

EQUALITY IMPACT ASSESSMENT

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) 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) 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

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extended by amendment until 6.00 am 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 (Levels regulations) implemented the new strategic framework and were published on 30 October and came into effect at 0600 hours on 2 November 2020. These regulations revoked 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 and transparent. 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. 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 or proportionate for the Level 0 Restrictions, Level 1 Restrictions, Level 2 Restrictions, Level 3 or Level 4 Restrictions to apply to a specified area, the Scottish Ministers must amend the Levels Regulations so that those restrictions no longer apply to that area.
12. The *Framework for Decision Making* makes clear that the reviews will be informed by assessments of options for relaxation or restriction under their impact on the four harms, their viability, and broader considerations including equality impacts, the impact on individual rights and consideration of measures, for example, for specific geographies and sectors.
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.

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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 groups¹, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and over 2 times more likely in African and Afro-Caribbean people².
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, such as expectations for employers to support the wellbeing of those who return to work in hospitality settings. However, all measures are given thorough consideration on the basis of their impact, including on equality and human rights³.

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 moved 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.

Socialising Measures

19. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (“the Amending Regulations”) make amendments to the limits on the numbers of people that can meet indoors and outdoors. Our aim in doing this is to reduce the chance for the virus to spread, while allowing households the opportunity to socialise.
20. Level 0 allows indoors socialising of 8 people from up to 3 households (with limited exceptions). As originally made, the Levels regulations provided for outdoor gatherings of up to 15 people (from up to 5 households) to be permitted in public places. The Amending Regulations will bring outdoor gatherings in private dwellings (for example, gardens) into line with those numbers.
21. The Regulations would have permitted up to 15 persons who are under 18 years of age, where at least one is between 12 and 17 years old, to gather outdoors in public places in Level 0 areas. In private outdoor spaces, the equivalent limit was (and remains) 8 persons rather than 15.

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

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

3 A summary of equality and Fairer Scotland evidence was published for Phase 1 and 2 of the 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/>

22. The Amending Regulations reduce the limit for persons under 18 years of age meeting outdoors in public places to 8 persons (with in effect a household limit of 8), bringing the limit for outdoor public places into line with that in the Regulations for outdoor gatherings in private dwellings.
23. Through provision made in the Amending Regulations, at Level 1, in-home socialising (gatherings indoors in private dwellings of up to 6 people from up to two households, with limited exceptions) is allowed in the three Islands areas (Orkney islands, Shetland Islands and Na h-Eileanan Siar).[In other Level 1 area in-home socialising remains prohibited. [In all Level 1 areas, gatherings of up to 6 people from up to 2 households are permitted in public places (indoors and outdoors) and outdoors in private dwellings.. The Regulations provide for this to increase to 8 people (from a maximum of 3 households) from 19 November for gatherings outdoors in public places.
24. The Scottish Government’s 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.

Face coverings

25. The Amending Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to require face coverings to be worn in certain settings which had not previously been able to open before the levels-based approach was introduced. These settings are soft play centres, indoor theatres, conference centres, comedy clubs, and concert halls and sports stadiums. This change brings the requirement to wear a face covering in these settings into line with similar indoor public venues.
26. The Amending Regulations also provide a new exemption for the purpose of performing, presenting, addressing a public gathering, making a speech or being a panel member. The exemption only applies if there is a partition separating the individual from others or if two metre distancing can be maintained.

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SOCIALISING MEASURES

In completing this assessment we are mindful of the requirement to have due regard to the three needs of the Public Sector Equality Duty (PSED): to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not. The impact assessment identifies where measures may positively impact on one or more of the protected characteristics⁴, and also recognises that the introduction of the measures may have a disproportionate negative impact on one or more of the protected characteristics. Where any negative impacts are identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We have sought to do this through support and guidance available.

COVID-19 virus transmission occurs primarily through close contact between individuals. Evidence continues to indicate that the virus can be transmitted by respiratory droplets and aerosols and direct contact with surfaces contaminated with virus. Close-range transmission is likely to be the most significant and is strongly associated with proximity and duration of contact in indoor environments. A range of social and residential settings have been associated with transmission, which includes crowded indoor settings.⁵ A variety of interventions to combat the transmission of the virus have been adopted across the UK.⁶ Limiting socialisation, particularly indoors, is one of the main interventions adopted to limit the number of individuals meeting up to reduce the risk of transmission.

Nevertheless, there is an increased risk of transmission where larger numbers of households meet, even outdoors. On that basis, clinical advice suggests that 8 households should be the largest permitted size of gathering, even outdoors.

While the Scottish Government is of the view that restrictions on socialising are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, thereby safeguarding the right to life, it is also recognised that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused. The Levels Regulations therefore require the Scottish Ministers to review the measures imposed by the Regulations at least once every 21 days and must terminate any restriction or requirement as soon as it is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of coronavirus in Scotland.

Impact: The Amending Regulations are intended to reduce the impact of the virus spreading while enabling households and people to still meet, to maintain essential social networks.

The measures allow people to connect, with variable restrictions, to groups of family and friends. They may be of particular benefit to mental health and wellbeing, allowing some social activities.

The measures represent a restriction to normal life, although not as impactful as the Lockdown phase.

Physical distancing requirements still apply.

For some people the tighter limits in these measures may decrease anxiety and pressure to meet up with friends and families when they would rather stay at home. At the same time, the limits may increase anxiety and feelings of social isolation for people wishing to spend time with a wider range of families and households.

If hygiene and physical distancing measures are not followed, the measures could lead to increased rates of infection.

Difference	Age: Children and Younger People	Level 0 and Level 1	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.
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⁴ Section 4 of the Equality Act 2010

⁵ <https://www.gov.uk/government/publications/transmission-of-sars-cov-2-and-mitigating-measures-update-4-june-2020>

⁶ <https://www.gov.uk/government/publications/summary-of-the-effectiveness-and-harms-of-different-non-pharmaceutical-interventions-16-september-2020>

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			<p>Some children and young people may be at a greater risk of neglect, physical abuse, emotional abuse or sexual abuse in the home due to increased family pressures.</p> <p>For children and young people experiencing adverse home conditions, the ability to see more people inside and outside the home may alleviate the situation, gaining emotional support from others, and support to access specialist support organisations.</p> <p>The measures in these Levels could help improve a child’s wellbeing by giving them access to a wider range of relatives or family friends from another household.</p> <p>Play is a right for children under United Nations Convention on the Rights of the Child (UNCRC), so anything that could impact on children’s opportunity to play needs to be carefully considered.</p> <p>Although there can be anxiety about peer pressure not to comply with distancing rules, this may be reduced for some by maintaining the revised guidance making clear that children under 12 need not physically distance in some settings.⁷</p> <p>Younger people (18-24) are more likely to be working in low paid jobs and sectors that are most affected by the restrictions. The mental health benefits and life opportunities for those entering and new to the work place, and the limitations on opportunities to socialise in the home and more generally, will have an impact on their emotional wellbeing.</p>
	<p>Age: Older People</p>	<p>Level 0 and Level 1</p>	<p>These measures allow for continued enhanced households to meet and, even in higher levels, exemptions are made to ensure that older people can continue to be provided with care. This may be particularly beneficial for older people living alone and for those older people who are unable to live independently, for whom time with family may be particularly precious. Although, the likelihood of feeling lonely did not vary by age pre-pandemic, those living in lone households, where the inhabitant is over-65, are more likely than average to experience loneliness.</p> <p>More generally, older people may be at greater risk of social isolation and more likely to have hearing loss and vision issues impacting on their ability to e.g. communicate on the phone, listen to the radio, watch TV, etc. They will be taking enhanced physical distancing precautions but may find it harder to distance if they can’t hear or see very well. They are also less likely to use the internet/online communication (especially if aged 75 or older), and are more reliant on public transport to access local shops which could increase risk and isolation.</p> <p>Older people who live independently are more likely to be unable to leave their</p>

⁷ <http://www.gov.scot/publications/coronavirus-covid-19-phase-3-staying-safe-and-protecting-others/pages/seeing-friends-and-family/>

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			<p>house or more likely to feel most comfortable in home surroundings. Older people are less likely to benefit from opportunities in these measures to meet other people out of doors, particularly if they do not have a private garden, or are unable to tolerate colder weather (if they have a health condition, which many older people have - those aged 55+ are more likely to have a long-term health condition than not to have one)⁸, they will be able to meet some friends or family indoors (at level 0). The measures could, therefore, partially mitigate against loneliness for such people. These measures could particularly benefit grandparents. The ongoing opportunity to form extended households may also help some single older people who have no family.</p> <p>Older people who live in a care home may feel anxious about minimal restrictions, as almost half of deaths (46%) in Scotland involving COVID-19 up to 31 May 2020 had happened in care homes; but they may also derive wellbeing benefits from being able to have more visitors.</p>
	Sex: Women	Level 0 and Level 1	<p>Women are more likely to be main carers, including for any sick, disabled, or frail person, or children, and are twice as likely to give up work to carry out unpaid care and support. This means that limits on social gatherings are more likely to have an impact on women's interaction with individuals outside their household.</p> <p>The ability to socialise with a wider number of people at these levels, as long as physically distanced, could be beneficial especially for lone parents, the majority of whom are women. Women spent far more time than men caring for children on average in 2014-15 and were more likely to be looking after the home or family in 2018. Time use data for Great Britain shows that although men spent more time doing unpaid childcare in lockdown than they did in 2014-15, women continue to spend more time doing so.</p> <p>Allowing non-cohabiting couples or extended households to meet will benefit women who are lone parents. Being able to make use of informal networks to share the work of unpaid caring (as well as childcare and other unpaid work) could reduce pressures on women's time and make it somewhat easier for them to balance unpaid work with employment, as well as improving their wellbeing. At all levels, there is an exemption from the restrictions on gatherings for childcare.</p> <p>The opportunity for children to play in public spaces is good for children's physical and mental health. Women tend to be responsible for most of the childcare, and the opportunity for children to play in public spaces may make it easier for women with caring responsibilities. This is particularly the case for women who do not have access to a private outdoor space.</p> <p>Before the pandemic, women met socially with friends, relatives, neighbours or colleagues more regularly than men and so might be more likely to have missed doing so. Opportunities for women to meet with others may therefore help in decreasing loneliness and may also help to increase access to support networks. The measures may in turn help them increase their economic activity.</p>

⁸ Older people are more likely to have a long-term health condition than not to have one (55+) and more likely to be disabled (have a limiting long-term health condition) than not to be (75+). Source: <https://www.gov.scot/publications/inequalities-by-age-in-the-context-of-covid-19-slide-pack/>

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		For women experiencing domestic abuse, the ability to see more people inside and outside the home may alleviate the situation, help them to gain emotional support from others, and offer more opportunities to seek support.
Sex: Men	Level 0 and Level 1	No evidence of a differential impact identified at this time. Positive benefit of these limited restrictions for men as allows them to engage in activities such as work, leisure and socialising.
Race	Level 0 and Level 1	<p>People from minority ethnic groups have a greater risk of the most serious outcomes of contracting the virus. There is clearer evidence of increased risks of serious illness due to COVID-19 in those of South Asian origin. There is evidence of an increased risk of hospital admission due to COVID-19 among those of Black, Caribbean or African ethnicity.⁹ For these groups there will be a balance between welcoming the measures in these levels with the potential at these levels for a higher risk of transmission.</p> <p>The ability for people living alone to interact with more households and people indoors (at level 0) and outdoors is important to combat the negative effects of loneliness, which is disproportionately higher for this group. Feelings of loneliness are highest in single-occupier households¹⁰ 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 2011.¹¹</p> <p>For people for whom English is not their first or only language, the ability to take part in social meetings with other people who speak their preferred language will be helpful for sharing knowledge and getting emotional and practical support. This can be particularly beneficial when public health information is changing rapidly and translations are not keeping pace. Community discussion of the current measures can augment other dissemination processes.</p> <p>As people from a minority ethnic background are more likely to live in flats, potentially leading to overcrowding, the opportunity to meet with friends and family outside will be very important, with additional value to people with limited or no private outdoor space. At level 0 the ability to meet more people outdoors will be particularly beneficial.</p> <p>There is some evidence at UK level ¹² to suggest a high prevalence of mental health issues amongst minority ethnic communities so these levels will still provide opportunities for individuals to connect with family socially, alleviating the impact of restrictions for people suffering a range of mental health issues, including anxiety and depression. However, the restrictions may still be a barrier for larger households wishing to meet together. There is a</p>

⁹ <https://beta.isdscotland.org/find-publications-and-data/population-health/covid-19/covid-19-statistical-report/12-august-2020/>

¹⁰ [Scottish Household Survey 2018](#)

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

¹² <https://www.ethnicity-facts-figures.service.gov.uk/health/mental-health/adults-using-nhs-funded-mental-health-and-learning-disability-services/latest#:~:text=Ethnic%20group%20is%20a%20required%20piece%20of%20information,includin%20independent%20sector%20providers%2C%20to%20submit%20MHSDS%20data.>

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		<p>higher likelihood of minority-ethnic communities living in multi-generational families.¹³</p> <p>When restrictions are lowest, there may be a need for further advice on self-isolation or shielding for members of minority ethnic communities living in multigenerational households, as it may be more difficult for them to be apart from other people.</p> <p>Some people may find it harder to self-isolate including Gypsy/Travellers living in cramped accommodation; seasonal migrants in communal accommodation; and asylum seekers and refugees in shared accommodation. This level may make it easier for these groups to self-isolate as the people with whom they share accommodation will be able to go out and meet with others more often.</p> <p>If information is not available in different languages and formats, some people may not understand the measures. It is important that communication and information is delivered in a range of different languages and formats other than English.</p>
Religion & Belief	Level 0 and Level 1	<p>Hindus, followed by Buddhists and Muslims, were most likely to be living in 'flats or temporary structure' accommodation in 2011 and so may be less likely to have access to private outdoor space. They may therefore benefit from the measures at these levels, including the increased outdoor activity being permitted.</p>
Disability	Level 0 and Level 1	<p>Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the pandemic, so being able to meet up with friends and family at these lower levels might have particularly positive impacts. In 2018, a higher percentage of disabled 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%).</p> <p>Disabled people may be more likely to be unable to leave their house, or feel more comfortable inside (especially if their home has adaptations or specialist mobility equipment) and therefore may particularly benefit from being able to have visitors at home at these levels.</p> <p>Disabled people are more likely to be financially vulnerable, with many working in the sectors most affected by Covid restrictions, such as hospitality, so meeting in homes can be more viable than meeting in cafes or other settings that incur expense.</p> <p>Measures at these levels allow for a range of sources of support for disabled people, in addition to the carers permitted. This could have a positive impact on mental wellbeing from reduced isolation while feeling protected from the virus.</p> <p>Those with health conditions might feel anxious about allowing people into their homes due to the increased risk of infection but may perhaps feel pressure to do so, or may not be given the option if visitors or other household members make the decision. Measures around meeting up with others could lead to an</p>

¹³ <https://www.gov.scot/publications/inequalities-by-ethnicity-in-the-context-of-covid-19-slide-pack/>

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		<p>increased risk of contracting COVID-19. This would disproportionately affect some disabled people.</p> <p>There may be anxiety about face coverings/masks, and communication may be problematic for some people such as deaf people and BSL signers. This may create further anxiety and disadvantages.</p> <p>Without information in accessible formats, information may not be understood or be more difficult to understand.</p>
Sexual Orientation	Level 0 and Level 1	Inviting lesbian, gay and bi-sexual (LGB) people into the home may not be an option for people who live in a homophobic environment, so the opportunity for some to meet with friends and peers who are also part of the LGB community outside of their household may be positive. This can be particularly beneficial for LGB young people who are not able to be open about their sexual orientation at home.
Marriage and Civil Partnership	Level 0 and Level 1	No evidence of a differential impact identified at this time. If people are married or civilly partnered, and don't live alone, the restrictions will have generally less impact in terms of isolation compared to those who do live alone. It is noted that there is an exemption in the Regulations for a marriage ceremony or civil partnership registration, and that guidance specifies limits as to how many people are allowed attend.
Pregnancy and Maternity	Level 0 and Level 1	<p>Loneliness is higher than average among those in lone parent households. The majority of lone parents are women. The Route Map measure allowing non-cohabiting couples or extended households to meet will have benefited women who are lone parents</p> <p>Being able to meet people inside and outside the home at these levels will provide a source of social support and community for pregnant women, who may ordinarily (pre-Covid) have expected to attend ante-natal classes and groups. Some of these groups may be possible under these levels, with hygiene and distancing precautions.</p> <p>Allowing households with younger children to meet will enable mutual support and bonding, potentially improving the mental health of both parents and children.</p>
Gender Reassignment	Level 0 and Level 1	No evidence of a differential impact identified at this time.
Socio-economic disadvantage	Level 0 and Level 1	<p>Any increase in risk of contracting COVID-19 due to the more relaxed measures on meeting up with others at these levels 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.¹⁴</p> <p>Although level of deprivation does not directly lead to social isolation, as</p>

¹⁴ https://public.tableau.com/profile/phs.covid.19#/vizhome/COVID-19DailyDashboard_15960160643010/Overview

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			<p>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.¹⁵</p> <p>A higher proportion of people living in the most deprived areas compared to those living in the least deprived areas provide regular support or care for a sick, disabled or frail person.¹⁶ Being allowed to meet people from other households indoors (at level 0) may encourage physical unpaid caring in cases where the carer does not live with the person that they provide care for. Caring has been permitted at all stages of the pandemic, but some carers may have felt worried or anxious.</p>
Mitigating actions:		Level 0 and Level 1	<p>To promote the positive effects of these measures, extensive effort is being put into communications through a range of media including broadcast and social media.</p> <p>These measures are targeted at the maximum number of people where needed to protect those who are most at risk of the worst effects of the virus, and in greatest need of support, and broadening the positive impact from earlier Route Map phases for those who are most at risk of social isolation.</p> <p>Actions have been and are being put in place to maximise use of outdoor areas, such as publication of guidance on the safe opening of public and customer toilets during the coronavirus pandemic.¹⁷</p> <p>Impacts, particularly for older and disabled people, as well as lone parent, have been lessened at these levels by continuing to allow households to meet indoors (at level 0, subject to a maximum person and household limit), and outdoors, with children under 12 not counted in the person/household limit for a gathering in a private home outdoors.</p> <p>Impacts, particularly for women and other carers, have been lessened by providing specific exceptions for childcare and providing care or assistance to a vulnerable person.</p> <p>By allowing the opportunity to form extended households, these measures continue to mitigate the differential impacts.</p> <p>Higher levels of restriction are imposed where needed with the specific aim of being able to reduce transmission and so move more rapidly to lower levels of restriction.</p>

¹⁵ [Scottish Household Survey 2018](#)

¹⁶ [Scottish Health Survey 2018](#)

¹⁷ Coronavirus (COVID-19): opening public and customer toilets

<https://www.gov.scot/publications/coronavirus-covid-19-public-and-customer-toilets-guidance/>

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Face coverings			
<p>The Levels Regulations set out that face coverings must be worn on public transport, in a range of indoor public places, and in communal areas of workplaces where 2m distancing or screens are not in place. The Levels Regulations also set out a number of exemptions to these rules, which apply to different settings. These provisions apply across all levels.</p> <p>Levels 0 and 1 allow some additional business premises to reopen which were not previously listed in the places where a face covering must be worn</p> <p>Where more businesses and public services are permitted to re-open, the risk of COVID-19 infection and transmission in the community will increase, especially for those more susceptible to severe illness.</p> <p>There is evidence that face coverings prevent transmission of the virus in certain circumstances, particularly poorly ventilated and (crowded) enclosed spaces. However, they should be used in addition to and not instead of the core public health measures.</p> <p>While it is recognised that face coverings alone cannot protect from COVID-19, the introduction of mandatory face coverings in a wider range of settings, in conjunction with physical distancing and hand hygiene measures, is likely to reduce the risks of transmission of the virus.</p> <p>People with breathing difficulties, those with physical conditions which make face covering usage difficult, and young children could find the mandatory use of face coverings to be challenging. However under such circumstances they may be exempt from the requirement or have a reasonable excuse not to wear a face covering. People suffering from mental health conditions such as anxiety or panic disorders may also find the mandatory use of face coverings a challenge. However, an exemption is allowed where wearing a face covering would cause difficulty, pain or severe distress or anxiety to the wearer or the person in the care of the wearer.</p> <p>Those aged under 5 are exempt from wearing a face covering on safety grounds.</p> <p>The previous exemptions for not wearing a face covering have therefore been retained and additional exemptions for specific spaces under certain circumstances will be added where the evidence suggests these are necessary. As the evidence suggests that face coverings provide some level of protection against transmission from the wearer to other people in close proximity, our policy is focussed on wearing a face covering to protect others.</p> <p>Increasingly the range of settings in which face coverings are mandatory would therefore benefit all people, including those who have an exemption as described above, by making them feel safer and reducing their risk of infection. An important point is that these benefits would be experienced even by those who are exempt from the mandatory requirement.</p>			
Differential impacts	Age: Children and Younger People	All levels	<p>There are no particular age groups that would be more disadvantaged by extending the range of settings in which the use of face coverings is to become mandatory. These settings are likely to be frequented by people of all age groups.</p> <p>For safety reasons, there is no requirement that children under the age of 5 use face coverings (under the regulations they are exempt). The exemption for taking part in exercise of a type which reasonably requires that the person is not wearing a face covering may also apply to children taking part in activity in venues such as a soft play centre.</p> <p>There are no specific requirements on the nature of face coverings other than they cover the nose and mouth so a suitable and comfortable garment of a fabric and design suitable for children could be found.</p>
	Age: Older	All levels	We have consulted Age Scotland when developing the previous face coverings

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People		<p>restrictions.</p> <p>Older people are at higher risk of developing more severe symptoms when infected. Extending the mandatory use of face coverings to a wider range of settings is likely to lower risk of transmission of the virus, which is likely to reduce harm and offer more reassurance to older people.</p> <p>Older people with advancing dementia or Alzheimer's may have additional challenges adhering to face covering rules. We have engaged with colleagues leading on carers policy to agree the groups who are exempt from the mandatory requirement on the grounds of health, disability or severe distress. This includes those with dementia or Alzheimers.</p> <p>For some people with Alzheimer's it can be distressing to see their carer wearing a face covering as they are unable to recognise them. Therefore a person is exempt from wearing a face covering if it cause.</p>
Sex: Women	All levels	<p>It is unlikely that these measures will have a specific differential impact for women. However, as women tend to be the main carers for children, they may be more likely to experience resistance from children who find face coverings uncomfortable.</p> <p>There is a higher ratio of women to men in older age groups, reflecting women's longer life expectancy. Because older people are at higher risk of developing more severe symptoms when infected, extending the mandatory use of face coverings to a wider range of settings is likely to have a greater benefit to women overall.</p>
Sex: Men	All levels	<p>It is unlikely that these measures will have a specific differential negative impact for men but there may be some particular benefits for men. Men appear to be more seriously affected by coronavirus once it has been contracted. 53% of hospital admissions were men and 47% were women, and more men than women have been admitted to ICU. Age-standardised death rates (adjusting for the age-structure of the population) were almost 50% higher for men than for women, so face coverings may be of greater benefit in reducing the spread of coronavirus and associated morbidity and mortality for men.</p>
Race	All levels	<p>It is unlikely that these measures will have a differential impact for specific racial groups. There are no particular racial groups that would be more disadvantaged by extending the range of settings in which the use of face coverings is to become mandatory. These settings are likely to be frequented by people of all races.</p>
Religion & Belief	All levels	<p>It is unlikely that these measures will have a specific differential impact. There are no particular religious or faith groups that would be more disadvantaged by extending the range of settings in which the use of face coverings is to become mandatory. These settings are likely to be frequented by people of all groups. Religious face coverings that cover the mouth and nose also fulfil the purposes of the regulation.</p>
Disability	All levels	<p>We have consulted with a range of Disabled Peoples Organisations: Glasgow Disability Alliance; Disability Equality Scotland and Inclusion Scotland in developing previous versions of the Regulations. We also reviewed evidence submitted to COVID-19 Committee Call for Evidence by the charities Royal Blind and Scottish War Blinded.</p>

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		<p>People living with sight and hearing loss may find that extending the mandatory use of face coverings could create new communication barriers, and blind and partially sighted people have reported coverings can also affect people's speech therefore making it harder for them to hearing.</p> <p>We have included, as an exemption for not wearing a face covering, where a person cannot put on, wear or remove a face covering in order to communicate with a person who has difficulties communicating (in relation to speech, language, facial expression or otherwise).</p> <p>Excluding face shields from the definition of face coverings is likely to have a more detrimental impact on those who rely on lip reading. The face coverings guidance therefore makes clear that when communicating with someone who relies on lip reading and facial expressions, you are permitted to remove your face covering to communicate. To the best of your ability you should maintain 2 metres distance while doing so.</p> <p>Face coverings may also present challenges for people with a restricted field of vision, where any residual vision is at the lower edge of the usual field of view.</p> <p>Learning disabled or autistic adults and children may also struggle to understand and/or comply with new measures. For this reason, we have engaged with colleagues leading on carers policy to agree the groups who are exempt from the mandatory requirement. This includes those with learning disabilities. It is important to weigh this up against the evidence that Covid-19 particularly affects those with a pre-existing medical conditions.</p> <p>Some disabled people are more likely to experience severe ill health from contracting Covid-19 than the general population, due to a higher incidence of pre-existing health conditions and poorer overall health within the disabled community. Recent analysis also highlights that a higher proportion of disabled people than non-disabled people were worried about the effect of the coronavirus pandemic on their well-being. Concerns about well-being tended to be most frequent among those with mental health and socio-behavioural-related impairments, whereas concerns about access to essentials tended to be most frequent among those with hearing- or dexterity-related impairments. The benefits of extending the use of face covering to more settings will therefore have a greater positive impact on people with disabilities.</p>
Sexual Orientation	All levels	No evidence of a differential impact identified at this time.
Marriage and Civil Partnership	All levels	No evidence of a differential impact identified at this time.
Pregnancy and Maternity	All levels	No evidence of a differential impact identified at this time.
Gender Reassignment	All levels	No evidence of a differential impact identified at this time.
Socio-economic disadvantage	All levels	It is unlikely that these measures will have a specific differential impact. There is no requirement to wear a face covering with a particular specification – other than it covers the nose or mouth – Instructions on how to make face covering are publicly available. Using a scarf meets the definition in the regulations provided it covers the nose and mouth. This means that there need not be any need to purchase a face covering and we will continue to highlight this in the communication campaign.

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			<p>However, disability organisations have highlighted concerns about accessibility and affordability. Some people may not be in a position to make their own face coverings or afford to buy and or frequently replace them.</p>
Mitigating actions:	All levels		<p>The measures may disproportionately positively benefit the health of the people more severely affected by the virus, such as older people, those with underlying health conditions (and some disabled people are more likely to experience severe ill-health from contracting Covid-19 than the general population) and men.</p> <p>However, some potential indirect negative impacts on one or more of the protected characteristics have been identified. Whilst the view of the Scottish Government is that this regulation is justified and a proportionate means of reducing the public health risks posed by coronavirus, there is also a need to mitigate those negative effects identified.</p> <p>Various exemptions are provided for where a person is unable put on, wear or remove a face covering on grounds of any physical or mental illness or impairment or disability, for example for children with breathing difficulties and disabled children who would struggle to wear a face covering.</p> <p>Similarly, discretion is allowed for people who have a health condition, disabled people and those who need to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise) where a face covering cannot put on, worn or removed because it would cause difficulty, pain or severe distress or anxiety or because it cannot be worn in the proper manner safely.</p> <p>Communications around the policy will be considered to ensure that the regulation meets the tests of advancing equality and fostering good relations. The media campaign will, for example, remind people that there are some important exemptions and that we should avoid judging people who appear not to be complying and that we should treat one another with kindness. For some disabled people with learning impairments, understanding of and actions required to comply with the regulation, may provide additional challenges.</p> <p>Provision of information and advice will be made as accessible as possible and with relevant stakeholder organisations to mitigate this. 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 also provides links to information for disabled people, linking people to Disability Information Scotland. Insofar as these mitigating actions may not be able to mitigate all of the potential impacts, the Scottish Government currently considers the potential impacts justified, and a proportionate means of achieving the legitimate aim of reducing the public health risks posed by coronavirus, and the prevention of harm to individuals living in Scotland. As part of keeping the guidance under review, it is our intention to continue to develop our evidence base to ensure that we continue to comply with the requirement to give due regard to the needs of the Public Sector Equality Duty and that any changes to the guidance meet the needs of people with one or more of the impacted protected characteristics.</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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for the age groups 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	X		Different restrictions at different levels recognise the different risks and needs of the age groups and balance them according to understanding of how the virus is transmitted.
Promoting good relations among and between different age groups	X	X		Where possible good relations are promoted between age groups but the opportunities to meet are limited according to understanding of how the virus is transmitted.

Do you think that the policy impacts disabled people?

Disability	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 disabled people 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	X		Different restrictions at different levels recognise the different risks and needs of disabled people and balance them according to understanding of how the virus is transmitted.
Promoting good relations among and between disabled and non-disabled people	X	X		Where possible good relations are promoted between disabled people and non-disabled people but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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	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.
Advancing equality	X	X		Different restrictions at different levels recognise

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of opportunity				the different risks and needs of women and men, and balance them according to understanding of how the virus is transmitted.
Promoting good relations between men and women	X	X		Where possible good relations are promoted between the sexes but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for women during pregnancy and maternity 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	X		Different restrictions at different levels recognise the different risks and needs of women during pregnancy and maternity, and balance them according to understanding of how the virus is transmitted.
Promoting good relations	X	X		Where possible good relations are promoted between pregnant women, or women protected by the pregnancy and maternity characteristic, and the wider community but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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

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of opportunity				recognise the different risks and needs of trans people and balance them according to understanding of how the virus is transmitted.
Promoting good relations	X	X		Where possible good relations are promoted between trans people and non-trans people, but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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 measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for LGB people 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	X		Different restrictions at different levels recognise the different risks and needs of LGB people and balance them according to understanding of how the virus is transmitted.
Promoting good relations	X	X		Where possible good relations are promoted between LGB people and non-LGB people, but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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 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.
Advancing equality of opportunity	X	X		Different restrictions at different levels recognise the different risks and needs of people from different racial backgrounds and balance them according to understanding of how the virus is transmitted.
Promoting good race relations	X	X		Where possible good relations are promoted between people of different races, but the opportunities to meet are limited according to

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				understanding of how the virus is transmitted.
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Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	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	X		Different restrictions at different levels recognise the different risks and needs of people from different religions and belief groups and balance them according to understanding of how the virus is transmitted.
Promoting good relations	X	X		Where possible good relations are promoted between people of different religions and beliefs, but the opportunities to meet are limited according to understanding of how the virus is transmitted.

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

Title of Proposal	Vehicle Lessons
EQUALITY IMPACT ASSESSMENT	
Impact: All vehicle lessons will be allowed to continue during Levels 0-3 , impact on the basis of published guidance is identified below. This includes the mandatory wearing of face coverings, the lack of physical	

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distancing, and the need to take mitigating actions including regular cleaning.

All vehicle lessons will not be permitted at Level 4, impact of suspension of lessons, as per [published regulations](#), have been identified below.

Differential impacts	Age: Children and Younger People	Level 0-3	No impact identified.
		Level 4	Car driving lessons can proceed from age 17, whilst the age you can obtain a motorcycle licence depends on licence category. AM licences can be obtained from age 16, A1 from age 17, A2 from age 19 and A from age 24 (unless you have held an A2 licence for a minimum of 2 years, in which case you can obtain a licence from the age of 21). Lessons are the precursor for tests and Level 4 suspension may result in a delay for younger people being able to sit tests. With public transport restrictions also expected in Level 4, those unable to sit lessons/test may find their ability to travel to employment/education etc. affected.
	Age: Older People	Level 0-3	The ability to physically distance during a car driving lesson or test is limited as both learner and instructor must be sitting in the driver and front passenger seat. For safety reasons it is vital that the instructor must have access to the wheel and dual control pedals at all times. Whilst the risk of transmission is therefore high, it is limited slightly by the occupants sitting side by side and not facing each other. Since the safe restart, guidance has been strengthened to make the wearing of face coverings mandatory via regulations. This is within an enclosed vehicle that is conducting a lesson or test and occupants are from separate households. Nevertheless, guidance may still have an impact on the basis of age, particularly for older people who are likely to be recommended to follow physical distancing guidelines and at a higher risk of infection/more severe symptoms. The NHS Inform website lists anyone aged 70 or over as within the higher-risk group regardless of their medical condition. As a result, vehicle lessons may put older instructors and learners at a higher risk.
		Level 4	As with children and younger people, the suspension of vehicle lessons and tests may have an impact on older people's ability to make essential travel if it impacts on ability to take a test during or immediately after a move to level 4. However, there would be a positive impact due to the heightened risks expected in a Level 4 area for greater transmission and the concerns that older people would be at greater risk of more severe symptoms.
	Sex: Women	Level 0-3	Between April 2019 and March 2020, 52% of car driving tests across the UK were taken by women. Ensuring vehicle lessons are permitted up to Level 3 will enable lessons to be taken ahead of tests. Menopausal women who suffer from hot flushes may be impacted by the use of face coverings, plastic seat coverings, gloves etc, as a result of the potential for extra heat. General advice is for a well ventilated vehicle, however depending on air conditioning and weather conditions, the ability to ventilate could vary. Any ventilation must be risk assessed against the need to be heard without shouting and facilitating the spread of the virus within the vehicle.
		Level 4	As 52% of tests across the UK between April 2019 and March 2020 were taken by women, the suspension of car driving tests in Level 4 could have a slightly greater impact than on men. This could also impact on ability to make essential journeys if restrictions on public transport are introduced.
	Sex: Men	Level 0-3	Between April 2019 and March 2020 , 89% of module one motorcycle tests

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		and 92% of module two motorcycle tests were taken by men in the UK. Permitting motorcycle lessons to continue up to and including Level 3 will have a greater impact on men than it would women.
	Level 4	As a significant majority of motorcycle tests are taken by men any suspension of motorcycle lessons will have a greater impact on men than women. The suspension of all vehicle lessons could impact on ability to make essential journeys alongside measures on use of public transport.
Race	Level 0-3	The inability to physically distance during driving lessons and tests may have a disproportionate impact on the basis of race as Minority Ethnic groups are considered to be at a higher risk when compared to white ethnic groups.
	Level 4	The suspension of all vehicle lessons and tests in Level 4 may have a positive health impact on the basis of race due to the higher risk of transmission in a Level 4 area and that Minority Ethnic groups are considered a higher risk. Also any action taken to suppress the virus through level 4 measures would have longer term benefits for groups that are considered to be at a higher risk of infection.
Religion or Belief	Level 0-3	Instructors or learners wearing turbans, hijabs, or with long beards for religious reasons may have difficulties in wearing a face covering. Learners wearing a face veil may have to remove this for ID purposes outside of the vehicle and therefore in a more open environment. Guidance calls for sensitivity in such circumstances in ensuring the privacy of the client and considering of their wish of their face not being seen by others during a check. Some instructors and learners may refuse to use alcohol-based hand sanitiser or wipes.
	Level 4	The suspension of all vehicle lessons and tests will have no known differential impact on the basis of religion or belief.
Disability	Level 0-3	NHS Inform classify those that have chronic respiratory disease, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis, as within the higher risk group and should strictly follow physical distancing measures. This also includes chronic neurological conditions such as Parkinson's disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy. Whilst face coverings are mandatory, exemptions are in place for those who are unable to wear a covering due to any physical or mental illness or impairment or disability. Those that are exempt are at higher risk of infection or spreading the virus due to not wearing a covering and the inability to physically distance in the car. While not a disability, there is also the possible impairment of glasses fogging up as a result of wearing a face covering.
	Level 4	Whilst the impact identified above relating to the guidance for lessons will no longer be an issue, the suspension of driving tests and lessons may have an impact on the basis of essential travel if measures on public transport are introduced in Level 4 areas.
Sexual Orientation	Level 0-3	Published guidance, as it relates to conducting a lesson, has no known differential impact on the basis of sexual orientation.
	Level 4	The suspension of vehicle tests and lessons in Level 4 has no known differential impact on the basis of sexual orientation.
Marriage and Civil Partnership	Level 0-3	Published guidance for up to and including Level 3 has no known differential impact on the basis of marriage and civil partnership.
	Level 4	The suspension of vehicle tests and lessons in Level 4 has no known differential impact on the basis of marriage and civil partnership.

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Pregnancy and Maternity	Level 0-3	NHS Inform list those who are pregnant as within the higher-risk group of developing severe illness with coronavirus. It suggests that they should strictly follow physical distancing measures, which would not be possible during a lesson. Alongside this, instructors or learners whose partner is pregnant may not wish to take part in lessons as a result of their inability to physically distance for fear of catching and transmitting the virus back to their partner.
	Level 4	The suspension of all vehicle lessons would negate the above risks. However, depending on the restrictions to public transport, those seeking lessons and tests with a view to driving to hospital for tests/birth and essential travel for appointments following the birth could be affected.
Gender Reassignment	Level 0-3	Published guidance for up to and including Level 3 has no known differential impact on the basis of gender reassignment.
	Level 4	The suspension of all vehicle tests and lessons in Level 4 areas has no known differential impact on the basis of gender reassignment.
Socio-economic disadvantage	Level 0-3	Published guidance for up to and including Level 3 has no known differential impact on the basis of socio-economic disadvantage.
	Level 4	The suspension of vehicle lessons in Level 4 areas has no known differential impact on the basis of socio-economic disadvantage.
Mitigating actions:	Level 0-3	Mitigating action has been taken through published guidance. This includes, but is not limited to, ensuring vehicles are cleaned before and after each lesson, as well as the end of the day, physically distancing where possible, wearing face coverings, sanitising hands, and conducting test and trace.
	Level 4	By suspending all vehicle instruction in Level 4 areas, and including this within Regulations, instructors who reside within Level 4 have a greater opportunity to qualify for financial support. There are no mitigating actions for learners who reside in a Level 4 area. For instructors who live outside a Level 4 area but who have clients within a Level 4 area, there are no known mitigations for potential loss of revenue as they remain able to operate outwith Level 4 areas. For learners in a Level 3 area and below but whose instructor resides in a Level 4 area, there are no official mitigating actions but they would be free to find a new instructor who resides outside a Level 4 area.

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		Older people will be impacted by continuation of vehicle lessons due to the inability to socially distance. This is particularly true of those aged 70 and older who are considered to be part of the higher-risk group. The suspension of lessons would therefore have a positive impact on older people due to the measures being introduced to lower the heightened risks within the local area. For all learners, including younger people who can obtain a licence from the age of 16, and delay in

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				lessons or tests will have an impact on ability to travel during and after a move to Level 4.
Advancing equality of opportunity	x	x		As per above box.
Promoting good relations among and between different age groups			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	x	x		<p>Due to the inability to physically distance in some vehicle lessons, the continuation of these lessons has an impact on those who are considered to fall within the higher-risk group as a result of NHS Inform's advice to strictly follow physical distancing measures.</p> <p>Whilst face coverings are mandatory, exemptions for those with disabilities may put them at increased risk due to the close proximity of learner and instructor.</p> <p>The suspension of lessons within Level 4 would have a positive impact for disabled people as the risks identified through the inability to physically distance would no longer apply.</p>
Advancing equality of opportunity		x		Alongside potential measures for public transport, the suspension of lessons could impact on the ability for disabled people to make essential journeys within a Level 4 area.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

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

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

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X	x		Those who are pregnant or live with someone who is pregnant might be impacted by the inability to physically distance during certain vehicle lessons, such as car driving lessons within Levels 0-3. During Level 4 vehicle lessons will not be permitted for anyone, which could hinder those seek to learn to enable them to travel for appointments, birth and other essential travel needs associated with pregnancy and maternity. The suspension of all vehicle lessons would negate the above risks. However, depending on the restrictions to public transport, those seeking lessons and tests with a view to driving to hospital for tests/birth and essential travel for appointments following the birth could be affected.
Advancing equality of opportunity		x		As above.
Promoting good relations			X	No evidence of a differential impact identified at this time.

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

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

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

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

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X	X		<p>The inability to physically distance during driving lessons and tests may have a disproportionate impact on the basis of race as Minority Ethnic groups are considered to be at a higher risk when compared to white ethnic groups.</p> <p>The suspension of all vehicle lessons and tests in Level 4 may have a positive health impact on the basis of race due to the higher risk of transmission in a Level 4 area and that Minority Ethnic groups are considered a higher risk. Also any action taken to suppress the virus through level 4 measures would have longer term benefits for groups that are considered to be at a higher risk of infection.</p>
Advancing equality of opportunity	X	X		As above.
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		<p>Those who wear turbans, hijabs or with long beards for religious reasons may have difficulties in wearing a face covering.</p> <p>Learners who wear a face veil may have to remove these for ID purposes. As this should take place outside the vehicle, sensitivity is needed to ensure privacy of the client and consideration of their wish for their face not being seen by others.</p>

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Advancing equality of opportunity			X	Vehicle lessons will be permitted for everyone during Level 0-3. During Level 4 vehicle lessons and tests will not be permitted for anyone.
Promoting good relations			X	Vehicle lessons will be permitted for everyone during Level 0-3. During Level 4 vehicle lessons and tests will not be permitted for anyone.

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	No evidence of a differential impact identified at this time.

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Conclusion

The Strategic Framework and 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.

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.

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 employees and the public, and focussing on our primary objective of reducing the spread of the virus.

We will continue to keep the levels and restrictions under review, and take all decisions based on the best available evidence.