevalence of the virus in the population start rising, nationally or in parts of Scotland, we would advise that consideration be given to encouraging the wearing of face coverings, especially among adults and older pupils in secondary schools, as part of an enhanced system of approaches to reduce transmission.
  - Should prevalence rise and school-based transmission occur, the wearing of face coverings by all secondary pupils throughout the school day, including in classrooms, might be a commensurate response, advised in national guidance and triggered locally through the established incident management processes.
- Advice from the advisory sub-group on the efficacy of face coverings, which noted that evidence that face coverings are

		<p>effective at reducing transmission has strengthened, and there is additional evidence that face coverings also reduce the viral load for the wearer.</p> <ul style="list-style-type: none"> <li>• The potential challenges with maintaining ventilation during winter (although updated guidance has been provided on this issue).</li> <li>• The challenges that some secondary schools report with regard to maintaining distancing between students (which is only required by guidance where possible).</li> <li>• The need to ensure confidence amongst staff, pupils and school communities as prevalence rises in local areas. The importance of this element to keeping schools open must not be underestimated.</li> <li>• Evidence that school closures (which mitigating measures may help to prevent) cause impairment to the physical and mental health of children. Evidence suggests that the mental health of adolescents is particularly affected.</li> <li>• The potential emotional and wellbeing impacts of family illness and bereavement on children and young people, which use of face coverings (if effective against transmission of COVID) along with other measures may help mitigate.</li> </ul> <p>Factors that weighed against use of face coverings in certain situations included:</p> <ul style="list-style-type: none"> <li>• WHO advice that, for children aged 6-11, a risk-based approach should be applied to the decision about face coverings, taking into consideration issues including local prevalence and transmission rates, social and environmental norms and customs, the child's capacity to comply, potential impact on learning and psychosocial development, and additional specific considerations.</li> <li>• Advice from the advisory sub-group on practicalities and compliance issues, and evidence that face coverings may have a number of negative effects, including impairing verbal and non-verbal communication, blocking emotional signalling between teachers and students, and impacting educational attainment and physical activity. This is understood to be particularly important in respect of younger children.</li> <li>• Anecdotally sub-group members noted the tendency for people to carry and dispose of face coverings unhygienically, and the risks of coverings being shared among friends, or being left lying around on surfaces. They noted there is likely a small increased risk of transmission associated with the intermittent use of face coverings throughout the school day, as they are taken on and off, stored, and disposed of. There is not yet sufficient evidence to know how significant this risk is.</li> </ul> <p>The approach adopted in guidance is intended to balance these factors and minimise the negative impact to children and young people of use of face coverings, while ensuring that schools can remain safe and open. Our underlying assumption is that measures that help ensure in-person schooling can continue safely should be prioritised, and that face coverings can play an effective role in this. We have endeavoured to weight greater use of face coverings towards older age ranges, both because the evidence suggests that infection and transmission risks increase with age, but also because the likelihood of impacts on face coverings on education and emotional/psychological</p>
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		wellbeing is judged to be less at older age levels (whereas there is evidence that school closures can have greater psychological and wellbeing impacts on older children).
	Levels 3 & 4	<p><b>Schools open with enhanced and targeted protective measures</b></p> <p>Face coverings</p> <p>In local authority areas where there is high prevalence of the virus (Levels 3-4), as a precautionary measure, adults and young people in senior phase classrooms should also wear face coverings.</p> <p>This measure has been based upon all of the factors set out in reference to levels 1-2, but particular weight was given to:</p> <ul style="list-style-type: none"> <li>the evidence suggesting that infection rates at the time of implementation are slightly higher among 16-17 year olds, and the growing body of evidence about the role of young people in transmitting the virus (with older teenagers transmitting at levels similar to adults); and</li> <li>the advisory sub-group's previous advice about greater use of face coverings when prevalence rises, especially among adults and older pupils in secondary schools, as part of an enhanced system of approaches to reduce transmission.</li> </ul> <p>We also judged that the likelihood of impacts on face coverings on education and emotional/psychological wellbeing is likely to be less at older age levels (whereas there is evidence that school closures can have greater psychological and wellbeing impacts on older children). The ability for local authority areas to move back to less restrictive measures as prevalence levels fall (i.e. to Levels 0-2), without the need for use of face coverings in classrooms by senior phase students, was also factored into our considerations around the proportionality of these measures.</p> <p>Exemptions continue to apply to this requirement, including in respect of children with additional support needs and deaf or hearing impaired children, young people or adults (see section on disability, below).</p>
<b>Age: Older People</b>	Levels 0-2	<p>A quarter of the teaching workforce are over the age of 50, and around one in twenty are over the age of 60<sup>73</sup>. Some of these staff members may also have been in the shielding category prior to 1 August.</p> <p>a. To support with educational continuity, whilst allowing for teachers to stay at home where necessary and recommended through risk assessment outcomes, and ensuring teacher workload doesn't grow, local authorities will be supported to identify additional workforce capacity. This may include:</p> <ul style="list-style-type: none"> <li>Supporting GTCS registered teachers not currently teaching to return to the workforce.</li> <li>Ensuring that supply staff are fully utilised</li> <li>Ensuring that teachers who have not yet secured permanent employment are considered as an integral part of planning</li> </ul> <p>b. The Guidance on reducing the risks in schools sets out a suite</p>

<sup>73</sup> <https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition/>

			<p>of important mitigations that local authorities and schools are asked to implement. These include risk assessments, enhanced cleaning regimes, good hand and respiratory hygiene, ventilation, the wearing of face coverings, use of PPE where appropriate, continuous vigilance for symptoms, and surveillance, testing and outbreak management.</p> <p>c. £50 million has been allocated to support the recruitment of additional teaching staff.</p> <p>Other members of the workforce, including cleaners, catering staff and technicians should also wear face coverings where they cannot keep a 2m distance and are interacting for a sustained period with children, young people or adults. Further considerations will also be needed to ensure staff can work safely, with awareness of factors unique to each role taken into consideration.</p> <p>a. The <u>Guidance on reducing the risks in schools</u> states that risk assessments should be completed that may consider hygiene, ventilation, staff and pupil movement as well as physical distancing, use of PPE where appropriate, continuous vigilance for symptoms, and surveillance, testing and outbreak management.</p> <p>b. £20 million has been allocated to support local authorities with the additional costs associated with keeping schools open, including increased cleaning costs and adjustments to school buildings and other learning spaces.</p>
		Level 3	<p>The majority of workplaces can be made safe for staff. To ensure this remains the case, employers should ensure that individualised risk assessments for school staff members with the highest clinical risk are in place and updated appropriately, and staff should speak to their employer to ensure all appropriate protections are in place.</p> <p>Decisions on appropriate protections should be informed by individual risk assessments, and may include protective measures in the workplace, mitigations such as working remotely (e.g. at home or in different settings), or carrying out different tasks within their usual workplace. If protections cannot be put in place, they can discuss whether they need a fit note with their GP or clinician.</p>
		Level 4	<p>At Level 4, to provide additional assurance, the Chief Medical Officer will issue a letter which is similar to a fit note that will last for as long as the local area is under Level 4 restrictions. This letter can be used in the few cases where, following updating of risk assessments and discussions with employers, it is not possible to make a workplace safe for staff. Being in receipt of one of these letters does not automatically mean that staff should not attend work if appropriate protections are in place. Staff should use the period covered by the letter to discuss any concerns further with their employer or an occupational health adviser, and if, following individualised risk assessments, action results in adequate protection in the workplace then they may continue to attend work.</p> <p>Decisions on appropriate protections should be informed by individual</p>

		risk assessments, and may include protective measures in the workplace, mitigations such as working remotely (e.g. at home or in different settings), or carrying out different tasks within their usual workplace.
<b>Sex: Women</b>	Levels 0-2	Staff working in educational settings, particularly primary schools, are mainly women, who may be exposed to health risks in the workplace. <sup>74</sup> Around 77% of all teachers are women, ranging from 64% in secondary schools to 89% in primary schools. <sup>75</sup>
	Level 3	Impacts as above.
	Level 4	In the event of requirements for remote learning as a result of public health decisions in the context of local outbreaks, there may be particular impacts on women. Women carry out the majority of childcare and other caring responsibilities. 1 in 4 women across all age groups took part in childcare on a given day in 2014-15 (24%), compared to 15% of men. <sup>76</sup> Around 60% of unpaid carers are women, <sup>77</sup> so will be impacted in their ability to study or work in education settings and in other sectors of the economy, should it be necessary to introduce remote learning for periods of time in particular areas. <sup>78</sup> Research undertaken by the Institute for Fiscal Studies <sup>79</sup> found that throughout lockdown, mothers spent less time in paid work compared with fathers but more time on childcare and other household responsibilities and they are more likely to have resigned, lost their job or been furloughed.
<b>Sex: Men</b>	Levels 0 - 4	See for 'women'.
<b>Race</b>	Levels 0-2	<p>According to 2019 data, 78% of Scotland's pupil population is from a White (Scottish) ethnicity, while 12% have a White (other) ethnicity and 8% are from a non-White minority ethnic group.<sup>80</sup></p> <p>Minority ethnic communities make up approximately 2% of Scotland's teaching workforce.<sup>81</sup></p> <p>According to 2019 data, of children from a White ethnicity, 78% of</p>

<sup>74</sup> <https://www.gov.scot/publications/teacher-census-supplementary-statistics/>

<sup>75</sup> <https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition/>

<sup>76</sup> [Household composition for specific groups of people in Scotland & Time Use Survey 2014-15](#)

<sup>77</sup> [Scottish Health Survey 2017 Scottish Health Survey 2018 & Health and Care Experience Survey, 2017-18](#)

<sup>78</sup> <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

<sup>79</sup> <https://www.ifs.org.uk/uploads/BN290-Mothers-and-fathers-balancing-work-and-life-under-lockdown.pdf>

<sup>80</sup> <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

<sup>81</sup> <https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition/pages/4/>

		<p>children are from a White (Scottish) ethnicity, while 12% have a White (other) ethnicity. 8% of children are from a non-White minority ethnic group<sup>82</sup>.</p> <p>2019 data shows that 9.6% of children have a language other than English as their main home language<sup>83</sup>.</p> <p>International evidence suggests COVID-19 has affected minority ethnic groups disproportionately. In England, there is consistent evidence of increased risks among many minority ethnic groups.<sup>84</sup> In Scotland, data has been slow to emerge on the risks for minority ethnic groups and initial analyses were contradictory. Since the Covid Ethnicity Expert Reference Group was first established, more recent analyses by Public Health Scotland (PHS) and National Records of Scotland (NRS) has confirmed increased risks associated with COVID-19 in South Asians but robust analyses are still unavailable for several minority ethnic groups.<sup>85,86</sup></p> <p>Therefore guidance on reducing risks in schools highlights that employers should remain mindful of their duties under the Equality Act 2010 when considering Minority Ethnic staff and notes that responding to requests for additional protections may include offering access to support from occupational health services (OHS) and the provision of individual risk assessments. It highlights that care should be taken to ensure that Minority Ethnic children, young people, families and staff are involved in decisions about additional protections - automatic referrals to OHS should not be made. Information should be available to students and families in community languages where appropriate. It also states that local authorities should ensure that managers in school have sensitive, supportive conversations with all Minority Ethnic staff, which also consider their health, safety and psychological wellbeing and personal views and concerns about risk. Wellbeing support services should be promoted to all Minority Ethnic staff.</p> <p>The opening of schools may place families from some minority ethnic backgrounds at higher risk from COVID-19 due to the disproportionate impact the virus has on them. Parents and carers for whom English is not their first language may have had more barriers to understanding the range of information sent to them through the schools, if the information was in a format that they could not understand.</p>	
		Levels 3-4	Impacts as above.
	<b>Religion or belief</b>	Levels 0-2	For physical distancing to be observed where possible some schools may need to use non-classroom spaces as teaching space. Where rooms are potentially being repurposed, it should be ensured that provision remains available for pupils to access religious spaces for

<sup>82</sup> <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

<sup>83</sup> <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

<sup>84</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908434/Disparities\\_in\\_the\\_risk\\_and\\_outcomes\\_of\\_COVID\\_August\\_2020\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf)

<sup>85</sup> <https://publichealthscotland.scot/news/updated-analysis-of-covid-19-outcomes-by-ethnic-group/>

<sup>86</sup> <https://www.nrscotland.gov.uk/files/statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

		religious observance, spiritual development or reflection time.
	Levels 3-4	Impacts as above.
<b>Disability</b>	Levels 0-2	<p><b>Those pupils at the highest clinical risk</b> may have a health condition which requires consideration.</p> <p><b>Accessibility</b> In line with guidance to minimise large gatherings and overcrowding where possible, it is possible that some school buildings may be reconfigured to allow for one-way systems or similar.</p> <p>In these circumstances, access to all areas of the school building should remain as accessible as they previously have been, including for those with physical disabilities or accessibility issues. Special consideration should be given where schools may be making use of outdoor space as learning areas, and risk assessments should be completed as appropriate. Access to toilets and regular handwashing facilities should naturally be considered within this.</p> <p><b>Additional support needs (ASN)</b> Pupils with additional support needs have had to adapt to a changed learning environment since their return to school in August. Some pupils may also find changes to routine more challenging than their peers, in circumstances where remote learning were to be introduced, or as regions move between Protection Levels. There will be a need to consider how additional support needs will continue to be met in circumstances where pupils are self-isolating, or are unable to attend school,</p> <ol style="list-style-type: none"> <li>a. As part of contingency planning the needs of pupils with additional support needs must be considered.</li> <li>b. Local authorities will need to consider support for children with ASN using school transport, and take appropriate actions to reduce risk if hygiene rules, including the wearing of face coverings, and physical distancing are not possible.</li> <li>c. The guidance also sets out altered arrangements for staff visiting schools, this includes those providing support as part of a care or educational plan, with appropriate mitigations, this easing of restrictions on these staff will further enhance the support available to children and young people with additional support needs.</li> </ol> <p><b>Face coverings</b> The factors taken into account in developing guidance on use of face coverings, and potential impacts on children with additional support needs, are as set out in the section on “Age” above, with the following key additional factors identified:</p> <ul style="list-style-type: none"> <li>• Weighing additionally in favour of the use of face coverings is evidence that children with additional support needs are very likely to be adversely affected by school closures – therefore, measures which may help to sustain in-person learning are expected to</li> </ul>

			<p>be beneficial.</p> <ul style="list-style-type: none"> <li>• The risks for children and young people with additional support needs of greater use of face coverings include: <ul style="list-style-type: none"> <li>• for some learners with ASN, the wearing of face coverings may not be appropriate or could be a cause of anxiety or discomfort.</li> <li>• when staff or young people are wearing face coverings in school this may cause communication difficulties for pupils who depend on facial expressions or lip reading to communicate, for example deaf learners and those with a hearing impairment.</li> </ul> </li> </ul> <p>To help address these issues, guidance makes clear:</p> <ul style="list-style-type: none"> <li>• The exemptions that apply to use of face coverings, which include where a face covering may cause distress, and the ability to remove a face covering when communicating with a deaf person (2m distancing should be maintained whenever possible if doing so). Individuals who may not be able to handle and wear face coverings as directed without undue distress (e.g. those with additional support needs or disabilities) do not need to wear them.</li> <li>• In special schools and units, and where there are groupings of children with complex additional support needs, risk assessments should be conducted in full consultation with staff and their trade unions, aligned to the relevant protection level and reviewed on a regular basis, to consider (amongst other things) the appropriate mitigation measures which should be adopted in situations where opaque face coverings may act as a barrier to communication.</li> <li>• recognition that the impact of wearing opaque face covering for learners with additional support needs, including those with any level of hearing loss, should be carefully considered. Communication for many of these learners (including hearing impaired young people) relies in part on being able to see someone's face clearly. This is also important for children and young people who are acquiring English and who rely on visual cues to enable them to be included in learning. Appropriate use of transparent face coverings may help in these circumstances. Transparent face-coverings may be supplied by local authorities and used where there is a risk of detriment to the child's health and wellbeing from staff wearing opaque face coverings.</li> </ul>
		Level 3	Impacts as above.
		Level 4	<p>Those at highest clinical risk (previously shielding) will need to be considered in the event of a localised outbreak of COVID-19.</p> <ol style="list-style-type: none"> <li>a. At Protection Level 4, the current advice, at date of publication, is that children who were previously shielding should not attend school in person – however, we are considering how the use of individualised risk assessments could help maximise attendance.</li> <li>b. In a situation where those at highest clinical risk may be asked to return home for a length of time, there is a risk that these pupils may miss out on classroom time, including social interactions and relationships with their peers and school staff, that their peers may</li> </ol>

		continue to have access to. Risk assessments should be in place, including arrangements for how to continue support and access to learning for affected pupils. These should minimise the risk of loss in relation to learning, by ensuring appropriate learning and support is in place, whilst Level 4 is applied.
<b>Sexual Orientation</b>	Levels 0-4	No evidence of a differential impact identified at this time
<b>Marriage and Civil Partnership</b>	Levels 0-4	No evidence of a differential impact identified at this time
<b>Pregnancy and Maternity</b>	Levels 0-2	<p>It is understandable that pregnant members of the school workforce may be particularly nervous about contracting COVID-19. Current clinical advice states that pregnant women of any gestation are at no more risk of contracting the virus than any other non-pregnant person who is in similar health. Pregnancy itself however, by altering the body's immune system and response to viral infections in general, can occasionally cause more severe symptoms. Therefore following social distancing guidance is important for all pregnant women and in particular those who are 28 weeks and beyond, in order to lessen their risk of contracting the virus. For women with other medical conditions in addition to pregnancy, this should be considered on an individual basis.</p> <p>Pregnant members of the workforce should continue to follow the latest guidance from the <a href="#">Royal College of Obstetricians and Gynaecologists</a>, and employers should conduct risk assessments. The Scottish Government has produced <a href="#">COVID-19 Occupational Risk Assessment Guidance and individual risk assessment for the workplace</a> guidance to support employers in these unique times.</p> <p><b>Returning to work</b> Experts have warned Covid-19 has had a negative impact on maternal mental health beyond that seen in the general population, where reported rates of anxiety have more than doubled. Consideration should be given to how best to facilitate their return to work.</p>
	Levels 3-4	Impacts as above.
<b>Gender Reassignment</b>	Level 0 and Level 1	Maintaining in-person learning in schools may benefit young people who are transitioning as part of a gender reassignment process, and who may have missed out on pastoral support during school closures.
	Level 2 - 3	Impacts as above.
	Level 4	Impacts as above.
<b>Socio-economic disadvantage</b>	Level 0 and Level 1	Achievement of Curriculum for Excellence Levels by SIMD <sup>87</sup> for 2018-19 shows a pre-COVID poverty-related attainment gap between pupils in least and most deprived areas. For primary school pupils, the gaps

<sup>87</sup> The Scottish Index of Multiple Deprivation is an area-based measure therefore not everyone living in area assessed as deprived will necessarily be at a socio-economic disadvantage, and vice versa

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were 17.1 percentage points for Reading, 19.1 for Writing, 13.0 for Listening and Talking, 20.7 for Literacy and 16.8 for Numeracy. At S3, the gap was 11.5 percentage points for Reading, 12.2 for Writing, 10.0 for Listening and Talking, 13.8 for Literacy and 13.5 for Numeracy.<sup>88</sup>

We know that for families affected by poverty and disadvantage, access to food during a school session (free school meals, breakfast clubs and snacks included with afterschool clubs) is a vital support for families. While access to nutritious food has been part of the response during the COVID-19 pandemic, the maintained opening settings will be benefiting these families.

- a. Local authorities are expected to continue to provide free school meals to all eligible children and young people.
- b. Additional funding has been agreed to ensure the provision of free school meals during Christmas, February and Easter holidays. This reflects that there will be additional economic impact to families finances, which may impact particularly during the winter period.

If remote learning were to be required in specific circumstances, students facing socio-economic disadvantage may be less able to access online support for home-learning. Through accessing the internet, pupils are able to access learning resources, as well as interact with school staff and peers.

#### **Face coverings**

In line with more recent scientific advice, the guidance for the reopening of schools has been amended to reflect the advice that face coverings should be worn by adults and young people in confined communal areas, and by all over the age of five when travelling by public or school transport. This has also been extended to include senior phase pupils in classrooms when in Protection Levels 3 and 4.

Whilst it is reasonable to assume that most children and young people will have access to re-usable face coverings due to their increasing use in wider society, some from socio-economically disadvantaged backgrounds may not have access to face coverings due to costs or be able to arrange for them to be regularly cleaned. To address potential equity issues arising from this, guidance makes clear that:

- a. Where anybody is struggling to access a face covering, or where they are unable to use their face covering due to having forgotten it or it having become soiled/unsafe, schools should take steps to ensure they have a contingency supply to meet such needs.
- b. Schools should take steps to minimise any stigma that may become attached to the use of school-provided face coverings, and deal effectively with any associated bullying.

#### **Ventilation**

In line with scientific advice, local authorities are requested to support

<sup>88</sup> <https://www.gov.scot/publications/achievement-curriculum-excellence-cfe-levels-2018-19/>

		<p>schools to identify and implement local approaches to balance the need for fresh air with the maintenance of adequate temperatures. To enable schools to strike this balance, schools are recommended to provide flexibility around permitted clothing.</p> <p>a. Guidance also makes clear that local authorities should ensure that, where individual children and young people cannot access warm clothing necessary for the local strategies adopted, including on the ground of costs, appropriate support is provided on a case-by-case basis.</p>
	Level 2 - 3	Impacts as above.
	Level 4	Impacts as above.
<b>Mitigating actions:</b>	Level 0 and Level 1	<p>A range of public health measures, in further detail in the reducing risks in schools guidance, and including enhanced cleaning measures and the use of face coverings, have been implemented in schools to ensure that the potential risks from COVID-19 to the health of staff and children and young people are appropriately mitigated and balanced with the benefits brought from attending school. A programme of independent compliance checks by HSE was very positive about the action that schools are taking and their impact.</p> <p>The Scottish Government has provided £80m to local authorities to recruit additional staff to ensure resilience in schools, sufficient for around 1,400 teachers and 200 support staff.</p> <p>We have also made available £25m to local authorities to address digital exclusion amongst school age children and young people. This is expected to be sufficient to provide around 70,000 digital devices and 18,000 connectivity solutions in total.</p>
	Level 2 - 3	As above.
	Level 4	As above.

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			<p>There is a differential impact on older members of the school workforce, in line with the impact of the virus on different age groups across society.</p> <p>This guidance is intended to protect all groups from the risk of COVID transmission, particularly more vulnerable groups.</p>
Advancing equality of opportunity	X			<p>These measures allow for schools to be kept open, striking a balance between health and safety measures and the positive impact of education.</p> <p>Keeping schools open allows the continuation of the Scottish Government's</p>

				work towards equity across the education system.
Promoting good relations among and between different age groups	X			All members of the school community, pupils, staff and families are advised to follow guidance. By following guidance, these groups are showing consideration and respect for other members of the school community.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	This policy, aimed at reducing the risks of COVID transmission in schools, considers disabled staff and pupils throughout, and endeavours to ensure they have the same rights to education and health as their peers, in line with previous school policies.
Advancing equality of opportunity	X	X		Ensuring that disabled children and young people can benefit from in-person learning wherever possible is likely to have a beneficial impact on equality of opportunity.  Some disabled staff and young people may have concerns around the safety of the school environment, if their disability puts them at heightened risk from Covid 19. Ensuring appropriate input from GPs into individual risk assessments will be important in managing these risks.
Promoting good relations among and between disabled and non-disabled people	X			All members of the school community, pupils, staff and families are advised to follow guidance. By following guidance, these groups are showing consideration and respect for other members of the school community.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			This policy considers the impact on men and women separately, and recognises the differential impacts on both. It encourages employers to maintain their obligation under The Equality Act 2010.
Advancing equality of opportunity			X	As noted above, staff working in educational settings, particularly primary schools, are mainly women. Changes to school operations will therefore impact differently on men and women globally, albeit less so when considering school staff as a cohort.

				However, in general, we expect maintaining in-person learning to have beneficial impacts on those who can attend.
Promoting good relations between men and women			X	This policy should not have a direct impact on promoting good relations between men and women.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		There may be negative impacts through keeping schools open, but pregnant women will also be protected from the virus through enhanced risk assessment.
Advancing equality of opportunity	X	X		In general, we expect that pregnant women who can safely attend schools are likely to benefit from the safety measures in place. Some may feel anxious about safety. Guidance requires individualised risk assessments for pregnant staff/pupils to recommend enhanced mitigations which will impact affected individuals differently to the mitigations for non-pregnant staff/pupils.
Promoting good relations			X	This policy should not have a direct impact on promoting good relations.

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

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

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

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

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

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		In general, in-person learning is likely to benefit those who can attend. However, as noted above, there are some concerns around the potential for heightened risks from COVID-19 for some minority ethnic staff and children and young people, which may in turn cause heightened anxiety. Guidance makes clear that individual risk assessments should be in place to address these issues.
Advancing equality of opportunity	X	X		In general, in-person learning is likely to benefit those who can attend. However, as noted above, there are some concerns around the potential for heightened risks from COVID-19 for some minority ethnic staff and children and young people, which may in turn cause heightened anxiety. Guidance makes clear that individual risk assessments should be in place to address these issues.
Promoting good race relations			X	

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

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of differential impact at this time.
Advancing equality of opportunity			X	No evidence of differential impact at this time.
Promoting good relations			X	No evidence of differential impact at this time.

<b>Title of Proposal</b>	<b>FURTHER AND HIGHER EDUCATION</b>
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**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of differential impact at this time.

## Impact

From 22 July, colleges and universities have moved to a phased return to *on campus learning* as part of a blended model with remote teaching. Public health measures (including physical distancing) must be in place on campus.

As set out in the [Strategic Framework](#), to best tackle the virus and protect people, we are moving to an approach based on five levels of protection. This allows a rapid and proportionate response to be taken, locally or nationally, using a transparent range of measures and options.

The strategic framework recognised the importance of keeping education open, stating:

“Over the summer, we have managed the challenge of reopening our schools and resuming learning in our universities and colleges. For the sake of our young people and their futures, we are determined to keep learning open and safe.”

The Strategic Framework recognises the need to balance four harms when making decisions and the need in particular to consider the needs of children and young people. In considering how the framework can be implemented in our sector, we have sought to consider these harms, accepting that protecting the public from COVID-19 takes precedence but also being mindful of the significant potential other harms that could affect our students.

The Strategic Framework outlines a ‘blended learning model in colleges and universities up to Level two, with ‘restricted blended learning in Levels 3 and 4. Under the tiered approach, colleges and universities will operate according to the Level allocated to their local authority area(s). The relevant areas and applicable measures are set out in the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

For levels 0-2, colleges and universities will implement a blended learning model and identify the appropriate blend of delivery, reflecting what will best ensure compliance with *public health requirements*<sup>89</sup> while providing high quality learning as well as supporting more vulnerable learners and staff.

For levels 3-4, colleges and universities will implement a restricted blended model. In level 3, learning and teaching will be predominantly online, with in-person provision only where it is judged necessary to fulfil learning outcomes, such as for subjects that require clinical, practical or a vocational/professional learning element, and to support student welfare and retention. In level 4, learning and teaching will be online with an exception for the delivery of critical and time-sensitive learning, assessments and work placements that cannot be delivered remotely or postponed.

In all levels, to stay safe and protect others, colleges and universities must minimise the opportunity for Coronavirus (COVID-19) to spread from one person to another. Physical distancing, hand hygiene and respiratory hygiene are among the most effective ways to prevent the spread of coronavirus.

Essential public health measures in institutions and student accommodation include:

- minimising contact with others (physical distancing, quarantine, groupings)
- enhanced hygiene and environmental cleaning arrangements
- wearing appropriate personal protective equipment (PPE) where necessary
- a requirement that people who are ill, self-isolating or under an obligation to quarantine stay at home
- active engagement with Test and Protect

Institutions and providers should encourage staff, students and visitors to follow the Scottish Government’s FACTS advice:

<sup>89</sup> [Coronavirus \(COVID-19\): universities, colleges and student accommodation providers](#)

<ul style="list-style-type: none"> <li>• wear face coverings in enclosed spaces</li> <li>• avoid crowded places</li> <li>• clean their hands and surfaces regularly</li> <li>• maintain the recommended 2 m physical distancing</li> <li>• self-isolate, and book a test in the presence of any coronavirus symptoms</li> </ul>			
<b>Differential Impact</b>	<b>Age: Children and Younger People</b>	Levels 0 - 2	<p>Universities and colleges serve a number of young people: around two fifths of college enrolments (around 140,000),<sup>90</sup> and a quarter of university enrolments (61,000)<sup>91</sup> are aged 19 and under.</p> <p>We are mindful of the potential impacts on young people in the senior phase of secondary school who attend college for certain subjects. Our understanding is that many of these learners are among the most socio-economically disadvantaged, and restricting their ability to benefit from in-person college learning may affect their attainment and wellbeing. The <i>updated schools guidance</i><sup>92</sup> notes that there is no evidence of significant transmission arising from current arrangements, and as such, they may continue subject to a strong focus on compliance. However, it states that schools and local authorities should, in partnership with FE/HE institutions and local public health teams, pay very close attention to any evidence suggesting the potential for emerging bridges of transmission between school and FE/HE settings.</p>
		Levels 3 - 4	In higher Levels the negative impact will likely be more severe than in lower Levels
	<b>Age: Older People</b>	Levels 0-2	<p>At college, the 51 and over age group accounted for around 45% of the overall staff in 2018-19.<sup>93</sup> 18% of university staff are aged 56 and over.</p> <p>Colleges, therefore, should consider the effects that measures taken to suppress the spread of the virus and protect the right to life might have on this age group.</p>
		Levels 3 - 4	In higher Levels the negative impact will likely be more severe than in lower Levels.
	<b>Sex</b>	Levels 0-2	<p>At college, women accounted for 61% of total staff headcount in 2018-19. More specifically, they accounted for 54% of teaching and 69% of non-teaching staff.<sup>94</sup></p> <p>There have been more confirmed cases of COVID-19 among women, and women's overrepresentation as unpaid carers and in health and social care jobs is likely to put them at higher risk of contracting COVID-19. However death rates are similar for men and women – and much higher for men after age standardisation<sup>95</sup>.</p>

<sup>90</sup> <https://stats.sfc.ac.uk/infact/QueryBuilder/Basic>

<sup>91</sup> HESA Students Data, SG Secondary Analysis <https://www.hesa.ac.uk/data-and-analysis/students>

<sup>92</sup> Updated Schools Guidance <https://www.gov.scot/news/updated-schools-guidance/>

<sup>93</sup> <http://www.sfc.ac.uk/publications-statistics/statistical-publications/2020/SFCST052020.aspx>

<sup>94</sup> <http://www.sfc.ac.uk/publications-statistics/statistical-publications/2020/SFCST052020.aspx>

<sup>95</sup> Deaths Involving Corona Virus in Scotland <https://www.nrscotland.gov.uk/covid19stats>

		<p>At university, women account for 55% of all staff in 2018-19. More specifically, they account for 45% of academic and 64% of non-academic staff.</p> <p>Women are more likely to be the primary care-giver in a household. Women studying or working from home may therefore have to balance studying with childcare, or care of another person (e.g. sibling or older relative).</p>
	Levels 3 - 4	In higher levels, the negative impact will likely be more severe than in lower levels.
<b>Race</b>	Levels 0 - 2	<p>When compared to the overall population, a larger proportion of college and university staff and students are from Minority Ethnic backgrounds when compared to the population as a whole.<sup>96</sup> Minority Ethnic people may be exposed to greater health risk on campus. Recent studies<sup>97</sup>, primarily in England but with some evidence from Scotland, have shown that mortality rates from COVID-19 are higher amongst the minority ethnic population. The evidence base is building but this is likely due to a range of clinical, social and economic factors.</p> <p>Remote learning models may mean learners who need additional support with language, may be less able to study at home.</p> <p>Almost half of students in halls of residence are from outside the UK<sup>98</sup> so those staying in halls of residence and Purpose Built Student Accommodation (PBSA) are potentially more likely to have a wider variety of ethnic backgrounds. Continued physical distancing requirements may mean they are less able to access wider peer support networks and exacerbate feelings of isolation.</p>
	Levels 3 - 4	In higher levels, the negative impact will likely be more severe than in lower levels.
<b>Religion or Belief</b>	Levels 0 - 2	<p>In 2018/19, 51% of university enrolments self-declared that they had no religious beliefs, 36% of university enrolments self-declared as having a religion or belief and 13% are unknown or prefer not to say.<sup>99</sup> Under a blended learning model, due to the restrictions in numbers, colleges and universities may not be able to offer a full programme of religious observance.</p> <p>We are also aware of the difficulties faced by students who wish to celebrate religious festivals and may feel restricted in their ability to do so. Public health informed restrictions were not lifted for religious purposes during Passover, Easter, Eid or Diwali, with synagogues, churches and mosques remaining closed during these celebrations and travel and family visits restricted.</p>

<sup>96</sup> <https://www.hesa.ac.uk/data-and-analysis/staff>, <http://www.sfc.ac.uk/publications-statistics/statistical-publications/2020/SFCST052020.aspx>

<sup>97</sup> <https://www.thelancet.com/action/showPdf?pii=S2213-2600%2820%2930228-9>

<sup>98</sup> HESA Students Data, SG Secondary Analysis <https://www.hesa.ac.uk/data-and-analysis/students>

<sup>99</sup> HESA Students Data, SG Secondary Analysis <https://www.hesa.ac.uk/data-and-analysis/students>

		Levels 3 - 4	In higher levels, the negative impact will likely be more severe than in lower levels.
<b>Disability</b>		Levels 0 - 2	<p>Institutions have already deferred much practical learning activity until later in the year. In colleges, this is in addition to the significant backlog of learners (approximately 20,000) unable to complete last year's courses/assessments due to lockdown. The earlier in the academic year that institutions move to total online provision means the greater impact on the opportunity of learners to complete courses and assessments. This is of particular concern for priority practical subjects, such as clinical or care courses. This could lead to high dropout rates, which for learners in this group may mean they never return to education or training, or a further year of backlog and one that would be of far greater magnitude than seen this year.</p> <p>Disabled people may experience exacerbation of already poor physical health and a higher risk of death due to COVID-19; exacerbation of already poor mental health due to loneliness and reductions in mental wellbeing experienced during isolation and restrictions in the ability to undertake physical activity. Difficulties accessing food and other essential supplies due to potential shortages of food in shops, difficulties affording food, and isolation. All of these may negatively impact upon disabled students.</p> <p>Disabled students may find it harder to participate in distance learning and may require greater input from families for care and learning. Disabled students and disabled staff may also require specialist equipment (such as specialist IT equipment or software such as screen reading software) to allow them to participate in extended periods of online learning.</p> <p>Disabled students and staff may find it harder to adhere to physical distancing measures or changed physical layouts, including student accommodation layouts and this may negatively impact them; or they may be unable to attend university due to health reasons.</p> <p>The ONS Opinions and Lifestyle Survey indicates that people with underlying health conditions or long-term illness may be at a slightly greater risk of poor mental wellbeing during the pandemic.<sup>100</sup></p>
		Levels 3 - 4	In higher levels, the negative impact will likely be more severe than in lower levels.
<b>Sexual Orientation</b>		Levels 0 - 2	No evidence of a differential impact identified at this time.
		Levels 3 - 4	As above.
<b>Gender Reassignment</b>		Levels 0 - 2	No evidence of a differential impact identified at this time.
		Levels 3 - 4	As above

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<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/coronavirusandthesocialimpactsongreatbritain/5june2020#indicators-of-concern-well-being-and-loneliness>

<b>Socio-economic disadvantage</b>	Levels 0 - 2	<p>While universities are increasingly supporting a more diverse cohort of learners with record numbers of students from deprived areas, all colleges deal with fragile and vulnerable learners. For example, 32% of full time learners in the college sector are from the lowest Scottish Index of Multiple Deprivation quintile with 22% of college learners having a recorded disability (compared to 15% in university).</p> <p>Learners from disadvantaged backgrounds are more likely to study practical subjects at college, such as construction, care and social care<sup>101</sup>, which are most likely to be disrupted by remote learning and physical distancing.</p> <p>Remote and online learning and teaching depends on staff and students being able to access the internet, and having access to a safe, suitable space to study, which may be a particular issue for older people and those facing socio-economic disadvantage.</p> <p>Institutions have already deferred much practical learning activity until later in the year. In colleges, this is in addition to the significant backlog of learners (approximately 20,000) unable to complete last year's courses/assessments due to lockdown. The earlier in the academic year that institutions move to total online provision means the greater impact on the opportunity of learners to complete courses and assessments. This is of particular concern for priority practical subjects, such as clinical or care courses.</p> <p>Community Learning and Development (CLD) practice focuses on people most likely to face socio- economic disadvantage so restarting CLD and college services will be positive for this group.<sup>102</sup> CLD practice often complements the work of colleges in ensuring disadvantaged learners through the provision of a number of support activities remain engaged in learning and achieve outcomes their affluent peers can.<sup>103</sup></p>
	Levels 3 - 4	In higher levels the negative impact on the student will inevitably be more severe than in lower levels.
<b>Mitigating actions:</b>	Levels 0- 2	<p>Colleges and universities are operating under a blended model of remote learning and limited on-campus learning where a priority. Relevant public health measures (including physical distancing) will be in place.</p> <p>Guidance<sup>104</sup> has been prepared and continues to be updated to support colleges and universities return to campus, for laboratories and research facilities, student accommodation and for community learning and development. All guidance reminds institutions and providers of their responsibilities under equality legislation and any duties they may have as employers.</p>

<sup>101</sup> <http://www.sfc.ac.uk/publications-statistics/statistical-publications/2020/SFCST062020.aspx>

<sup>102</sup> <https://cldstandardscouncil.org.uk/about-cld/what-does-cld-involve/>

<sup>103</sup>

<https://www.glasgow.gov.uk/councillorsandcommittees/viewSelectedDocument.asp?c=P62AFQDNT181NT2UUT>

<sup>104</sup> <https://www.gov.scot/policies/colleges/latest/> and <https://www.gov.scot/policies/universities/latest/>

	<p>This guidance sets out the latest health and safety and public health advice, including on physical distancing, personal hygiene, cleaning and risk assessments to reduce the risk of infection and transmission in these settings. The guidance also sets out that colleges and universities should provide appropriate support for those who are clinically vulnerable (prevalence is likely to be higher amongst older, disabled and Minority Ethnic people).</p> <p>COVID-19 does not affect all population groups equally, so individual health circumstances and protected characteristics (such as sex and race) will be discussed as appropriate with staff and students in consideration of expansion of activities and in risk assessment processes by universities and colleges.</p> <p>Universities and colleges should consider whether any particular measures or adjustments are required to fulfil duties under the equalities legislation. It is important to make sure the steps implemented do not have an unjustifiably negative impact on some groups compared to others, for example, those with caring responsibilities.</p> <p>We recently announced £1.32 million of additional funding to help students deal with the mental health impacts of the COVID-19 pandemic. This extra funding will build on the support already in place, including the recent further £3.645 million for our commitment to more than 80 additional counsellors in colleges and universities over the next four years.</p> <p>We are working to invest additional monies to create digital hubs connecting Scotland's colleges and communities to provide access to learning for the thousands of adults with few or no qualifications. This will be of benefit to socio-economically disadvantaged people who are less likely to have access to digital devices.</p> <p>Colleges and Universities should consider to provide additional IT support to staff and students in this age group to ensure they can fully benefit from resources available under blended learning and restricted blended learning as set out in the <i>Protection Levels Framework</i><sup>105</sup>.</p> <p>The Scottish Funding Council has issued new guidance<sup>106</sup> to allow colleges to use Further Education and Higher Education student support funds to cover the necessary equipment and infrastructure costs for students to be able to continue their studies remotely. The new guidance has supported colleges and universities to ensure that no students are disadvantaged in their studies due to the lack of access to the appropriate technology.</p>
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<sup>105</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/10/covid-19-scotlands-strategic-framework/documents/annex-1-protection-levels-framework/annex-1-protection-levels-framework/govscot%3Adocument/annex-1-protection-levels-framework.pdf>

<sup>106</sup> [http://www.sfc.ac.uk/web/FILES/covid-19/COVID-19\\_FAQ\\_Student\\_Support.pdf](http://www.sfc.ac.uk/web/FILES/covid-19/COVID-19_FAQ_Student_Support.pdf)

	<p>As part of the Summer Support Package, the Scottish Government is extending its support to the NUS Scotland Think Positive Project to March 2021 to, amongst other things, support and further develop the Small Grants; deliver, either remotely or blended, a Student Mental Health Conference in October 2021; and develop the delayed, in light of COVID-19, National Action Plan (due to be developed following the original May conference)</p> <p>The Quality Assurance Agency for Higher Education has provided the higher education sector with a suite of guidance and wider supporting resources, covering matters including meeting the expectations of the UK Quality Code (<a href="https://www.qaa.ac.uk/quality-code">https://www.qaa.ac.uk/quality-code</a>), securing academic standards, transitioning teaching, learning and assessment to online delivery, and the wider student experience. Guidance has also sought to support alternative arrangements for practice-based and lab-based provision, as well as decisions on replacing or delaying placements. Further information on their work can be found here: <a href="https://www.qaa.ac.uk/newsevents/support-and-guidance-covid-19">https://www.qaa.ac.uk/newsevents/support-and-guidance-covid-19</a>.</p> <p>The impacts of blended models of learning and teaching in colleges, universities continue to be explored. Further mitigating actions will be considered as more evidence and detail develops and reflected in further updates and/or additions to this assessment.</p>
Levels 3 - 4	As above

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X	X	<p>The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different ages but this is necessary to suppress the spread of the virus and protect the right to life.</p> <p>Whilst the restrictions will have a negative effect, as they are designed to protect people from infection (as a legitimate aim) they can also have a positive effect.</p>
Advancing equality of opportunity			X	Colleges and Universities should consider whether any particular measures or adjustments are required to fulfil the requirements of the Public Sector Equality Duty. It is important to make sure the steps implemented do not have an unjustifiably negative impact on some groups compared to

				others.
Promoting good relations among and between different age groups			X	<p>The Strategic Framework approach should not have a direct impact on the promotion of good relations among and between different age groups.</p> <p>However, by raising the awareness of the risk to people with one or more of the protected characteristics these measures may help to promote understanding.</p>

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		<p>The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for disabled people at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.</p> <p>Whilst the restrictions will have a negative effect, as they are designed to protect people from infection (as a legitimate aim) they can also have a positive effect.</p>
Advancing equality of opportunity	X	X		<p>Disabled students may find it harder to participate in distance learning and may require greater input from families for care and learning. Disabled students and disabled staff may also require specialist equipment (such as specialist IT equipment or software such as screen reading software) to allow them to participate in extended periods of online learning. Individual health circumstances and protected characteristics will be discussed as appropriate with staff and students in consideration of expansion of activities and in risk assessment processes.</p> <p>However, by reducing the risk to disabled people this measure will have a positive effect in protecting their health.</p>
Promoting good relations among and between disabled and non-disabled people			X	<p>The Strategic Framework approach should not have a direct impact on the promotion of good relations among and between disabled and non-disabled people.</p>

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for men and women at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.  Whilst the restrictions will have a negative effect, as they are designed to protect people from infection (as a legitimate aim) they can also have a positive effect.
Advancing equality of opportunity				Consideration should be given as to whether any particular measures or adjustments are required to fulfil the requirements of the Public Sector Equality Duty. It is important to make sure the steps implemented do not have an unjustifiably negative impact on some groups compared to others.
Promoting good relations between men and women			X	The Strategic Framework approach to childcare operations should not have a direct impact on the promotion of good relations among and between men and women.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Promoting good relations			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic

**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	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Promoting good relations				We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic

**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	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic
Promoting good relations			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic

**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	X		The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different races at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.

				Whilst the restrictions will have a negative effect, as they are designed to protect people from infection (as a legitimate aim) they can also have a positive effect.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic  Consideration, however, should be given as to whether any particular measures or adjustments are required to fulfil the requirements of the Public Sector Equality Duty. It is important to make sure the steps implemented do not have an unjustifiably negative impact on some groups compared to others.
Promoting good race relations			X	The Strategic Framework should not have a direct impact on the promotion of good relations.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different religions and beliefs at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity			X	We are not aware of any evidence that suggests the these measures will create any particular inequalities for this protected characteristic  Consideration, however, should be given as to whether any particular measures or adjustments are required to fulfil the requirements of the Public Sector Equality Duty. It is important to make sure the steps implemented do not have an unjustifiably negative impact on some groups compared to others.
Promoting good relations			X	The Strategic Framework should not have a direct impact on the promotion of good relations.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation				Section 149(7) of the Equality Act 2010 - the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership

**Title of Proposal: Interventions in Early Learning and Childcare (ELC) and Formal Childcare at All Levels of the Strategic Framework**

**Impact**

The Strategic Framework clearly sets out an intention to prioritise keeping schools and regulated childcare, including early learning and childcare, open while ensuring the safety of children and young people and the staff who have worked hard to keep settings open. Formal childcare refers to daycare of children services and childminders who are registered by the Care Inspectorate to deliver childcare . Formal childcare includes early learning and childcare for 3 and 4 year olds and eligible 2 year olds funded by local authorities under the Children and Young People (Scotland) Act 2014..

We assess the overall impacts of the Strategic Framework at the Level 0 through to Level 3 as being positive for young children, families and childcare, as the measures recommended for each of these Levels would enable ELC and formal childcare settings to continue to operate safely without significant impact on accessibility and capacity, so that:

- Children can access childcare options safely in order to support their learning and wellbeing;
- Families are supported to continue or return to work and other responsibilities;
- The childcare workforce is supported to work in a safe environment.

Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. These may include for example, consistent small cohorts, minimising contact between cohorts, restriction of blended placements. Moving to level 4 does not automatically require the use of these additional measures. The measures put in place in wider society at different levels of the Strategic Framework have been designed to reduce community transmission sufficiently to allow settings to continue to operate. However, there may be circumstances in which, based on clear evidence and public health considerations, these measures will be required. All such decisions will be made in line with the independent advice of local Directors of Public Health.

We know from sectoral engagement that these measures could have the impact of reducing capacity in individual childcare services, depending on their layout, staffing and delivery model, meaning it could be the case that fewer children and families would be able to benefit from childcare provision at current levels if such measures were reintroduced. This would have additional impacts on groups sharing protected characteristics.

The specific potential impacts on those with each of the Protected Characteristics of the introduction of measures associated with the different Levels of interventions set out in the Strategic Framework are set out below. A description of the measures described in the guidance can be found at:

<https://www.gov.scot/publications/coronavirus-covid-19-early-learning-and-childcare-services/pages/scotlands-strategic-framework/>

Advice from the CMO Sub Group on Education and Children’s Issues, which informs guidance can be found at:

<https://www.gov.scot/publications/coronavirus-covid-19-advisory-sub-group-on-education-and-childrens-issues/#history>

<b>Differential</b>	<b>Age: Children and Younger People</b>	Level 0 - 2	The Strategic Framework states that, at Levels 0 –2, childcare settings would remain Open with core protective measures, as set out in the safe reopening guidance for childcare settings published by Scottish Government This would entail settings continuing to operate under Public Health measures in place as contained in the current guidance, which
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			evolve as required, in accordance with evidence. The impact on children would be positive, in that they can continue to access the learning and wellbeing benefits of childcare in a safe environment.
		Levels 3	The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures. These do not further restrict capacity and therefore restrict access to childcare. As for Levels 0-2, the impact on children would be positive as they continue to access the learning and wellbeing benefits of childcare in a safe environment.
		Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>As set out in the Scottish Government’s <i>Initial Impact Assessment on the Strategic Framework for Reopening Schools and Early Learning and Childcare Settings in Scotland</i><sup>107</sup> in the event of settings having reduced capacity, local authorities and providers would be expected to work together in meaningful partnership to meet the needs of local children and families, and if it became necessary to prioritise access to statutory entitlements in a physical setting, decisions about relative need and priority would need to be considered very carefully.</p> <p>As the <i>Initial Impact Assessment on the Strategic Framework for Reopening Schools and Early Learning and Childcare Settings in Scotland</i> also highlighted: given the fundamental right of all children to play, to learning and experiences that meet their physical, social and cultural needs, to associate with their peers, which is reflected in our universal entitlement to funded ELC for 3 and 4 year olds, any restriction of access to ELC provision will therefore impact detrimentally on the rights of every child to these experiences.</p> <p>In line with Scotland’s commitment to Getting It Right For Every Child, children also have the right to the best possible health and that their best interests will be a top priority in all decisions and actions that affect them. If it were considered necessary, in the context of a move to Level 4 of the Strategic Framework, to restrict access to ELC provision for an extended period, we would ensure that the reasons for this were clearly articulated to children and families, referring to the evidence base, to explain why this was in their best interests, and involve them in these decisions.</p>
	<b>Age: Older People</b>	Levels 0-2	The Strategic Framework states that, at Level 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as contained in the current safe operating guidance, which evolve as required in accordance with evidence. The impact on grandparents and older kinship carers would be positive, as they could continue to access formal

<sup>107</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/impact-assessment/2020/05/coronavirus-covid-19-strategic-framework-reopening-schools-early-learning-childcare-settings-initial-impact-assessment/documents/strategic-framework-reopening-schools-early-learning-childcare-provision-scotland-initial-eqia/strategic-framework-reopening-schools-early-learning-childcare-provision-scotland-initial-eqia/govscot%3Adocument/strategic-framework-reopening-schools-early-learning-childcare-provision-scotland-initial-eqia.pdf>

		<p>childcare and not have to provide an increased level of care themselves.</p> <p>Without sufficient mitigations in place, it may be the case that older members of the childcare workforce, or the older relatives of staff and children attending childcare settings, would be at greater risk where settings continued to operate under the level of protective measures in place at Levels 0-3, where capacity would not be impacted, given the evidence indicating older people are more at risk of severe symptoms where they contract Covid-19.<sup>108</sup></p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p> <p>The most recent SSSC workforce statistics indicated that the average (median) age of childminders was 46, while the average (median) age of the general 'day care of children' workforce was 36 years<sup>109</sup> We do not judge that this slightly older average age would have a differential impact on their experience at work.</p> <p>The statistic also showed that 640 out of school care staff were aged 55 to 64. There were 70 who were 65 and over<sup>110</sup></p>
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare. As for Levels 0-2, the impact on grandparents and older kinship carers would be positive, as they could continue to access formal childcare and not have to provide an increased level of care themselves.</p> <p>As for Levels 0-2, without sufficient mitigations in place, it may be the case that older members of the childcare workforce, or the older relatives of staff and children attending childcare settings, would be at greater risk where settings continued to operate under the level of protective measures in place at Level 3, where capacity would not be impacted.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of</p>

<sup>108</sup> <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

<sup>109</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>

<sup>110</sup> <https://data.sssc.uk.com/local-level-data/166-2016-detailed-workforce-information>

		transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”
	Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>Were some children not, in this scenario, able to access their usual level of formal childcare, this could have a negative impact on grandparents and older kinship carers were they required to provide more care.</p> <p>Older people are less likely to have internet access, which would impact online learning options or access to online support or play suggestions. In island communities there is generally a higher age demographic, when compared to mainland locations, in some locations this is further compounded by comparatively poor digital connectivity.</p>
<b>Sex: Women</b>	Levels 0-2	<p>The Strategic Framework states that, at Levels 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as contained in the current safe operating guidance, which evolve as required in accordance with evidence.</p> <p>The impact on mothers of children attending childcare, would be positive as they could continue to attend work where applicable, and to access childcare for their children.</p> <p>In terms of the workforce: staff working in childcare are mainly women: around 100% of registered childminders are women, 96% of staff in day care of children services<sup>111</sup> and 94% of teachers delivering funded ELC are women.<sup>112</sup> This means that any negative impacts on staff in terms of the risk, where sufficient mitigations were not in place, of contracting Covid-19 from childcare settings remaining open at all Levels would fall to women disproportionately.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare. As for Levels 0-2, the impact on mothers of children attending childcare,</p>

<sup>111</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>

<sup>112</sup> <https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition/>

		<p>would be positive as they could continue to attend work where applicable, and to access childcare for their children.</p> <p>As for Levels 0-2, any negative impacts on staff in terms of the risk, where sufficient mitigations were not in place, of contracting Covid-19 from childcare settings remaining open at all Levels would fall to women disproportionately.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."</p>
	<p>Level 4</p>	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>If capacity was reduced in childcare settings, this could impact on staff working in childcare in a number of ways. This would fall disproportionately on women, as staff working in childcare are mainly women: around 100% of registered childminders are women, 96% of staff in day care of children services<sup>113</sup> and 94% of teachers delivering funded ELC are women.<sup>114</sup></p> <p>If childcare capacity were reduced for a significant period of time, there could be risks to jobs for some staff in some childcare settings. It is possible that staff in the shielding category would be advised to avoid settings on a temporary basis in a Level 4 scenario, which could impact on the health and wellbeing of such staff. There could also be enhanced restrictions on staff movement across settings and interactions between adults which would impact on the workforce.</p> <p>In terms of impacts on women as mothers: women generally carry out the majority of childcare and other caring responsibilities (census data shows nine out of 10 single parent households are headed by women), so would likely have been positively impacted by a re-opening of childcare options.<sup>115</sup></p> <p>This re-opening of childcare services (both the funded ELC entitlement, and formal childcare for all-aged children) beyond those which continued to operate during lockdown, providing critical childcare for priority children and families, started from June 2020. Positive impacts from being able to</p>

<sup>113</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>

<sup>114</sup> <https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition/>

<sup>115</sup> <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

		<p>access childcare again could be resources, including food and advice and signposting to more specialist services. Conversely, women with children in formal childcare would be negatively impacted were their children's access to childcare restricted again for any length of time.</p> <p>Research collected across Great Britain by the Office for National Statistics (ONS)<sup>116</sup> found the gap in unpaid work (activities such as childcare, adult care, housework and volunteering) between men and women reduced slightly during lockdown but was still large, with women doing 1 hour and 7 minutes more unpaid work per day than males. While men increased their amount of childcare by 58% between 2014 to 2015 and March to April 2020, they still undertook 15 minutes a day less unpaid childcare than women. Furthermore, individuals living with children spent 35% longer on average providing childcare during lockdown than five years ago, which included helping out with homework. For a child under the age of 8 in the household, women spent 4 hours and 5 minutes caring for a child, compared to 2 hours 50 minutes for men.</p> <p>UK level findings<sup>117</sup> (including Scottish participants) suggested that many parents struggled during lockdown to balance the needs of work and childcare, and this was reflected in a marked increase in adult mental health problems during lockdown, especially for women and parents with young children. Although most families enjoyed spending more time together, Scottish evidence<sup>118</sup> reported that women in households with children had substantially worse mental wellbeing outcomes across all measures than men and were twice as likely to feel lonely.</p> <p>Given the wider evidence on the impact of COVID-19 on low income and lone parent households, lone mothers may be a particularly at risk group during this pandemic. Those with very young children (aged 0-4) saw a significantly larger increase in overall mental health problems (but not severe problems), and this effect is twice as high for women compared to men – perhaps reflecting the uneven distribution of childcare under lockdown. Those with school-age children (aged 5-15) also saw a larger increase in mental health problems (but the effect is not as strong as the younger child group).</p> <p>Research in England<sup>119</sup> found that nearly half of mothers combine paid work with childcare activities (47% compared to 30% of fathers) and are more likely to spend more time on household responsibilities than fathers. The division of childcare and housework is not equally shared – mothers who are still working (where the father is not) share childcare and housework equally. Despite doing less childcare than mothers, fathers nearly doubled the time they spend on childcare during lockdown. Women are also more likely to multitask during work time than men. Mothers were being interrupted during 57% more of their paid work hours than fathers.</p>
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<sup>116</sup> <https://www.ons.gov.uk/economy/nationalaccounts/satelliteaccounts/bulletins/coronavirusandhowpeoplepentheirtimeunderrestrictions/28marchto26april2020>

<sup>117</sup> <https://www.ifs.org.uk/uploads/The-mental-health-effects-of-the-first-two-months-of-lockdown-and-social-distancing-during-the-Covid-19-pandemic-in-the-UK.pdf>

<sup>118</sup> Scottish Government commissioned adult survey on wellbeing and COVID-19 (27 April – 3 May) – pending publication

<sup>119</sup> <https://mk0nuffieldfounpg9ee.kinstacdn.com/wp-content/uploads/2020/04/BN290-Mothers-and-fathers-balancing-work-and-life-under-lockdown.pdf>

		This was not the case before the crisis.
<b>Sex: Men</b>	Levels 0-2	The evidence cited above describes the disproportionately negative impacts on women of having restricted access to childcare. This suggests a lower impact on men.
	Level 3	The evidence cited above describes the disproportionately negative impacts on women of having restricted access to childcare. This suggests a lower impact on men.
	Level 4	The evidence cited above describes the disproportionately negative impacts on women of having restricted access to childcare. This suggests a lower impact on men.
<b>Race</b>	Levels 0-2	<p>The Strategic Framework states that, at Level 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as contained in the current safe operating guidance, which evolve as required in accordance with evidence.</p> <p>The impact on Minority Ethnic children attending childcare and their families, would be positive as they could continue to safely access childcare.</p> <p>There are also potential impacts on members of the workforce from Minority Ethnic communities. 98% of childminding staff and 88% of day care of children staff are from a White ethnicity. There is a high percentage of 'unknown' ethnicity for day care of children staff<sup>120</sup></p> <p>Without sufficient mitigations in place within childcare settings, there could be negative differential impacts on staff from Minority Ethnic communities where settings were open and at normal capacity at Levels 0-3, in terms of the risk of contracting Covid-19.</p> <p>This is indicated by emerging evidence in England<sup>121</sup> and the US that COVID-19 impacts disproportionately on minority ethnic groups.<sup>122</sup></p> <p>The data on deaths during this period (occurring on or after 12 March 2020 and registered by 14 June 2020) shows that deaths amongst people in the South Asian ethnic group were almost twice as likely to involve COVID-19 as deaths in the White ethnic group, after accounting for age group, sex, area-level deprivation and urban rural classification.<sup>123</sup></p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff, including those from Minority Ethnic communities. It should also be noted</p>

<sup>120</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>

<sup>121</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892376/COVID\\_stakeholder\\_engagement\\_synthesis\\_beyond\\_the\\_data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

<sup>122</sup> <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

<sup>123</sup> <https://www.nrscotland.gov.uk/files/statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

		<p>that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare.</p> <p>As for Levels 0-2, the impact on Minority Ethnic children attending childcare and their families, would be positive as they could continue to access childcare.</p> <p>As for Levels 0-2, it may be the case that, without sufficient mitigations in place in childcare settings, members of the childcare workforce from Minority Ethnic communities would be at greater risk where settings continued to operate under the level of protective measures in place at Level 3, where capacity would not be impacted, given the evidence at footnotes 17 and 18 stating that people from Minority Ethnic communities are more vulnerable to severe symptoms where they contract Covid-19.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff, including those from Minority Ethnic communities. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
	Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. . All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>According to 2019 Pupil Census data, data, of children from a White ethnicity, 78% of children are from a White (Scottish) ethnicity, while 12% have a White (other) ethnicity. 8% of children are from a non-White minority ethnic group<sup>124</sup>.</p> <p>2019 data shows that 9.6% of children have a language other than English as their main home language<sup>125</sup>.</p> <p>The data currently collected through the ELC census does not allow us to measure uptake of ELC by ethnicity, however the new ELC census</p>

<sup>124</sup> <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

<sup>125</sup> <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

		<p>(currently being developed) will collect information about a child's ethnicity and enable us to assess impact on this protected characteristic.</p> <p>For some Minority Ethnic families, particularly newer migrant families, language barriers may impact on the parent/carer's ability to engage with services from home. Where families for whom English is not their first language have reduced access to formal childcare due to reduced capacity in the sector, they may be negatively impacted, as more face-to-face interaction with childcare settings may improve their ability to engage with services as opposed to during the closure period, between March and June 2020, when there was more reliance on online/printed resources and guidance.</p> <p>Gaelic medium education (GME) is a distinct sector within Scottish education and aspires to provide a 3-18 education. For the youngest age group, before attendance at school, this will be delivered through access to early learning and childcare (ELC).</p> <p>In 2019 there were 4,631 children in the GME sector. In the same year there were 541 children with Gaelic (Scots) as their main home language<sup>23</sup>.</p> <p>Therefore we can assume that a majority of GME learners do not speak Gaelic at home; consequently, childcare closures will have had a negative impact on the language development of the first language of these children, which could be reinforced by their having access to childcare restricted where capacity was reduced in a Level 4 scenario.</p>
<b>Religion or Belief</b>	Levels 0-2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
<b>Disability</b>	Level 0-2	<p>The Strategic Framework states that, at Levels 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as contained in the current safe operating guidance, which evolve as required in accordance with evidence.</p> <p>The impact on children with disabilities will be positive as they can continue to attend childcare safely.</p> <p>Without sufficient mitigations in place in childcare settings, there could be negative impacts on those within the childcare workforce with disabilities, where settings remain open and at normal operating capacity at Levels 0-3, given the evidence that people with certain disabilities are more at risk of severe illness where they contract Covid-19<sup>126</sup></p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It</p>

<sup>126</sup> <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

		<p>should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare.</p> <p>As for Levels 0-2, the impact on children with disabilities will be positive as they can continue to attend childcare safely.</p> <p>As for Levels 0-2, without sufficient mitigations in place within childcare settings, there could be negative impacts on those within the childcare workforce with disabilities, where settings remain open and at normal operating capacity at Levels 0-3, given the evidence at footnote 20 that people with certain disabilities are more at risk of severe illness where they contract Covid-19.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p> <p>Further mitigation for this those with this protected characteristic is provided by additional guidance on staff with underlying health conditions or who are shielding at level 3.</p>
	Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>A move to Level 4 could also include a recommendation that children on the shielding list not attend settings in person. This could have negative impacts on disabled children attending childcare and their families. A family with a disabled child that is classed as clinically at risk or extremely clinically at risk to COVID-19 found the Phase 1 restrictions particularly difficult. Findings from Inclusion Scotland<sup>127</sup> indicate that some parents were not able to let carers into their house due to a lack of testing or PPE available.</p> <p>The Family Fund ‘Impact of COVID-19’ survey included 232 families in Scotland, seeking to understand how the COVID-19 outbreak affected</p>

<sup>127</sup> <https://inclusionScotland.org/wp-content/uploads/2020/04/Initial-Findings-Report-.pdf>

		<p>families raising disabled or seriously ill children. The findings showed that two in five families lost income; the mental health and behaviour of children was impacted; that the availability of both informal and formal support for children was seriously reduced and that education was one of the most serious concerns<sup>128</sup>. The loosening of restrictions and an increased access to support during Phases 2 and 3 of the Routemap would have helped alleviate some of these issues, but they could become serious challenges again if children could not attend childcare again for a period under Level 4 restrictions.</p> <p>1% of the childminding workforce and 2% of the day care of children workforce are recorded as disabled.<sup>129</sup> For disabled employees working in ELC, there may be a particular negative impact where their disability may make working within enhanced infection measures more complex. In addition, there may be a requirement at Level 4 for staff on the shielding list to take additional precautions in terms of not attending settings, and this may apply to some staff with disabilities.</p>
<b>Sexual Orientation</b>	Levels 0-2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
<b>Marriage and Civil Partnership</b>	Levels 0-2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
<b>Pregnancy and Maternity</b>	Levels 0-2	<p>The Strategic Framework states that, at Levels 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as contained in the current safe operating guidance, which evolve as required in accordance with evidence.</p> <p>Pregnant women are identified as one of the groups who may be at higher risk of severe illness where they contract Covid-19<sup>j</sup>. Without sufficient mitigations in place, pregnant women working in childcare, or who are parents of children attending childcare settings under restrictions in place at Levels 0-2 at normal capacity, could be negatively impacted if their risk of contracting Covid-19 is increased.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary</p>

<sup>128</sup> <https://www.familyfund.org.uk/News/health-and-wellbeing-of-disabled-children-at-risk-under-pandemic-as-government-announces-extra-10-million-funding-for-children-with-complex-needs>

<sup>129</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>

		school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare.</p> <p>Pregnant women are identified as one of the groups who may be at higher risk of severe illness where they contract Covid-19.</p> <p>As at Levels 0-2, without sufficient mitigations in place, pregnant women working in childcare, or who are parents of children attending childcare settings under restrictions in place at Level 3 continuing to operate at normal capacity, could be negatively impacted if their risk of contracting Covid-19 is increased.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
	Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. . All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>In addition, there may be a requirement at Level 4 for staff on the shielding list to take additional precautions in terms of not attending settings, and this may apply to some staff who are pregnant and required to shield.</p> <p>As set out in the text for Levels 0-3, without sufficient mitigations in place within childcare settings, there could be negative differential impacts on staff who are pregnant, where settings were open and at normal capacity at Levels 0-3, in terms of the risk of contracting Covid-19.</p> <p>However, we are satisfied that there are sufficient mitigations in place for operation of childcare at Levels 0-3 as well as Level 4, such that we judge that all those working within the childcare workforce to be at low risk at all Levels. For those staff who are pregnant, these mitigations are strengthened by additional guidance on staff with underlying health conditions or who are shielding at level 3.</p>
<b>Gender Reassignment</b>	Levels 0-4	No evidence of a differential impact identified at this time.
<b>Socio-economic disadvantage</b>	Levels 0-2	The Strategic Framework states that, at Levels 0 -2, childcare settings would remain Open with standard protective measures. This would entail settings continuing to operate under Public Health measures in place as

		<p>contained in the current safe operating guidance, which evolve as required in accordance with evidence.</p> <p>The impact on children facing socio-economic disadvantage will be positive as they can continue to attend childcare safely and access its benefits.</p>
	Level 3	<p>The Strategic Framework states that, at Level 3 childcare settings would remain Open while providing additional protective measures that do not further restrict capacity and therefore restrict access to childcare.</p> <p>As for Levels 0-2, the impact on children facing socio-economic disadvantage will be positive as they can continue to attend childcare safely and access its benefits.</p>
	Level 4	<p>Settings in areas in level 4 may be asked to implement additional public health measures that may affect capacity. . All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>If this were to result in reduced levels of childcare provision being available for children and families facing socio-economic disadvantage, the evidence below suggests that they would be differentially negatively affected.</p> <p>We know from our work on the drivers of child poverty that there are clear risk factors associated with poverty in Scotland. We have identified ‘priority families’ as: those headed by a lone parent, families with a disabled adult or child, young mothers, Minority Ethnic families, families with a child under one year old, and larger families (with three or more children)<sup>130</sup>.</p> <p>Evidence from both UK and international studies of early learning and childcare programmes<sup>131</sup>, including our own Growing Up in Scotland Study<sup>132</sup>, supports the fact that all children, and especially those from disadvantaged backgrounds, can benefit in terms of social, emotional and educational outcomes from attending high quality early learning and childcare.</p> <p>Increased access to high quality childcare in the early years offers opportunities to support young children to develop and learn, to build social skills and networks, and in turn to help reduce the poverty related attainment gap.</p> <p>During the closure period, families with children may have been guided towards online resources for advice and support.</p> <p>The Scottish Household Survey<sup>133</sup> shows households experiencing more</p>

<sup>130</sup> <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/pages/2/>

<sup>131</sup> <http://www.healthscotland.scot/media/1613/rapid-evidence-review-childcare-quality-and-childrens-outcomes.pdf>

<sup>132</sup> <https://www.gov.scot/publications/growing-up-scotland-impact-childrens-early-activities-cognitive-development/>

<sup>133</sup> <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

		<p>deprivation are less likely to have internet access, so disadvantaged parents may face difficulties accessing online support for their children. There are also some connectivity ‘NotSpots’ in some rural and island locations which may act as a further barrier.</p> <p>It is likely that the reopening of childcare settings had a particularly positive impact on families who face socio-economic disadvantage as this would have meant less of a reliance on online resources and guidance that was required during the closure period and that families would have been able to seek or receive wider support through their child’s attendance at childcare settings.</p> <p>We know that for families affected by poverty and disadvantage, access to food during a childcare session (Free Meals at ELC, breakfast clubs and snacks included with afterschool clubs) is a vital support for families. While access to nutritious food has been part of the response during the COVID-19 pandemic, a return to childcare settings will benefit these families.</p> <p>Any increased access to high quality childcare will support young children to develop and learn, to build social skills and networks, and in turn to help reduce the poverty related attainment gap.</p>
<b>Mitigating actions:</b>	Levels 0-2	<ul style="list-style-type: none"> <li>• Ensure the current safe operating guidance is kept up-to-date, and evolves in line with emerging public health advice.</li> <li>• Ongoing engagement with childcare sector at all levels to ensure good understanding of and compliance with the safe operating guidance</li> </ul>
	Level 3	<p>As for Levels 0-2– but with a strengthened focus on compliance, including refreshed risk assessments for staff rooms and other high risk areas. Additional measures set out in the Scottish Government’s safe operating guidance for settings operating at Level 3 are:</p> <ul style="list-style-type: none"> <li>• parents or guardians should discuss with their GP or clinician whether children with the highest clinical risk should still attend</li> <li>• the majority of workplaces can be made safe for staff. To ensure this remains the case, employers should ensure that individualised risk assessments for setting staff members with the highest clinical risk are in place and updated appropriately, and staff should speak to their employer to ensure all appropriate protections are in place</li> <li>• decisions on appropriate protections should be informed by individual risk assessments, and may include protective measures in the workplace, mitigations such as working remotely (e.g. at home or in different settings), or carrying out different tasks within their usual workplace. If protections cannot be put in place, they can discuss whether they need a fit note with their GP or clinician</li> <li>• settings should review use of peripatetic staff, to ensure that staff who by nature of their role support multiple settings only attend settings in person where it is demonstrably in support of the health and wellbeing of young children</li> <li>• staff with a single employer should only work across more than one childcare setting or service when it is absolutely necessary. Risk assessments should be carried out where staff are employed by more than one childcare provider</li> </ul>
	Level 4	The Scottish Government’s safe operating guidance highlights that, at

	<p>Level 4, settings may be asked to implement additional public health measures that may affect capacity.</p> <p>These may include:</p> <ul style="list-style-type: none"> <li>• Consistent small cohorts</li> <li>• Minimising contact between cohorts</li> <li>• Restriction of blended placements</li> </ul> <p>The guidance also makes clear, however, that moving to Level 4 does not automatically require the use of these additional measures. The measures put in place in wider society at different levels of the Strategic Framework have been designed to reduce community transmission sufficiently to allow settings to continue to operate. However, there may be circumstances in which, based on clear evidence and public health considerations, these measures will be required. All such decisions will be made in line with the independent advice of local Directors of Public Health.</p> <p>At Level 4, the current advice is that children on the shielding list should not attend settings in person. However, there will be further consideration of how individualised risk assessments can be used to maximise school attendance, and remove barriers to access to regulated childcare services, for children who continue to shield during Level 4 restrictions. It is expected that these should be informed by the secondary care (hospital) clinical team caring for the child.</p> <p>At all Levels, employers should ensure that individualised risk assessments are in place for staff with the highest clinical risk. At Level 4, to provide additional assurance, the Chief Medical Officer would issue a letter similar to a fit note that would last for as long as the local area is under Level 4 restrictions. This letter could be used in those few cases where, after updating of risk assessments and discussions with employers, it was not possible to make a workplace safe for staff.</p> <p>At Level 4, settings should also be prepared to engage with enhanced testing responses to COVID-19 outbreaks, where recommended by the Incident Management Team. This may include more testing of people who do not have symptoms to support outbreak management, and address areas where we are concerned about transmission. This includes undertaking more testing of close contacts of confirmed cases when recommended by our local health protection teams and more intensive use of other asymptomatic testing.</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?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	<p>Without sufficient mitigations in place, it may be the case that older members of the childcare workforce, or the older relatives of staff and children attending childcare settings, would be at greater risk where settings continued to operate under the level of protective measures in place at Levels 0-3, where capacity would not be impacted, given the evidence indicating older people are more at risk of severe symptoms where they contract Covid-19.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."</p>
Advancing equality of opportunity	X			At levels 0-3, there will be positive impacts for young children, who will be able to continue to benefit from high quality ELC and childcare. At level 4, were there to be a requirement for any additional restrictions, we would work with local authorities to ensure that those who benefit most from high quality ELC and childcare will be prioritised to continue to benefit.
Promoting good relations among and between different age groups			X	The Strategic Framework approach to childcare operations should not have a direct impact on the promotion of good relations among and between different age groups.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating			X	Without sufficient mitigations in place in

unlawful discrimination, harassment and victimisation				<p>childcare settings, there could be negative impacts on those within the childcare workforce with disabilities, where settings remain open and at normal operating capacity at Levels 0-3, given the evidence that people with certain disabilities are more at risk of severe illness where they contract Covid-19.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children’s issues have considered evidence on transmission in school and ELC settings, and refer to evidence “the risk of transmission from children to children and children to adults in primary school and day care settings appears low” and that “that studies suggest that children aged under 10 are less susceptible and less infectious than older children.”</p>
Advancing equality of opportunity			X	Where it is not possible for disabled children or staff to attend or to work in childcare settings due to a requirement to shield at Level 4, there may be a negative impact – but this should be for a limited time period.
Promoting good relations among and between disabled and non-disabled people			X	The Strategic Framework approach to childcare operations should not have a direct impact on the promotion of good relations among and between disabled and non-disabled people.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	<p>Staff working in childcare are mainly women, meaning that any negative impacts on staff in terms of the risk, where sufficient mitigations were not in place, of contracting Covid-19 from childcare settings remaining open at all Levels would fall to women disproportionately.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government’s safe operating</p>

				guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."
Advancing equality of opportunity	X			At levels 0-3, where childcare settings remain open and at full capacity, there will be differential positive impacts for women in particular, as evidence indicates that they undertake a greater share of childcare responsibilities than men.  Whilst women who are mothers could, conversely, be differentially negatively impacted by Level 4 measures if these resulted in reduced capacity in some settings, the guidance is clear that moving to Level 4 does not automatically require the use of additional measures which would lead to restricting capacity.
Promoting good relations between men and women			X	The Strategic Framework approach to childcare operations should not have an impact on relations between men and women.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	Pregnant women are identified as one of the groups who may be at higher risk of severe illness where they contract Covid-19. Without sufficient mitigations in place, pregnant women working in childcare, or who are parents of children attending childcare settings under restrictions in place at all Levels could be negatively impacted if their risk of contracting Covid-19 is increased.  However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating

				guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."
Advancing equality of opportunity			X	<p>Pregnant women are identified as one of the groups who may be at higher risk of severe illness where they contract Covid-19. Without sufficient mitigations in place, pregnant women working in childcare, or who are parents of children attending childcare settings under restrictions in place at all Levels could be negatively impacted if their risk of contracting Covid-19 is increased.</p> <p>However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic workplace risk assessments to manage individual risk for staff. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."</p>
Promoting good relations			X	The Strategic Framework approach to childcare operations should not have an impact on the promotion of good relations for this group.

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

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to childcare operations should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	The Strategic Framework approach to childcare operations should not have an impact on equality of opportunity for this group.
Promoting good relations			X	The Strategic Framework approach to childcare operations should not have an impact on the promotion of good relations for this group.

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to childcare operations should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	The Strategic Framework approach to childcare operations should not have an impact on equality of opportunity for this group.
Promoting good relations			X	The Strategic Framework approach to childcare operations should not have an impact on the promotion of good relations for this group.

**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	Without sufficient mitigations in place within childcare settings, there could be negative differential impacts on staff from Minority Ethnic communities where settings are open at all Levels in terms of the risk of contracting Covid-19, given evidence that minority ethnic groups tend to be disproportionately severely affected by the virus.  However, we expect the risks to be minimized at all Levels by adherence to the Scottish Government's safe operating guidance, and the use of dynamic

				workplace risk assessments to manage individual risk for staff, including those from Minority Ethnic communities. It should also be noted that advice from the CMO advisory sub group on education and children's issues have considered evidence on transmission in school and ELC settings, and refer to evidence "the risk of transmission from children to children and children to adults in primary school and day care settings appears low" and that "that studies suggest that children aged under 10 are less susceptible and less infectious than older children."
Advancing equality of opportunity	X			At levels 0-3, where childcare settings remain open and at full capacity, there will be positive impacts for minority ethnic children and their families as they will continue to benefit from high quality childcare.  Whilst minority ethnic children and their families could, conversely, be differentially negatively impacted by Level 4 measures if these resulted in reduced capacity in some settings, the guidance is clear that moving to Level 4 does not automatically require the use of additional measures which would lead to restricting capacity
Promoting good race relations			X	The Strategic Framework approach to childcare operations should not have an impact on the promotion of good relations for this group.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to childcare operations should not have an impact on unlawful discrimination, harassment or victimisation for this group.
Advancing equality of opportunity			X	The Strategic Framework approach to childcare operations should not have an impact on equality of opportunity for this group.
Promoting good relations			X	The Strategic Framework approach to childcare operations should not have an impact on the promotion of good relations for this group.

**Title of Proposal: Guidance for Informal childcare at All Levels of the Strategic Framework****Impact:**

Informal childcare encompasses care provided by families, neighbours and friends, which may be paid or unpaid. It also includes care provided on a paid basis by nannies (whether agency or self-employed) and babysitters. Generally this care is provided in the place of residence of the child (or children) concerned, but it may take place in the home of the caregiver, or between multiple

**Do you think the policy impacts on people because of their marriage or civil partnership?**

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to childcare operations should not have an impact on unlawful discrimination, harassment or victimisation for this group.

residences for example where friends or relatives share childcare.

Informal childcare is essential for many families, enabling parents (and women in particular) to work and families with a disabled child or parent to access vital support and respite.

The Strategic Framework allows for informal childcare arrangements to continue from Levels 0-3, in line with socialising/household restrictions such as adults and children 12 and over from different households staying at least 2 metres apart from each other; maintaining hand and cough hygiene, avoiding touching hard surfaces with hands, not sharing food or utensils, and if possible, keeping rooms well ventilated. In Levels 0-3 the household restrictions mean that a caregiver can look after children from one other household, unless they are part of an extended household. This might impact on some families where childcare is shared (e.g. one grandparent looks after 2 sets of grandchildren at the same time).

We assess the overall impacts of the Strategic Framework at Levels 0-3 as being positive for children and families, as the measures recommended for each of these levels would enable informal childcare to continue so that:

- Children can access childcare options with trusted adults beyond their household, supporting their wellbeing
- Families are supported to continue or return to work and other responsibilities
- Families with a disabled child or parent can continue to access childcare needed for respite.

At Level 4, the Strategic Framework only allows essential informal childcare which includes keyworkers, those working in permitted workplaces and to support home working where necessary. In these cases only children should enter another household for informal childcare in order to limit contacts between adults. The guidance does permit that the care giver can come to the child's home where it is essential, for example if a child has additional support needs or due to lack of transportation. This measure could potentially have negative impacts on some families, affecting parents' and children's normal routines in relation to supporting work..

If a household has only one adult living in it, this household (including, where applicable, any children who live with the single adult), and the members of one other household (of any size) can agree to form an 'extended household'. The guidance on extended households remains the same across all levels of the strategic framework, therefore, where families have formed an extended household, they will be able to access informal childcare with this other household from Level 0 through to Level 4. There are, however, many families for whom this is not applicable as they are not part of an extended household.

The specific potential impacts on those with each of the Protected Characteristics of the introduction of measures associated with the different Levels of interventions set out in the Strategic Framework are set out below.

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Levels 0 -3	The Strategic Framework states that, at Levels 0-3, informal childcare is permitted, in line with the rules for socialising which although limits household mixing still enables childcare to continue other than for multiple households. The impact on children would be mostly positive in that they can continue to access the wellbeing benefits of informal childcare with a trusted adult. There may be some changes to arrangements for children whose childcare is shared with another family which could result in a possible negative impact for
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		<p>children who enjoy mixing with others as part of this childcare experience.</p> <p>Informal childcare can provide access to opportunities and respite from home for many children and can be a key element for them enjoying their broader rights, such as Article 31 of the UNCRC (Leisure, play and culture) . Allowing most informal childcare to continue supports this positive impact.</p>
	Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to supporting work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare resulting in positive impacts for most children.</p> <p>For some families the restrictions on only children entering the house of the caregiver may mean that their normal childcare options are not available – e.g. if they use a nanny, as they would normally attend the child’s own home to provide care.</p> <p>Informal childcare can provide access to opportunities and respite from home for many children and can be a key element for them enjoying their broader rights, such as Article 31 of the UNCRC (Leisure, play and culture) . While some of children’s rights may be negatively impacted by restrictions required in Level 4, we believe the decisions we have made promote their best interests, their right to life, survival and development and their right to health.</p>
<b>Age: Older People</b>	Levels 0 - 3	<p>The Strategic Framework states that, at Levels 0- 3, informal childcare is permitted, in line with the rules for socialising. The impact on older people would be positive in that they can continue to access the wellbeing and socialisation benefits of providing informal childcare (e.g. grandparents caring for grandchildren). There may also be some negative impacts as a result of older people being at increased risk of exposure to the virus due to household mixing involved in providing informal childcare.</p> <p>The restrictions on household mixing which extend to informal childcare may result in negative impacts for grandparents who may have enjoyed spending time with children from multiple households/ families at the same time which will no longer be possible. This may mean that informal childcare duties are extended or</p>

			<p>more time is spent providing childcare individually for families.</p>
		<p>Level 4</p>	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to supporting work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare resulting in few additional impacts for older people within level 4.</p> <p>The advice on childcare being provided in the caregivers home rather than the child's home may result in some grandparents not being able to continue to provide childcare.</p> <p>We know that older people are more likely to experience circumstances which contribute to poorer mental health, such as poverty, isolation, loneliness and poor physical health. The impacts of the current pandemic may exacerbate these circumstances.<sup>134</sup></p> <p>Older people may be negatively impacted in their wellbeing if they are no longer able to carry out informal childcare duties for their family or friends. This may risk increased feelings of isolation or loneliness among older people as we know from correspondence received over the course of the pandemic that grandparents in particular value time spent looking after their grandchildren.</p> <p>However, we also know that older people are at higher risk for COVID-19. At level 4, those grandparents who continue to provide childcare may feel that they are putting themselves at risk.</p>

<sup>134</sup> <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/pages/15/>

<b>Sex: Women</b>	Levels 0 -3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted, in line with the rules for socialising. The impact of this on women would be positive in that they can continue to access the informal childcare arrangements they need.</p> <p>Women carry out the majority of childcare and other caring responsibilities (census data shows nine out of 10 single parents are headed by women), so would be positively impacted by informal childcare options being permitted.<sup>135</sup></p> <p>For those who rely on shared childcare (e.g. a nanny share, or a grandparent looking after more than one family), there may be an impact on the ability of women to work their normal hours.</p>
	Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to supporting work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare resulting in few additional impacts for women within level 4.</p> <p>Women carry out the majority of childcare and other caring responsibilities (census data shows nine out of 10 single parents are headed by women), so would be negatively impacted by any loss of childcare options.<sup>136</sup> Restricting access to informal childcare by requiring the child to travel to the caregivers home rather than the caregiver coming to the child's home could have an impact on women's ability to continue to work and so negative consequences for women's economic position and gender equality in the medium and longer term. However, Level 4 restrictions have been deemed to be a short term measure.</p> <p>The organisations Engender and Closing the Gap have called for Scotland's COVID-19 response and recovery planning to work well for women and men, for example through changing the norms in the households about how unpaid work, such as caring responsibilities, are</p>

<sup>135</sup> <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

<sup>136</sup> <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

		<p>allocated.<sup>137</sup> Any restrictions to access to informal childcare (however small) may result in women having difficulty in returning to or continuing to work.</p> <p>Research conducted by IFS during lockdown showed that mothers were more likely to have left paid work than fathers and that mothers have seen a bigger proportional reduction of hours of work than fathers.<sup>138</sup></p> <p>Research collected across Great Britain by the Office for National Statistics (ONS)<sup>139</sup> found the gap in unpaid work (activities such as childcare, adult care, housework and volunteering) between men and women reduced slightly during lockdown but was still large, with women doing 1 hour and 7 minutes more unpaid work per day than males. While men increased their amount of childcare by 58% between 2014 to 2015 and March to April 2020, they still undertook 15 minutes a day less unpaid childcare than women. Furthermore, individuals living with children spent 35% longer on average providing childcare during lockdown than five years ago, which included helping out with homework. For a child under the age of 8 in the household, women spent 4 hours and 5 minutes caring for a child, compared to 2 hours 50 minutes for men.</p> <p>UK level findings<sup>140</sup> (including Scottish participants) suggested that many parents struggled during lockdown to balance the needs of work and childcare, and this was reflected in a marked increase in adult mental health problems during lockdown, especially for women and parents with young children. Although most families enjoyed spending more time together, Scottish evidence<sup>141</sup> reported that women in households with children had substantially worse mental wellbeing outcomes across all measures than men and were twice as likely to feel lonely. Given the wider evidence on the impact of COVID-19 on low income and lone parent households, lone mothers may be a particularly at risk group during this pandemic. Those with very young children (aged 0-4) saw a significantly larger increase in overall mental health problems (but not severe problems), and this effect is twice as high for women compared to men – perhaps reflecting the uneven</p>
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<sup>137</sup> <https://www.engender.org.uk/content/publications/Gender--Economic-Recovery--Engender-and-Close-the-Gap.pdf>

<sup>138</sup> <https://www.ifs.org.uk/publications/14861>

<sup>139</sup> <https://www.ons.gov.uk/economy/nationalaccounts/satelliteaccounts/bulletins/coronavirusandhowpeoplepentheirtimeunderrestrictions/28marchto26april2020>

<sup>140</sup> <https://www.ifs.org.uk/uploads/The-mental-health-effects-of-the-first-two-months-of-lockdown-and-social-distancing-during-the-Covid-19-pandemic-in-the-UK.pdf>

<sup>141</sup> Scottish Government commissioned adult survey on wellbeing and COVID-19 (27 April – 3 May) – pending publication

		<p>distribution of childcare under lockdown. Those with school-age children (aged 5-15) also saw a larger increase in mental health problems (but the effect is not as strong as the younger child group).</p> <p>Research in England<sup>142</sup> found that nearly half of mothers combine paid work with childcare activities (47% compared to 30% of fathers) and are more likely to spend more time on household responsibilities than fathers. The division of childcare and housework is not equally shared – mothers who are still working (where the father is not) share childcare and housework equally. Despite doing less childcare than mothers, fathers nearly doubled the time they spend on childcare during lockdown. Women are also more likely to multitask during work time than men. Mothers were being interrupted during 57% more of their paid work hours than fathers. This was not the case before the crisis.</p>
<b>Sex: Men</b>	Levels 0-3	As noted above for women, where men are primarily responsible for childcare (e.g. 1 in 10 single parent households) there may be positive impacts for them in continuing to access informal childcare.
	Level 4	As noted above for women, where men are primarily responsible for childcare, any restriction to informal childcare may result in negative impacts on their ability to access work.

<sup>142</sup> <https://mk0nuffieldfounpg9ee.kinstacdn.com/wp-content/uploads/2020/04/BN290-Mothers-and-fathers-balancing-work-and-life-under-lockdown.pdf>

	<b>Race</b>	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted, in line with the rules for socialising. The impact on Minority Ethnic families would be positive in that they can continue to access the informal childcare arrangements they need.</p> <p>A Close the Gap report in 2019<sup>143</sup> stated that 43% of Minority Ethnic women surveyed used family members for informal childcare. Compared to the 17% reported in the Scottish household survey for parents on the whole, it can be assumed that Minority Ethnic families are more likely to use informal childcare arrangements. Therefore, continued access to informal childcare would have a positive impact for Minority Ethnic families.</p> <p>Families who use shared childcare (e.g. a nanny-share or a grandparent looking after cousins) may be unable to use their normal childcare arrangements. We do not have any evidence that there would be a differential impact on Minority Ethnic families.</p> <p>There is emerging evidence in Scotland and England<sup>144</sup> and the US that COVID-19 impacts disproportionately on Minority Ethnic groups. Providing or accessing informal childcare during the COVID-19 pandemic could have a differential negative impact on Minority Ethnic users/providers in terms of exposing them to a higher level of risk.</p> <p>The data on deaths occurring on or after 12 March 2020 and registered by 14 June 2020, show that deaths amongst people in the South Asian ethnic group were almost twice as likely to involve COVID-19 as deaths in the White ethnic group, after accounting for age group, sex, area-level deprivation and urban rural classification.<sup>145</sup></p> <p>Families with members who have the protected characteristic of race may include adults who do not speak English as a first language, and therefore messaging around informal childcare guidance should be clear and accessible. Messaging should also consider diverse cultural factors.<sup>146</sup></p>
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<sup>143</sup> Close the Gap. Still Not Visible: Research on Black and minority ethnic women’s experiences of employment in Scotland [https://www.closesthegap.org.uk/content/resources/1557499847\\_Still-Not-Visible.pdf](https://www.closesthegap.org.uk/content/resources/1557499847_Still-Not-Visible.pdf)

<sup>144</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892376/COVID\\_stakeholder\\_engagement\\_synthesis\\_beyond\\_the\\_data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

<sup>145</sup> <https://www.nrscotland.gov.uk/files/statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

<sup>146</sup> Expert Reference Group On Covid-19 And Ethnicity Initial Advice & Recommendations On Systemic Issues - September 2020 - [gov.scot](http://gov.scot)

		Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to supporting work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare within level 4.</p> <p>A Close the Gap report in 2019<sup>147</sup> stated that 43% of Minority Ethnic women surveyed used family members for informal childcare. Compared to the 17% reported in the Scottish household survey for parents on the whole, it can be assumed that Minority Ethnic families are more likely to use informal childcare arrangements. Therefore, any restricted access to informal childcare in Level 4, however small, could disproportionately disadvantage Minority Ethnic families.</p> <p>Families with members who have the protected characteristic of race may include adults who do not speak English as a first language, and therefore messaging around these rules regarding Level 4 should be clear and accessible. Messaging should also consider diverse cultural factors.<sup>148</sup></p>
	<b>Religion or Belief</b>	Levels 0-3	No evidence of a differential impact identified at this time.
		Level 4	No evidence of a differential impact identified at this time.

<sup>147</sup> Close the Gap. Still Not Visible: Research on Black and minority ethnic women’s experiences of employment in Scotland [https://www.closesthegap.org.uk/content/resources/1557499847\\_Still-Not-Visible.pdf](https://www.closesthegap.org.uk/content/resources/1557499847_Still-Not-Visible.pdf)

<sup>148</sup> Expert Reference Group On Covid-19 And Ethnicity Initial Advice & Recommendations On Systemic Issues - September 2020 - [gov.scot](http://gov.scot)

<b>Disability</b>	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is still permitted.</p> <p>Children or adults with a disability are at higher risk from COVID-19. Permitting informal childcare could increase this risk by permitting household mixing. This could have a differential negative impact.</p> <p>Families who use shared childcare (e.g. a nanny-share or a grandparent looking after cousins) may be unable to use their normal childcare arrangements. We do not have any evidence that there would be a differential impact on families where the child/parents have disabilities.</p>
	Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to supporting work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare within level 4.</p> <p>As noted for Levels 0-3, children or adults with a disability are at higher risk from COVID-19 and so continuing to permit informal childcare could increase this risk by permitting household mixing. This could have a differential negative impact for this group.</p>
<b>Sexual Orientation</b>	Levels 0 -3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
<b>Marriage and Civil Partnership<sup>149</sup></b>	Levels 0-3	Out of scope for this EQIA.
	Level 4	Out of scope for this EQIA.
<b>Pregnancy and Maternity</b>	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted, in line with the rules for socialising. Pregnant women and new mothers would be impacted positively in that they can continue to access informal childcare where it is needed.</p> <p>Pregnant women are at higher risk from COVID-19 and so allowing them to continue to access informal childcare could increase the risk of transmission through permitted household mixing. This could have a</p>

<sup>149</sup> The protected characteristic of marriage and civil partnership was not considered to be in scope of this Equality Impact Assessment.

			differential negative impact for this group.
		Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to support work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare within level 4. For pregnant women and new mothers who may find it difficult to take children to the home of the caregiver, there may be a short term negative impact during Level 4 restrictions.</p> <p>However during the birth and in the short time following the birth when intensive support may be needed, we would consider this a necessary caring responsibility which reaches beyond informal childcare and so would be exempted under rules which allow essential caring duties to continue.</p> <p>Pregnant women are at higher risk from COVID-19 and so any restriction to informal childcare could have a positive impact in terms of reducing risks of transmission through permitted household mixing.</p>
	<b>Gender Reassignment</b>	Levels 0-3	No evidence of a differential impact identified at this time.
		Level 4	No evidence of a differential impact identified at this time.
	<b>Socio-economic disadvantage</b>	Levels 0 -3	<p>The Strategic Framework states that, at Levels 0 -3, informal childcare is permitted, in line with the rules for socialising. The impact on families facing socio-economic disadvantage would therefore be positive, as they can continue to access informal childcare, which they may rely upon in the absence of formal childcare, which, compared to other families they may be less likely to be able to afford.</p> <p>Families facing socio-economic disadvantage may be at more risk from COVID-19 than more affluent families for a variety of reasons. Allowing continued access to informal childcare could therefore increase the risk of transmission through permitted household mixing. This could have a differential negative impact for this group.</p>

		Level 4	<p>Level 4 of the Strategic Framework states that essential informal childcare is permitted. This includes keyworkers, those working in permitted workplaces and to support work from home where needed. Where informal childcare takes place it is advised that only children should enter the home of another household unless there are extenuating circumstances such as a child with a disability or additional support need. This means that most families will be permitted to continue to access informal childcare within level 4. For parents working atypical hours or in low income work, having to travel to the home of their caregiver rather than have them come to the child's home may have negative impacts on the accessibility of their informal childcare provision.</p> <p>Accessing informal childcare is more likely to be used by parents working atypical hours, as well as those employed irregularly with evidence that lone parents are more heavily reliant on this form of care.<sup>150</sup> Some evidence suggests that younger and more socio-economically disadvantaged mothers may use informal care more frequently (if they have the support network to offer this), but there is some ambiguity in the evidence on who uses informal childcare.<sup>151</sup></p> <p>We know from our work on the drivers of child poverty that there are clear risk factors associated with poverty in Scotland. We have identified 'priority families' who are most at risk of poverty as: those headed by a lone parent, families with a disabled adult or child, young mothers, Minority Ethnic families, families with a child under one year old, and larger families (with three or more children)<sup>152</sup>.</p> <p>There is some ambiguity on who uses informal childcare</p>

<sup>150</sup> <http://www.healthscotland.scot/media/1786/provision-of-early-learning-and-childcare-and-parents-outcomes-an-evidence-brief.pdf>

<sup>151</sup> <http://www.healthscotland.scot/media/1786/provision-of-early-learning-and-childcare-and-parents-outcomes-an-evidence-brief.pdf>

<sup>152</sup> <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/pages/2/>

		<p>but as families with a young mother and those headed by a lone parent are more at risk of poverty and may also be more reliant on informal childcare, Level 4 restrictions, however small, could have a differential negative impact on families from more disadvantaged socio-economic backgrounds, affecting parents' ability to continue to work in non-essential roles and limiting contact between children and their extended families or networks.</p> <p>As noted above, those facing socio-economic disadvantage may be at higher risk from COVID-19 and so any restriction to informal childcare could have a positive impact in terms of reducing the risks of transmission associated with household mixing.</p>
<b>Mitigating actions:</b>	Levels 0-3	<ul style="list-style-type: none"> <li>• Ensure that Parent Club is up to date with health protection messaging and advice on how to stay safe and minimising transmission risk while looking after children from another household.</li> <li>• We understand that some protected groups may be less likely to have access to online resources. We have shared Parent Club with health visitors and schools and childcare providers so that this information can be shared with families in a variety of ways. Parenting organisations (such as One Parent Families Scotland) have also been engaged and have helplines available in order to provide support and guidance.</li> </ul>
	Level 4	<ul style="list-style-type: none"> <li>• For those parents and children whose access to childcare may be temporarily reduced, we would ensure support and advice was again provided via the Parent Club website, which during lockdown developed a specific coronavirus hub of information, support and resources across a range of issues that parents, carers and children faced e.g. learning at home, balancing childcare/ learning and working from home, child and adult mental health, activities and play, positive parenting, financial information and keeping children safe online. The hub also acted to keep parents informed with the latest information about the coronavirus restrictions.</li> <li>• We are working with local authorities to ensure support for the most vulnerable families who are affected by local restrictions. This includes recognition that some families may be losing income and other types of support.</li> </ul>

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

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity	X	X		<p>At Levels 0-3, there will be positive impacts for children, who will be able to continue to receive informal childcare from nannies, babysitters, extended family or family friends.</p> <p>There will also be positive impact for older people, grandparents in particular, who will benefit from being able to provide informal childcare where this is needed.</p> <p>At level 4, there could be some negative impact for children and some older people who will not be able to interact with informal childcare.</p> <p>For older people there may also be negative impacts across all levels due to the increased risk of COVID-19 infection associated with age.</p>
Promoting good relations among and between different age groups			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity		X		<p>In Level 4, where essential informal childcare is permitted, families with a disabled child or parent who rely on informal childcare for respite may think that this is not allowed. We must ensure that SG communications, which needs to be provided in accessible formats stresses that respite is allowed under “essential caring duties”, and that this informal childcare can continue.</p> <p>Where it is not permitted for a disabled child</p>

				<p>to receive informal childcare in their own home, where they may have supportive equipment or adapted spaces, there may be a negative impact.</p> <p>Disabled children will still be permitted informal childcare in Level 4. Where it makes sense to have this in the child's home rather than the informal care-givers, due to the child's disability, this will be allowed. Advice on Parent Club will reflect this.</p>
Promoting good relations among and between disabled and non-disabled people			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity	X	X		At Levels 0-3, where informal childcare is permitted, there will be positive impacts for women in particular, as evidence indicates that they undertake a greater share of childcare responsibilities than men. At Level 4, where essential informal childcare is permitted for (and with only children entering the home of another household), there may be negative impacts for women as they undertake a greater share of childcare responsibilities than men.
Promoting good relations between men and women			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful			X	The Strategic Framework approach to informal childcare should not have an

discrimination, harassment and victimisation				impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity	X	X		At Levels 0-3 where informal childcare is permitted, there will be positive impacts for pregnant women and those with young babies. They would be able to access informal childcare as they need for support. There may be a negative impact associated with pregnant women being more at risk from COVID-19 and the greater risk of transmission associated with permitted informal childcare. In Level 4 there may be a negative impact if women cannot access this support but a positive impact for pregnant women in relation to protection from household mixing associated with informal childcare.
Promoting good relations between those with this protected characteristic and other groups			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.

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

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity			X	The Strategic Framework approach to informal childcare should not have an impact on advancing equality of opportunity for this protected characteristic.
Promoting good relations between those with this protected characteristic and other groups			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity			X	The Strategic Framework approach to informal childcare should not have an impact on advancing equality of opportunity for this protected characteristic.
Promoting good relations between those with this protected characteristic and other groups			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity	X	X		<p>In level 4, where essential informal childcare is permitted there could be positive and negative impacts on families who share this protected characteristic.</p> <p>There is some evidence that those from Minority Ethnic backgrounds who are infected with COVID-19 are at a higher risk of severe disease. The restrictions on some informal childcare could therefore have a positive impact on Minority Ethnic families who would normally use informal childcare as it could reduce household to household interactions that can increase the risk of transmission.</p> <p>Evidence suggests that Minority Ethnic families may use informal childcare with family members at a higher rate than parents on the whole. This means that</p>

				the limitations on informal childcare at Level 4, where essential informal childcare is permitted for (and with only children entering the home of another household), could have a disproportionate negative impact on Minority Ethnic families, affecting parents' ability to continue to work in non-essential roles and limiting contact between children and their extended families or networks.
Promoting good relations between those with this protected characteristic and other groups			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.
Advancing equality of opportunity			X	The Strategic Framework approach to informal childcare should not have an impact on advancing equality of opportunity for this protected characteristic.
Promoting good relations between those with this protected characteristic and other groups			X	The Strategic Framework approach to informal childcare should not have an impact on promoting good relations for this protected characteristic.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

The protected characteristic of marriage and civil partnership was not considered to be in scope of this Equality Impact Assessment.

## **CONCLUSION**

64. The Strategic Framework and the levels approach are intended to balance the restrictions necessary to protect people from the direct harms to health from catching the virus, with the unintended potential harms the restrictions may have on isolation, wellbeing and the economy.
65. The challenges presented by restrictions that increase in severity as the levels go on, are significant for both organisations and individuals, and are often more severe for those with protected characteristics.
66. These include, but are not limited to, increased risk of isolation, economic uncertainty, and undermining of wider wellbeing. We have considered the wide range of impacts, both intended and unintended, of the restrictions across all the levels and have sought to mitigate them wherever possible, while simultaneously protecting the health of the public, and focussing on our primary objective of reducing the spread of the virus.
67. We will continue to keep the levels and restrictions under review, and take all decisions based on the best available evidence. Our approach will continue to be informed by assessments under the impact of the four harms, while also taking into account other important considerations, including equality impacts.

68. We will continue to work with representatives of the industries discussed in this Impact Assessment and other stakeholders to ensure we are doing everything possible to support them and their customers, users and employees – including those with protected characteristics – as we take the measures necessary to suppress the virus and save lives.

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