

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 21) Regulations 2021

Equality Impact Assessments

Introduction

The COVID-19 pandemic has led to fundamental changes to everyday life for people in Scotland. It has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life for Scotland's population and to protect the health of Scotland's population. However, the unequal impact of the pandemic and the need to advance equality, eliminate discrimination, consider other human rights engaged 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.

The Coronavirus (COVID-19): Framework for Decision-Making and Scotland's route map through and out of the crisis ("the Route Map") published in 2020 made clear that COVID-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework for Decision-Making identified four main categories of harm: direct health impacts, non-COVID-19 health harms, societal impacts and economic impacts. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.

In October 2020, we published COVID-19: Scotland's Strategic Framework. This framework set out how we intended to respond to the crisis over the coming period, and introduced the levels framework. Since the publication of our original Strategic Framework the emergence of the Variant of Concern (VOC) B.1.1.7 has increased the transmissibility of the virus and is now the dominant strain in Scotland. This means that it is now more challenging to effectively suppress the spread of the virus. We have also begun the rapid roll-out of our vaccination programme.

We published an update to Scotland's Strategic Framework on 23 February 2021. In it we confirmed our strategic aim to "*suppress the virus to the lowest possible level and keep it there, while we strive to return to a more normal life for as many people as possible*" and set out how we will realise that intent.

[Coronavirus \(COVID-19\): Strategic Framework update - February 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/Coronavirus-COVID-19-Strategic-Framework-update-February-2021)

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

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.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They made provision which was substantially similar to the first regulations, as amended at the date on which they were revoked.

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 extended by amendment until 6.00 am on 2 November to allow for consultation on the levels-based approach.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the 2020 Regulations”) implement the strategic framework and came into effect at 6.00 am on 2 November 2020. These regulations revoked the additional temporary restrictions regulations and the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. The 2020 Regulations have been amended by numerous amending Regulations since 2 November 2020.

In January 2021, it became urgently necessary to go beyond the requirements and restrictions set out in the 2020 Regulations. This is because of a changed assessment of the risks of transmission of the virus in light of the emergence of a new strain (VUI 202012/01) of COVID-19 in November 2020. Additional strengthening of Level 4 restrictions was immediately implemented in order to try to curb exponential growth, this included a requirement to stay at home for those in Level 4 – all of mainland Scotland and some islands. Over March and April 2021, we reached a point where the relaxation of some of these measures became possible.

In April 2021, a new Local Protection Levels table¹ was published, this publication outlined the future content of the levels based approach following the emergence of the new strain and to reflect the impact that increasing vaccination numbers has on transmission. The Health Protection (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 21) Regulations 2021 implement many of the adjustments required to give effect to the new publication. Previous regulations amending the 2020 Regulations gave effect to relaxations in March and April 2021 (referred to above).

¹ [Coronavirus \(COVID-19\): local protection levels - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19-local-protection-levels-2021/pages/1-introduction-and-contents.aspx)

Decision making under the Strategic Framework system is intended to be straightforward and transparent. It builds on existing structures and processes and includes engagement with local leadership as decisions are taken. However, decisions will be made by Ministers, with input from relevant advisers, because implementing levels decisions is the exercise of a statutory power for the protection of public health, for which Ministers are responsible and accountable.

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.

The Scottish Ministers will regularly review the restrictions and requirements as well as the levels allocation for areas. Following reviews, Ministers may move any particular area, or the entire country, to a different level of restrictions. The timetable for easing restrictions sets out the dates on which we are aiming to move through the levels. The timetable is subject to the data available and the plans will be kept under review. Under the levels approach, Scottish Government will work closely with local authority leaders when making these decisions.

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 consideration of the human rights engaged, equality impacts, the impact on individual rights and consideration of measures, for example, for specific geographies and sectors.

The Scottish Government considered from the outset whether the provisions are 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 any legislation thereafter. Where some possible negative impacts have been identified, the Scottish Government has considered these to be justified as both a necessary and proportionate means of achieving the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland; and has sought to mitigate disadvantage wherever possible, e.g. developing exemption cards for people whose health or disability makes the wearing of face coverings unsuitable. However, from the beginning, measures were put in place to support people with protected characteristics as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March 2020. Similarly, the £100m Winter Plan for Social Protection, announced on 30th November 2020, was developed to mitigate social harms posed by the concurrent risks of COVID-19, winter cost of living increases and EU exit, as well as to promote equality and human rights.

This impact assessments have identified some many positive impacts on one or more of the protected characteristics, as restrictions are eased. Measures to reduce the

spread of coronavirus positively affect the whole population, but will particularly affect the health of those people who are more severely affected by the disease.

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 groups², 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 people³.

All measures are given thorough consideration on the basis of their impact, including on equality and human rights⁴.

Policy Objectives

We published Scotland's updated Strategic Framework following the emergence of the Variant of Concern (VOC) B.1.1.7 in Scotland and with most of Scotland being protected at Level 4. The Protective Levels Framework sets out what restrictions are in place across the different levels. The levels are designed to support our strategic intent to suppress the virus while restoring as much normality to people's lives as possible.

[Coronavirus \(COVID-19\): local protection levels - gov.scot \(www.gov.scot\)](#)

In essence, the levels work by limiting members of different households from interacting in different settings and activities, where those settings and activities pose different risk factors for transmission of the virus. Decisions must be made about which activities and settings to restrict in order to achieve the required suppression of the virus. When different restrictions would have similar effects on transmission, difficult decisions must be made about which restrictions to apply. To help to make those difficult decisions, we consider the impacts on the four harms of the different options as well as the human rights engaged by the restrictions and the impacts on particular groups in society, including those with protected characteristics.

This is consistent with the principles and approach set out in our Framework for Decision Making in April 2020. We recognise that living with restrictions is tough for everyone in Scotland, with children and young people, vulnerable groups and businesses being particularly hard-hit.

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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

³ <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>

⁴ A summary of equality and Fairer Scotland evidence was published for Phase 1 and 2 of the Route Map. 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/>

The Regulations take progressively more restrictive steps as we move up the levels. All restrictions will be kept under review in the event of new information, such as a new variant of concern, to ensure that they remain proportionate and necessary to support the ongoing public health response.

Early learning and childcare

Formal childcare is open at all levels.

Informal childcare arrangements permitted across all levels. At Level 4, this is restricted to essential informal childcare only.

Close contact services

Levels 0-2: Open

Level 3: Open – including mobile close contact services.

Level 4: Hairdressers and barbers (by appointment only; not mobile services)

In home work

Levels 0-3: Permitted

Level 4: Essential maintenance, upkeep or repairs only

Life Events

Level 0: Weddings/Civil Partnerships – 200; Funerals – 200; Post-funeral/wedding receptions permitted – maximum 200 (alcohol permitted).

Level 1: Weddings/Civil Partnerships – 100; Funerals – 100; Post-funeral/wedding receptions permitted – maximum 100 (alcohol permitted).

Level 2: Weddings/Civil Partnerships – 50; Funerals – 50; Post-funeral/wedding receptions permitted – maximum 50 (alcohol permitted).

Level 3: Weddings/Civil Partnerships – 50; Funerals – 50; Post-funeral/wedding receptions permitted – maximum 50 (alcohol permitted).

Level 4: Weddings/Civil Partnerships – 20; Funerals – 20; No post-funeral or wedding receptions.

Places of Worship

Levels 0-4: Open.

Public Buildings (Libraries)

Levels 0-3: Open

Level 4: Closed with the exception of: libraries, community centres, court and tribunal buildings – for limited essential services only.

Face Coverings

The provisions relating to the wearing of face-coverings will remain unaltered, with face-coverings remaining mandatory in the majority of indoor public places.

Capacity in all settings will be subject to relevant physical distancing requirements.

Early Learning and Childcare (formal)

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

Impact:

Childcare plays a fundamental role in supporting the response and recovery to the pandemic. At all levels, including in the recent lockdown, access to childcare has been prioritised, due to its significant impact on children's development, and the ability of families to take part in work and study. Formal childcare, operating under strict regulatory regime, with strong guidance, and applying a package of age appropriate measure has been open to those children who need it most throughout lockdown, and has reopened to all children in advance of the return to the levels framework. Informal childcare has been permitted for essential purposes, and with clear guidance to parents and carers, during lockdown. This settled position, and focus on the impact of reduced access to childcare, has meant that changes in levels framework in April 2021 are limited. This assessment, carried out in April 2021 updates and builds on previous assessments of childcare policies.

The Strategic Framework levels clearly set 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 work in these settings. The Strategic Framework takes account of rights under the European Convention on Human Rights including the right to respect for private and family life⁵.

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. It also includes childcare from registered providers that parents purchase themselves for children of all ages.

Formal childcare is open at all levels of the framework. Guidance on the operation of settings lays out a package of age appropriate measures that reflect the levels approach, and provides for changes to measure to be in place at different protection levels. We assess the overall impacts of the Strategic Framework 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.

At any protection level, settings may be asked to respond to local issues, and specifically to local outbreaks. There may be circumstances in which, based on clear evidence and public health considerations, specific settings require either to close, or to implement additional restrictions, for a defined period of time. All such decisions will be made in line with the independent advice of local Directors of Public Health, who will take account of wider public health considerations according to their statutory duties. Settings 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.

⁵ (Article 8) [European Convention on Human Rights \(coe.int\)](https://www.coe.int)

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>

Differential impacts	<p>Age: Children and Younger People</p>	<p>At all protection level 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 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.</p> <p>In response to local outbreaks, settings in any protection level 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 Initial Impact Assessment on the Strategic Framework for Reopening Schools and Early Learning and Childcare Settings in Scotland 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 Initial Impact Assessment on the Strategic Framework for Reopening Schools and Early Learning and Childcare Settings in Scotland 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>
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	<p>Age: Older People</p>	<p>At all protection levels, 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 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 given the evidence indicating older people are more at risk of severe symptoms where they contract Covid-19.⁶</p> <p>However, we expect the risks to be minimized at all Levels by the progress made in offering vaccination to all of those over the age of 50, 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 that "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 47, while the average (median) age of the general 'day care of children' workforce was 36 years⁷ We do not judge that this slightly older average age would have a differential impact on their experience at work.</p>

⁶ <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

⁷ [Scottish Social Service Sector: Report on 2019 Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com/)

		<p>The statistic also showed that 640 out of school care staff were aged 55 to 64. There were 70 who were 65 and over⁸</p> <p>Settings in any protection level 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>
	<p>Sex: Women</p>	<p>At all protection levels, 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 services⁹ and 93% of teachers delivering funded ELC are women.¹⁰ 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>

⁸ <https://data.sssc.uk.com/local-level-data/166-2016-detailed-workforce-information>

⁹ [Scottish Social Service Sector: Report on 2019 Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com/Scottish-Social-Service-Sector-Report-on-2019-Workforce-Data)

¹⁰ [Schools in Scotland - summary statistics: 2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-published/schools-in-scotland-summary-statistics-2020)

		<p>Settings in any protection level 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 to the extent that this impacted on earnings for those working in childcare, this would fall disproportionately on women. Staff working in childcare are mainly women: around 100% of registered childminders are women, 96% of staff in day care of children services and 93% of teachers delivering funded ELC are women.</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.</p> <p>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 having childcare settings open in all protection levels would likely have a positive impact on women.</p> <p>Research collected across Great Britain by the Office for National Statistics (ONS) 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 (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 reported that women in households with children had substantially worse mental</p>
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		<p>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 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>
	Sex: Men	<p>The evidence cited above describes the disproportionately negative impacts on women of having restricted access to childcare. This suggests a lower impact on men.</p>
	Race	<p>At all protection levels, 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 so it is difficult to estimate impact¹¹</p> <p>Without sufficient mitigations in place within childcare settings, there could be negative differential impacts on staff on the risk of contracting Covid-19 for Minority Ethnic communities where settings were open and at normal capacity.</p>

¹¹ [Scottish Social Service Sector: Report on 2019 Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com/)

	<p>This is indicated by emerging evidence in England¹² and the US that COVID-19 impacts disproportionately on minority ethnic groups.¹³</p> <p>The data on deaths (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.¹⁴</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> <p>Settings in all protection levels 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 2020 Pupil Census data, data, of children from a White ethnicity, 77% of children are from a White (Scottish) ethnicity, while 12% have a White (other) ethnicity (including those from other parts of Britain). 9% of children are from a non-White minority ethnic group .</p> <p>2020 data shows that 9.0% of children have a language other than English as their main home language .</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 (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</p>
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¹²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf

¹³<https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

¹⁴<https://www.nrscotland.gov.uk/files/statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

		<p>may be negatively impacted, if there is 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 2020 there were 4,846 children in the GME sector. In the same year there were 558 children with Gaelic (Scots) as their main home language 23.</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 restricted access to childcare.</p> <p>Our ELC guidance has introduced some restrictions on the use of the blended placements during the pandemic to reduce the risk of infections spreading across settings. However, in recognition of equalities impacts, the FAQ document that accompanies the guidance makes clear that access to GME is a valid reason for children being able to access more than one ELC provider.</p>
	Religion or Belief	<p>No evidence of a differential impact identified at this time.No evidence of a differential impact identified at this time. No evidence of a differential impact identified at this time.</p>
	Disability	<p>At all protection levels, 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, given the evidence that people with certain disabilities are more at risk of severe illness where they contract Covid-19¹⁵</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</p>

¹⁵ <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

		<p>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>Settings in all protection levels 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>This could 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 may find these restrictions particularly difficult.</p> <p>The Family Fund ‘Impact of COVID-19’ survey included 232 families in Scotland, seeking to understand how the COVID-19 outbreak affected 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 . 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.</p> <p>1% of the childminding workforce and 2% of the day care of children workforce are recorded as disabled. 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 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>
	Sexual Orientation	No evidence of a differential impact identified at this time.
	Marriage and Civil Partnership	No evidence of a differential impact identified at this time.

<p>Pregnancy and Maternity</p>	<p>At all protection levels, 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-19ⁱ. Without sufficient mitigations in place, pregnant women working in childcare, or who are parents of children attending childcare settings 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> <p>Settings in all protection levels 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 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>We are satisfied that there are sufficient mitigations in place for operation of childcare, 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.</p>
<p>Gender Reassignment</p>	<p>No evidence of a differential impact identified at this time.</p>

<p>Socio-economic disadvantage</p>	<p>At all protection levels 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 facing socio-economic disadvantage will be positive as they can continue to attend childcare safely and access its benefits.</p> <p>Settings in any protection level 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)¹⁶.</p> <p>Evidence from both UK and international studies of early learning and childcare programmes¹⁷, including our own Growing Up in Scotland Study¹⁸, 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>Restricted access to high quality childcare will impact on the ability to access support for learning and development and undermine efforts to reduce the poverty related attainment gap.</p> <p>There are also other considerations.</p>
<p>¹⁶ https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/pages/2/</p> <p>¹⁷ http://www.healthscotland.scot/media/1613/rapid-evidence-review-childcare-quality-and-childrens-outcomes.pdf</p> <p>¹⁸ https://www.gov.scot/publications/growing-up-scotland-impact-childrenewearly-activities-cognitive-development/</p>	

		<p>The Scottish Household Survey¹⁹ shows households experiencing more 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>Restricted access to ELC will therefore have a disproportionate impact on families who face socio-economic disadvantage as will mean more reliance on online resources and guidance and restricted access to 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.</p>
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¹⁹ [Scotland's People Annual Report 2019 \(www.gov.scot\)](http://www.gov.scot)

<p>Mitigating actions:</p>	<p>Ensure the current safe operating guidance is kept up-to-date, and evolves in line with emerging public health advice.</p> <p>Ongoing engagement with childcare sector at all levels to ensure good understanding of and compliance with the safe operating guidance.</p> <p>Regular review of setting-wide risk assessments.</p> <p>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"> • parents or guardians should discuss with their GP or clinician whether children with the highest clinical risk should still attend • 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 • 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 • 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 • 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 <p>At Level 4, the current advice is that children on the shielding list should not attend settings in person. However, there should 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</p>
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	<p>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> <p>The Scottish Government's safe operating guidance highlights that, at any protection level, 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"> • Consistent small cohorts • Minimising contact between cohorts • Restriction of blended placements.
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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	<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, 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</p>

				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			There will be positive impacts for young children, who will be able to continue to benefit from high quality ELC and childcare. 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?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	<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, 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, there may be a negative impact in relation to access to services and employment – but this should be for a limited time period. However, this needs to be balanced against the protection that this will offer in relation to risk of transmission. Overall the impact is assessed as positive.
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?

Sex	Positive	Negative	None	Reasons for your decision
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 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 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 4 measures if these resulted in reduced capacity in some settings, the guidance is clear that this would be informed by public health advice.
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?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			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>
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</p>

				<p>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
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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	<p>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.</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>
Advancing equality of opportunity	x			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 measures if these resulted in reduced capacity in some settings, the guidance is clear that any additional measures would be informed by public health advice.
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.

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.

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	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

				<p>continued to operate, 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			<p>There will be positive impacts for young children, who will be able to continue to benefit from high quality ELC and childcare. 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.</p>
Promoting good relations among and between different age groups			x	<p>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.</p>

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	<p>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, 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</p>

				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			Where it is not possible for disabled children or staff to attend or to work in childcare settings due to a requirement to shield, there may be a negative impact in relation to access to services and employment – but this should be for a limited time period. However, this needs to be balanced against the protection that this will offer in relation to risk of transmission. Overall the impact is assessed as positive.
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?

Sex	Positive	Negative	None	Reasons for your decision
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 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</p>

				that children aged under 10 are less susceptible and less infectious than older children.”
Advancing equality of opportunity	x			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 4 measures if these resulted in reduced capacity in some settings, the guidance is clear that this would be informed by public health advice.
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?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
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.
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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	<p>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.</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</p>

				susceptible and less infectious than older children.”
Advancing equality of opportunity	x			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 measures if these resulted in reduced capacity in some settings, the guidance is clear that any additional measures would be informed by public health advice.
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.

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.

Early Learning and Childcare (informal)

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

Impact:

Childcare plays a fundamental role in supporting the response and recovery to the pandemic. At all levels, including in the recent lockdown, access to childcare has been prioritised, due its significant impact on children's development, and the ability of families to take part in work and study. Formal childcare, operating under strict regulatory regime, with strong guidance, and applying a package of age appropriate measure has been open to those children who need it most throughout lockdown, and has reopened to all children in advance of the return to the levels framework. Informal childcare has been permitted for essential purposes, and with clear guidance to parents and carers, during lockdown. This settled position, and focus on the impact of reduced access to childcare, has meant that changes in the levels framework in April 2021 are limited. This assessment, carried out in April 2021 updates and builds on previous assessments of childcare policies.

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 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 across all levels, however at level 4 this is restricted to essential informal childcare only. The Strategic Framework takes account of rights under the European Convention on Human Rights including the right to respect for private and family life²⁰.

In Levels 0-3 consideration should be given to 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.

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 undertake other responsibilities
- Families with a disabled child or parent can continue to access childcare needed for respite.

At Level 4, the Strategic Framework advises only essential informal childcare which includes keyworkers, those working in permitted workplaces and to support home working where necessary. In these cases it is preferential for only children to enter another household for informal childcare in order to limit contacts between adults. The guidance does note 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 advice could potentially have negative impacts on some families, affecting parents' and children's normal routines in relation to supporting work.

²⁰ (Article 8) [European Convention on Human Rights \(coe.int\)](https://www.coe.int/t/e/treaties/019/Convention_on_Human_Rights/Convention_on_Human_Rights_1950_en.asp)

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.

Differential impacts	Age: Children and Younger People	Levels 0 -3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. Consideration should be given the rules for socialising which although limiting 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 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>
Age: Older People	Levels 0 - 3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. 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).</p> <p>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 in cases where this is no longer advisable. This may mean that informal childcare duties are extended or more time is spent providing childcare individually for families.</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 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.²¹</p>

²¹ <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/pages/15/>

		<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>
Sex: Women	Levels 0 -3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. 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 parent households are headed by women), so would be positively impacted by informal childcare options being permitted.²²</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> <p>Research collected across Great Britain by the Office for National Statistics (ONS) 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 (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</p>

²² <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

			<p>health problems during lockdown, especially for women and parents with young children. Although most families enjoyed spending more time together, Scottish evidence 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 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>
		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 parent households are headed by women), so would be negatively impacted by any loss of childcare options.²³ Guidance which advises that the child travels</p>

²³ <https://www.gov.scot/publications/centre-time-use-research-time-use-survey-2014-15-results-scotland/pages/6/>

			<p>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 allocated.²⁴ 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.²⁵</p> <p>Research collected across Great Britain by the Office for National Statistics (ONS)²⁶ 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 findings²⁷ (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</p>
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²⁴ <https://www.engender.org.uk/content/publications/Gender--Economic-Recovery---Engender-and-Close-the-Gap.pdf>

²⁵ <https://www.ifs.org.uk/publications/14861>

²⁶ <https://www.ons.gov.uk/economy/nationalaccounts/satelliteaccounts/bulletins/coronavirusandhowpeoplespenttheirtimeunderrestrictions/28marchto26april2020>

²⁷ <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>

		<p>evidence²⁸ 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 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 England²⁹ 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>
Sex: Men	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.

²⁸ Scottish Government commissioned adult survey on wellbeing and COVID-19 (27 April – 3 May) – pending publication

²⁹ <https://mk0nuffieldfounpg9ee.kinstacdn.com/wp-content/uploads/2020/04/BN290-Mothers-and-fathers-balancing-work-and-life-under-lockdown.pdf>

	Race	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. 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 2019³⁰ 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 England³¹ 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.³² Polling from the Office of National Statistics (ONS) also shows less confidence in the vaccines among no-white groups³³.</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.³⁴</p>
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³⁰ 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

³¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf

³² <https://www.nrscotland.gov.uk/files//statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

³³ [Coronavirus \(COVID-19\) latest insights - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/coronavirus/latest-insights)

³⁴ Expert Reference Group On Covid-19 And Ethnicity Initial Advice & Recommendations On Systemic Issues - September 2020 - [gov.scot](https://www.gov.scot)

			<p>Messaging provided by Scottish Government through advice and guidance takes these factors into account including through the guidance provided specifically for informal childcare on the Parent Club website.</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 within level 4.</p> <p>A Close the Gap report in 2019³⁵ 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>

³⁵ 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

		<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.³⁶</p> <p>Messaging provided by Scottish Government through advice and guidance takes these factors into account including through the guidance provided specifically for informal childcare on the Parent Club website.</p>
Religion or Belief	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.
Disability	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is 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>

³⁶ Expert Reference Group On Covid-19 And Ethnicity Initial Advice & Recommendations On Systemic Issues - September 2020 - gov.scot

	Sexual Orientation	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.
	Marriage and Civil Partnership³⁷	Levels 0-3	Out of scope for this EQIA.
		Level 4	Out of scope for this EQIA.
	Pregnancy and Maternity	Levels 0-3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. 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 permitting continued access to informal childcare could increase the risk of transmission through permitted household mixing. This could have a differential negative impact for this group.</p> <p>Advice for pregnant women, highlighting the specific risks to them from Covid-19 has been made available on the NHS Inform website.</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 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 for a new baby, new mother or other children, 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>

³⁷ The protected characteristic of marriage and civil partnership was not considered to be in scope of this Equality Impact Assessment.

	Gender Reassignment	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.
	Socio-economic disadvantage	Levels 0 -3	<p>The Strategic Framework states that, at Levels 0-3, informal childcare is permitted. 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.</p> <p>The CEYRIS 1 survey of parents in Scotland (ran between June and July 2020)³⁸ found that children in affluent households were more likely to be doing well psychologically and behaviourally during lockdown in 2020 (sleeping through the night, taking part in home learning and outdoor physical activity frequently) than children in less well-off households.</p> <p>ONS data shows that COVID-19 has disproportionately affected more deprived areas and that those from more disadvantaged backgrounds are more likely to die from infection with the virus³⁹. 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	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, being advised 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.

³⁸ <https://www.publichealthscotland.scot/media/2934/covid-19-early-years-resilience-and-impact-survey-ceyris-report-4-final-findings-dec2020-english.pdf>

³⁹ [Deaths involving COVID-19 by local area and socioeconomic deprivation - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandlife/articles/deaths-involving-covid-19-by-local-area-and-socioeconomic-deprivation-office-for-national-statistics)

			<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.⁴⁰ 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.⁴¹</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)⁴².</p> <p>There is some ambiguity on who uses informal childcare 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>
<p>Mitigating actions:</p>	<p>Levels 0-3</p>	<ul style="list-style-type: none"> • 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. • 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 	

⁴⁰ <http://www.healthscotland.scot/media/1786/provision-of-early-learning-and-childcare-and-parents-outcomes-an-evidence-brief.pdf>

⁴¹ <http://www.healthscotland.scot/media/1786/provision-of-early-learning-and-childcare-and-parents-outcomes-an-evidence-brief.pdf>

⁴² <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/pages/2/>

		and have helplines available in order to provide support and guidance.
	Level 4	<ul style="list-style-type: none"> 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. 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.

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 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.
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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	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 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?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			x	The Strategic Framework approach to informal childcare should not have an impact on unlawful discrimination, harassment or victimisation for this protected characteristic.

harassment and victimisation				
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?

Pregnancy and Maternity	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		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 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.</p>
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			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	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 PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.

Close Contact Services

<p>Title of Proposal: Treatment of Close Contact Services under the Strategic Framework Levels Refresh (e.g. beauticians, massage therapists, most complementary and alternative medicine services, hairdressers/barbers, tattooists, other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services as defined in The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the health protection regulations”).)</p> <p>On 23 February 2021 the First Minister published the ‘Strategic Framework update – February 2021’ which set out the Scottish Government’s priorities and indicative timeframe for easing restrictions. The easing of restrictions is set against a backdrop of progress in the vaccination programme rollout and reduced infection rates (including a reduction in test positivity rates, and fewer Covid patients in both hospital and intensive care).</p> <p>On 16 March 2021 further detail on the timetable for easings was published, including for close contact services at protection level 3. On 5th April 2021, the health protection regulations were amended to allow static hairdresser and barber services to re-open on an appointment only basis.</p> <p>On 13 April 2021, updated COVID Protection Levels were published.</p> <p>This EQIA discusses the amendments to the health protection regulations and policy changes to the Strategic Framework for close contact services across the Protection Levels.</p>			
	STRATEGIC FRAMEWORK LEVELS	Levels 0 – 3	All close contact services including those delivered by a mobile therapist or practitioner are permitted subject to protective measures that are intended to minimise the risk of exposure to COVID19. This including mandatory wearing of face coverings by practitioners and clients in a place of business. This may limit the treatments that can be offered if they require working in the high risk area of the face and head. See https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/close-contact-services/#mobileclosecontact
		Level 4	Closed. Fixed premises hairdressing/barbering services were permitted by appointment only between 5 April and 26 April as part of the phased easing of restrictions. Regulations also permit premises based sports massage to be provided to professional sportspersons, osteopaths, chiropractors and ‘other services or procedures’ which require physical close contact or close physical proximity between a provider and a customer, to be provided if they are ancillary to medical, health, or social care services.
Differential	Age: Children and Younger People	Levels 0 - 3	19.1% of those working in the ‘other personal service activities’ sector (hereafter referred to throughout this document as “Close Contact Services”) are aged 16-24 compared to 12.3% for Scotland as a whole. Whilst close contact services are able to be delivered in Levels 0

			through 3, as the proportion of young people who work in close contact services is higher than the total workforce average, young people working in this sector may be more likely to be economically disadvantaged through limitations on numbers of clients and treatments on offer.
		Level 4	There is no evidence to suggest a differing impact, other than those stated above.
Age: Older People		Levels 0 – 3	Allowing mobile services to operate in Level 0 – 3, as opposed to previously being permitted in Levels 0 and 1, may positively impact on older people who are less able to visit a fixed-premises salon.
		Level 4	<p>Majority of close contact services closed. Although no verifiable data is available, it is expected that mobile close contact services are used by people of all age ranges and if those services are not permitted they will be inaccessible to older people, particularly those who may have limited mobility.</p> <p>The data available does not distinguish between all age ranges (other than those in the 16-24 category). Closure of close contact services, (except fixed premises hairdressing/barbering, premises based sports massage provided to professional sportspersons, osteopathic and chiropractic services, and 'other services or procedures' which require physical close contact or close physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services,) will impact on people of all characteristics - both those that deliver and those that use these services.</p> <p>Exemptions permit continued access to osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.</p>
Sex: Women		Levels 0 – 3	Women are significantly more likely than men to work in the close contact services sector. Women made up 80.7% of the total close contact services workforce in 2019. Since close contact services are permitted in these levels, this will disproportionately benefit women's income and employment. It may also disproportionately expose women

		to greater chance of COVID-19 transmission, although there is no verifiable data available on this
	Level 4	<p>The Scottish Government's Monthly GDP statistics for January 2021 shows the close contact services sector is 49.1% lower in January compared to the same period last year (January 2020) and 8.6% lower for the economy overall.</p> <p>Closure of close contact services will have had an impact on women given the proportion of women delivering such services. There is no reliable data on how many women use these services, although the high proportion of women working in the sector may correlate to a similarly high number of women users of the services.</p>
Sex: Men	Levels 0 – 3	Men make up 19.3% of the close contact services workforce and are therefore less likely to be disproportionately benefited from the opening of the sector.
	Level 4	Majority of close contact services closed. As there are fewer men working in close contact services, whilst the proportion of men impacted by closure of services will be less than that of women the economic impact in terms of loss of income per person is likely to be similar to women.
Race	Levels 0 – 3	6.7% of the close contact services workforce are from an ethnic minority background.
	Level 4	<p>There is no evidence to show that there is a differential impact on customers if the majority of close contact services were not available.</p> <p>There is no additional data to suggest closure of close contact services would have a differential impact on people with this protected characteristic, other than as stated above.</p>
Religion & Faith	Levels 0 – 3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Disability	Levels 0 – 3	Workers with a disability may find it more challenging to attend work, depending on their disability. Both practitioners and clients of close contact services that have a disability will be more likely to have a higher prevalence of serious illness from COVID-19 due to underlying health issues than those without a disability.

			Mobile services allows those with a disability, who experience mobility issues, to be able to receive treatments thereby improving their health and wellbeing.				
		Level 4	<p>Close contact services closed. There is no data available to establish the number of disabled people that either work in personal close contact services or are users of such services. Both practitioners and clients of close contact services that have a disability will be more likely to have a higher prevalence of serious illness from COVID-19 due to underlying health issues than those without a disability.</p> <p>Where mental health is the disability, ceasing close contact services may exacerbate any underlying mental health issue.</p> <p>Closing close contact services. No data is available on participation in this sector by people with this characteristic. For disabled people who receive either physical, or therapeutic relief from such services, their closure may have a detrimental impact on physical wellbeing. Exemptions permit continued access to osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.</p>				
		Sexual Orientation	<table border="1"> <tr> <td>Levels 0 – 3</td> <td>There is no evidence of a differential impact identified at this time.</td> </tr> <tr> <td>Level 4</td> <td>There is no evidence of a differential impact identified at this time.</td> </tr> </table>	Levels 0 – 3	There is no evidence of a differential impact identified at this time.	Level 4	There is no evidence of a differential impact identified at this time.
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		Marriage and Civil Partnership	<table border="1"> <tr> <td>Levels 0 – 3</td> <td>There is no evidence of a differential impact identified at this time.</td> </tr> <tr> <td>Level 4</td> <td>There is no evidence of a differential impact identified at this time.</td> </tr> </table>	Levels 0 – 3	There is no evidence of a differential impact identified at this time.	Level 4	There is no evidence of a differential impact identified at this time.
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	Gender Reassignment	Levels 0 – 3	There is no evidence of a differential impact identified at this time.
		Level 4	There is no evidence of a differential impact identified at this time.
	Socio-economic disadvantage	Levels 0 – 3	<p>Socio-economic impacts will be experienced by those who work in this sector. The National Hair and Beauty Federation Industry Data booklet 2019 reports the average annual salary of hairdressers and barbers was £17,609 and the average annual salary of beauticians was £17,178. Whilst not representative of all services provided under the broader close contact services categorisation, these salaries are significantly lower than the weekly rate of £428.80 which is the median gross weekly public sector earnings for Scotland in 2018.</p> <p>In 2019, 9,000 (29.5%) employees aged 18+ in the Other service activities industry earned <u>less</u> than the real living wage (£9.00), compared with 16.9% of all employees in Scotland (Source: Annual Survey of Hours and Earnings, April 2019, ONS)</p> <p>Due to mitigations in place to allow the sector to operate at these levels, some services will not be able to be carried out as they were prior to the March 2020 lockdown. The limitations on numbers of clients in salons, mandatory face coverings restricting certain treatments and additional costs of implementing strict cleaning and hygiene measures will have a cumulative impact on revenue. The Scottish Government's Monthly GDP statistics for January 2021 shows the close contact services sector as 49.1% lower in January compared to the same period last year (January 2020) and 8.4% lower for the economy overall.</p>
		Level 4	A third (33.8%) of the workforce of the other service activities (SIC Section S) are self-employed, higher than the Scottish average of 12.4%. Closure of mobile close contact services will have a higher than average impact on those that are self-employed, who may already be economically disadvantaged through low levels of pay. The take-up rate of the UK Government's Self-Employment Income Support Scheme (SEISS) for the other service activities sector in Scotland was 80% as at 31 st January 2021.

			<p>As previously stated, the Scottish Government's Monthly GDP statistics for January 2021 shows a year on year contraction of the close contact services sector between 2020 and 2021 (49.1% lower in January compared to January 2020) and 8.4% lower for the economy overall. Closure of close contact services, (except those 'other services or procedures' provided which require physical close contact or close physical proximity between a provider and a customer, and which are ancillary to medical, health or social care services, for fixed premises hairdressing/barbering (as of 5th April) and premises based sports massage provided to professional sportspersons, osteopathy and chiropractic) at Level 4 will have an impact across a sector which is predominantly used by and employing women.</p>
<p>Mitigating actions:</p>	<p>Levels 0 – 3</p>	<p>Guidance is available for the safe operation of close contact services which includes guidance for those providing mobile services. This guidance sets out a number of actions that should be taken by both clients and practitioners to mitigate against COVID-19 transmission and includes mandatory wearing of face coverings, physical distancing between clients in salons and other premises, enhanced hygiene and cleaning regimes and Test and Protect measures, all of which have a consequential cost for the businesses.</p> <p>https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/close-contact-services/#mobileclosecontact</p>	
	<p>Level 4</p>	<p>Majority of close contact sector closed.</p> <p>Exemptions permit continued access to premises based sports massage provided to professional sportspersons, osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.</p> <p>There is financial support for those who are required to cease working and who satisfy</p>	

		<p>relevant eligibility criteria including through the Job Retention Scheme or through Universal Credit. The take-up rate of the UK Government's Self-Employment Income Support Scheme (SEISS) for the "other service activities" sector in Scotland was 80% as at 31st January 2021.</p> <p>We are replacing the pattern of recurring payments made through the Strategic Framework Business Fund (SFBF) with a one-off Restart Grant for business in the retail, hospitality and leisure sector specifically to support them in meeting the costs associated with the costs of re-opening</p> <p>In April 2021, SFBF recipients will automatically receive a combined final two-week payment from the Fund and a one-off restart grant to help them reopen.</p>
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Assessing the impacts and identifying opportunities to promote equality

The Scottish Government is mindful of the requirement to have due regard to three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not - and recognises while the measures may positively impact on one or more of the protected characteristics, 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 have been 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 provisions contained in the measures or by support and guidance available.

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>The measures set out in the regulations for levels 0 - 3 will apply to all employees and clients who deliver or receive the range of close contact services.</p> <p>Where such services are offered, restricting access in level 4 may reduce quality of life of older people who use these services. Exceptions permit continued access to osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close physical</p>

				proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.
Advancing equality of opportunity			X	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services. There is no measurable differential impact on those with this protective characteristic.
Promoting good relations among and between different age groups			X	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services. There is no measurable differential impact on those with this protective characteristic.

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>The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.</p> <p>Disabled people may rely on close-contact services to help maintain quality of life, and on mobile services if they are unable to easily leave the home. Restricted access to such services in level 4 areas may reduce quality of life.</p>
Advancing equality of opportunity	X	X		<p>Some data suggests that certain therapies such as massage can provide relief from chronic pain, allowing clients to more fully participate in society and thereby advancing equality of opportunity, although it did not indicate whether this includes chronic pain caused by disability.</p> <p>Exemptions permit continued access to osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care</p>

				services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.
Promoting good relations among and between disabled and non-disabled people			X	No data available on engagement with this sector by people with this characteristic.

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 set out in the Regulations will apply to all employees and clients who deliver or receive the range of close contact services. However, as these services are predominantly delivered by women, and delivered to women, restricting the delivery of these services will impact more on women.
Advancing equality of opportunity	X	X		As these services are predominantly provided by women this leads to greater economic opportunities and participation for women. However, the services are mostly utilised by women so they will also be negatively impacted by any closure of such services
Promoting good relations between men and women			X	No data to credibly assess.

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 set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services. Exemptions permit continued access to osteopathy and chiropractic services, and 'other services or procedures' which require physical close contact or close

				physical proximity between a provider and a customer, where the services or procedures are ancillary to medical, health or social care services, to continue, as well as privately practising Allied Health Professions such as physiotherapy. Scottish Government asks that any such treatment is focused on urgent or essential care of diagnosed conditions where lack of treatment would have a significant adverse impact on the wellbeing of the patient.
Advancing equality of opportunity			X	No data to credibly assess.
Promoting good relations			X	No data to credibly assess.

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 set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	No data to credibly assess.
Promoting good relations			X	No data to credibly assess.

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 set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	No data to credibly assess.
Promoting good relations			X	No data to credibly assess.

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 set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	No data to credibly assess.
Promoting good race relations			X	No data to credibly assess.

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 set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	No data to credibly assess.
Promoting good relations			X	No data to credibly assess.

Do you think the policy impacts on people because of their marriage or civil partnership?⁴³

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.

While it is the view of the Scottish Government that any remaining impacts are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, the Scottish Government also recognises that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

⁴³ The PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.

In home work

<p>Title of Proposal: Regulatory restrictions to work on or in the home</p> <p>There is an exemption to the restrictions on gathering in a private dwelling for the purpose of work. Where the work or provision of services is for the purpose of the upkeep, maintenance or functioning of the dwelling, a person may attend the gathering but only if the work or provision of services is essential for that purpose.</p> <p>The restriction only applies to areas in Level 4, where prevalence of the virus is higher and the risks of transmission are greater.</p>	
<p>Differential impacts</p>	<p>Age: Children and Younger People</p> <p>If work is limited to only ‘essential’ work, the volume of work for affected trades will decrease significantly (which is a policy objective of the restriction). There is a chance that there is less opportunity for younger staff to learn (e.g. apprentices in the trade). Other restrictions (e.g. distancing) will also affect this by limiting the number of workers who can attend ‘essential’ jobs</p> <p>Some younger people may lack the knowledge to carry out repair/maintenance/ cleaning tasks on their own, and so require supervision or someone to check and to complete the work. However, the regulations include an exception for work that is essential and to support the vulnerable, which would allow work to support younger people in need and who were unable to carry out the work themselves to be delivered.</p>
	<p>Age: Older People</p> <p>Some older people may be unable to carry out non-essential repair/maintenance/ cleaning tasks on their own, and so require someone to come and to complete the work. They may also be more vulnerable and face greater risk than younger groups where there is an issue with their home</p> <p>However, the regulations include an exception for work that is essential and to support the vulnerable, which would allow work to support older people in need to be delivered.</p>
	<p>Sex: Women</p> <p>Women are more likely than men to be represented in some of the jobs affected by the restrictions, and less likely to be represented in others</p> <p>However, across the whole range of affected roles, we do not have the data to know which will be the most affected by the restriction, given that some work will continue to go ahead as ‘essential’, and some will also be able to work on commercial premises not affected by the restrictions on private dwellings.</p>
	<p>Sex: Men</p> <p>As above - Men are more likely than women to be represented in some of the jobs affected by the restrictions, and less likely to be represented others</p> <p>However, across the whole range of affected roles, we do not have the data to know which will be the most affected by the restriction, given that some work will continue to go ahead as ‘essential’, and some will also be able to</p>

	work on commercial premises not affected by the restrictions on private dwellings.
Race	We do not have any evidence of differential impacts because of race associated with these restrictions.
Religion or belief	We do not have any evidence of differential impacts because of religion or faith associated with these restrictions.
Disability	Some households where there are people with a disability are more likely to rely on individuals entering the home to carry out repair/ maintenance/ upkeep work, either where they are unable to do the work themselves, or where the work is required to adapt the house or maintain existing adaptations. However, the regulations allow for 'essential' work to be carried out, as well as the provision of care or assistance for vulnerable people. Therefore, any essential work or support will still be possible.
Sexual Orientation	We do not have any evidence of differential impacts because of sexual orientation associated with these restrictions.
Marriage and Civil Partnership	We do not have any evidence of differential impacts because of marriage or civil partnership associated with these restrictions.
Pregnancy and Maternity	We do not have any evidence of differential impacts because of pregnancy or maternity associated with these restrictions.
Gender Reassignment	We do not have any evidence of differential impacts because of gender reassignment associated with these restrictions.
Socio-economic disadvantage	The restrictions at Level 4 are likely to decrease the amount of work available within private dwellings for those with a socio-economic disadvantage who are more likely to carry out such work. Where there is a decrease, this may have a differential and adverse impact on those who already have a socio-economic disadvantage. The section below refers to the business/individual support in place for those whose ability to work is affected by restrictions.

Mitigating actions:

The regulations include exemptions for work on the upkeep, maintenance or functioning of the dwelling where the work is essential for that purpose, as well as allowing the provision of care or assistance for vulnerable people. This will limit the differential impact on some groups, where there is more reliance on people coming in to the house for work to support that household.

There is business/ individual support in place for those whose work is affected by restrictions to their business - [Coronavirus support for Businesses in Scotland - Find Business Support](#)

The measures in place across Scotland are under regular review, and will only be kept in place for as long as is necessary. The restriction only applies at Level 4 at which the prevalent level of Covid-19 makes it necessary to prevent non-essential work in private dwellings, as the risk of transmission would be too high, even with the use of mitigating measures such as ventilation, social distancing, good hand hygiene and face coverings.

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 measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity		X		We note that the measure may limit the amount of work and opportunities in the affected trades, and these impacts are more likely to affect younger individuals who are earlier in their careers and still learning the skills associated with that type of work. However, the measure is deemed necessary on public health grounds to limit the number of gatherings in private dwellings, in order to reduce transmission of the virus
Promoting good relations among and between different age groups			X	We have identified no impact on promoting good relations among and between those of different age groups.

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 measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	While some disabled people may be more reliant on other people working on their home, the exemption for 'essential' work should limit the impact on their equality of opportunity
Promoting good relations among and between disabled and non-disabled people			X	We have identified no impact on promoting good relations among and between disabled and non-disabled people.

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

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

discrimination, harassment and victimisation				
Advancing equality of opportunity	X	X	X	<p>We are aware that there may be some differential impact, as men and women do not have the same representation in the types of jobs affected by the restrictions. However, we do not have sufficient data to quantify which of the affected roles may be more impacted, and thus whether there will be a differential impact.</p> <p>However, the measure is deemed necessary on public health grounds to limit the number of gatherings in private dwellings, in order to reduce transmission of the virus</p>
Promoting good relations between men and women			X	We have identified no impact on promoting good relations between men and women.

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 measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have identified no impact on the advancing of equality of opportunity on the ground of pregnancy and maternity.
Promoting good relations			X	We have identified no impact on promoting good relations on the ground of pregnancy and maternity.

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 range of people who not covered by the Act).

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

Advancing equality of opportunity			X	We have identified no impact on the advancing of equality of opportunity on the ground of gender reassignment.
Promoting good relations			X	We have identified no impact on promoting good relations on the ground of gender reassignment.

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 measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have identified no impact on the advancing of equality of opportunity on the ground of sexual orientation.
Promoting good relations			X	We have identified no impact on promoting good relations on the ground of sexual orientation.

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 measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	We have identified no impact on the advancing of equality of opportunity on the ground of race.
Promoting good race relations			X	We have identified no impact on promoting good relations on the ground of race.

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 measure does not constitute unlawful discrimination, harassment and victimisation.

Advancing equality of opportunity			X	We have identified no impact on the advancing of equality of opportunity on the ground of religion or belief.
Promoting good relations			X	We have identified no impact on promoting good relations on the ground of religion or belief.

Do you think the policy impacts on people because of their marriage or civil partnership?⁴⁴

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

⁴⁴ The PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.
<https://www.gov.uk/guidance/equality-act-2010-guidance>

Life Events

Title of Proposal: Life Events – Marriages, funerals and the associated receptions and post-funeral gatherings

On 23 February 2021 the First Minister published the ‘Strategic Framework update – February 2021’ which set out the Scottish Government’s priorities and indicative timeframe for easing restrictions. The easing of restrictions is set against a backdrop of progress in the vaccination programme rollout and reduced infection rates (including a reduction in test positivity rates, and fewer Covid patients in both hospital and intensive care).

On 16 March 2021 further detail on the timetable for easings was published, including for life events at protection level 3.

On 13 April 2021, [updated COVID Protection Levels](#) were published.

This EQIA discusses the amendments to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the health protection regulations”) and policy changes to the Strategic Framework for life events across the Protection Levels.

Impact:

The Scottish Government’s timetable for easing restrictions states that from 26 April 2021 mainland Scotland is expected to move into Level 3 of the updated protection levels framework, provided that the evidence allows. The Government has also identified revised caps for attendance at “life events” (funerals, marriage ceremonies and civil partnership registrations, wedding receptions and post-funeral gatherings) for all the levels within the Levels Framework. These are identified below, and follow the vaccination progress and reduced infection rates in Scotland. The limits on numbers referred to are dependent on venue capacity with appropriate physical distancing in place between households or extended households.

	Proposal	Indicative dates (subject to data)
Level 4	20 (no receptions/post-funeral gatherings)	Funerals: Now Marriages: 26 April
Level 3	50	26 April
Level 2	50	17 May
Level 1	100	Likely from early June
Level 0	200	Likely from end June

General

The Scottish Ministers are under a duty to end any restriction or requirement imposed by the health protection regulations as soon as that measure is no longer necessary to control the incidence or spread of coronavirus in Scotland.

Notwithstanding the success of the vaccination rollout, not all those offered the vaccine will take it up and there are some groups, such as children, for whom approved vaccines are not yet available. There will

remain a chance that people will contract the virus and pass it on. Vaccinations are not 100% effective and new variants may affect the position. The strategic framework should also, as far as possible, take account of the available evidence of the potentially heightened transmission risks at life events discussed in the following paragraphs.

We do not have empirical evidence at present suggesting that transmission has been occurring at marriages and civil partnerships in Scotland. Nor do we have any evidence of outbreaks linked to such events in Scotland. We do not have evidence available of outbreaks occurring at funerals in Scotland, however we are aware that a small number of outbreaks have occurred at wakes.⁴⁵

However, we understand that one of the key risks for marriages, civil partnerships and funerals as life events is in relation to ensuring individuals and household groups maintain physical distancing in a context where they are likely to know each other and want to interact. These are emotional or otherwise important life events and individuals will usually want to interact closely with others to comfort or to congratulate.

The risk elements such as sharing of food and the consumption of alcohol are particularly relevant to receptions or post-funeral gatherings (e.g. wakes). The UK Government has summarised the evidence of the significant risk of transmission in the hospitality sector.⁴⁶

Alcohol could also exacerbate some of the behaviours associated with risk of transmission as this can cause people to lose their inhibitions. Advice from the World Health Organisation during the Covid-19 pandemic is to 'stay sober so that you can remain vigilant, act quickly and make decisions with a clear head, for yourself and others in your family and community'.⁴⁷

Evidence published by SAGE has highlighted that "family celebrations" typically constitute a very high transmission risk.⁴⁸ SAGE has also published evidence noting that in Japan, China, South Korea, and Indonesia that some super-spreading events originated from wedding venues, including that "large outbreaks have been occurred [sic] in family, friend, work-related and other gatherings including weddings and birthday parties."⁴⁹

A recent publication⁵⁰ from the Technical Advisory Group in Wales serves to bring together literature to support a general view of marriages and civil partnerships and receptions, identifying the key environmental risks associated with such events in the context of Covid-19. It refers to evidence that close interaction with friends and relatives in a familiar and relaxed environment may lead to an 'intimacy paradox' whereby a place we think is safe is in fact risky.⁵¹ The publication also notes that the risk is greater with larger events and those which are inter-generational, and that "Increased transmission is likely to result from more social mixing during celebrations, often involving gatherings beyond habitual networks and across regions, and in larger groups".⁵²

Ministers determined that increasing the indicated number of people at life events at each level was proportionate and appropriate. The changes introduced under the Strategic Framework update and the updated local protection levels are in response to the significant progress of the vaccination programme in Scotland, and in consideration of the data available. However, on balance, retaining numerical caps reflects

⁴⁵ Additionally, data from Northern Ireland show that funerals/wakes are a source of outbreaks - [COVID-19 cluster/outbreak summary | HSC Public Health Agency \(hscni.net\)](#)

⁴⁶ [Transmission risk in the hospitality sector - GOV.UK \(www.gov.uk\)](#)

⁴⁷ [WHO/Europe | Media centre - Fact sheet - Alcohol and COVID-19: what you need to know \(2020\)](#)

⁴⁸ [SPI-M-O: Consensus statement on events and gatherings, 19 August 2020 \(publishing.service.gov.uk\)](#)

⁴⁹ [SARS-COV-2: Transmission Routes and Environments, 22 October 2020 - GOV.UK \(www.gov.uk\)](#)

⁵⁰ [wg40655 COVID \(gov.wales\)](#)

⁵¹ [S0922 EMG and SPI-B - Mitigating risks of SARS-CoV-2 transmission associated with household social interactions.pdf \(publishing.service.gov.uk\)](#)

⁵² [S0866 Key Evidence and Advice on Celebrations and Observances during COVID-19.pdf \(publishing.service.gov.uk\)](#)

the high-risk criteria set out above associated with what are often gatherings of family and friends, for example, we know that marriages and funerals are often inter-generational events.

To the extent that older people, people with disabilities or minority groups may be at greater risk of Covid-19,⁵³ there is a wide range of mitigations in use to reduce the risk of transmission at life events, in addition to the limit on numbers, including the use of face coverings and physical distancing.⁵⁴

Scottish Ministers consider that the number limits effectively balance proportionality and public health risk at each protection level. These numbers will be set out in guidance and will be kept under review to ensure our approach balances proportionality with assessed risk to public health.

Generally, it is proposed that the above levels table now be applied to local areas in Scotland, dependent on the relevant data – setting the Level of a given local authority area is a decision for the Scottish Ministers. The Scottish Government’s decisions are based on an assessment of the current evidence for Scotland and they seek to balance health, social and economic harms so as to minimise overall harm. These are the direct impact of COVID-19, other health impacts, societal impacts, and economic impacts.⁵⁵ The assessment process includes oversight by the Chief Medical Officer and other Senior Advisors.

Marriages

Prior to this review of the Levels framework, the maximum number of attendees permitted at marriage ceremonies and receptions was as follows:

	Limit
Level 4	5 (or 6 if an interpreter required. Receptions not permitted)
Level 3	20 (receptions permitted)
Level 2	20 (receptions permitted)
Level 1	20 (receptions permitted)
Level 0	50 (receptions permitted)

At protection level 4, which currently affects mainland Scotland, no more than 5 people (or 6 if an interpreter is required) can attend a marriage ceremony. This reflects the legal requirements for solemnisation of a marriage. It also reflects that the Scottish Government’s recognition of the importance of marriage and civil partnership to couples and to society more generally and that people of marriageable age have the right to marry (under Article 12 of the ECHR).⁵⁶ In the remaining parts of Scotland at protection level 3, both marriage ceremonies and wedding receptions can take place with no more than 20 people in attendance as set out in guidance.

The proposed change at protection level 4 to allowing up to 20 people to attend a marriage ceremony with no receptions, reflects the position as it was under the framework in place before 8 January 2021, when tightened level 4 restrictions were introduced. Both public correspondence and stakeholder engagement has

⁵³ [Joint Committee on Vaccination and Immunisation: advice on priority groups for COVID-19 vaccination, 30 December 2020 - GOV.UK \(www.gov.uk\)](#)

⁵⁴ Existing Scottish Government guidance for [funeral services](#) and [marriage ceremonies and civil partnerships](#) reference these mitigations. There is separate Scottish Government [shielding and support guidance](#).

⁵⁵ [COVID-19 in Scotland \(data.gov.scot\)](#)

⁵⁶ [European Convention on Human Rights \(coe.int\)](#)

demonstrated that the change at level 4 will benefit in particular people with the protected characteristic of religion and belief, as for some religious or belief bodies, there is a requirement or strong preference for more than the legal minimum number of people to attend the marriage ceremony.

From 26 April, data permitting, mainland Scotland (currently in level 4) will move into level 3 and marriage ceremonies may have a maximum 50 people in attendance, provided that the chosen venue permits this with physical distancing. This cap will also apply to receptions, which as was the case under levels 0-3 in the previous protection levels framework. Receptions will continue to not be permitted in protection level 4.

This change will be followed, if infection rates and vaccination progress continues to allow, by further easing of restrictions as Scotland progresses through the lower levels of the Framework. At protection level 2, to which Scotland is anticipated to move from 17 May, the number of attendees permitted will remain 50. A further easing for life events is anticipated in areas under protection level 1, which under the Scottish Government's timetable is expected to apply from early June (subject to the data at the time), when up to 100 people can attend subject to physical distancing. And again an easing of restrictions at protection level 0 may proceed in late June (subject to the data at the time) when up to 200 people will be able to attend subject to physical distancing.

National Records of Scotland (NRS) publishes quarterly statistics on vital events,⁵⁷ including on the number of marriages and civil partnerships. Based on the provisional data for 2020, there has been around a 54% reduction in the number of marriages in 2020 compared to the position in 2019 (26,007 in 2019 and 11,986 in 2020). For civil partnerships, the provisional data for 2020 indicates that 72 civil partnerships were registered in 2020. This represents a 13% reduction compared to the 83 civil partnerships registered in 2019.⁵⁸

There were 117 marriages in the second quarter of 2020, compared with an average of 7,938 second quarter marriages for the previous five years. There were 3,789 marriages in the third quarter of 2020, compared with an average of 10,647 third quarter marriages for the previous five years. There were 5,056 marriages in the fourth quarter of 2020, compared with an average of 6,066 fourth quarter marriages for the previous five years. The fourth statutory report on marriage and civil partnership published 15 February 2021, shows that NRS were aware of 1904 marriages having been solemnised and 13 civil partnerships having been registered in the period 1 December to 31 January.⁵⁹

Funerals

Prior to the review of the Levels framework, the maximum number of attendees permitted at funerals was as follows:

	Limit
Level 4	20 (no post-funeral gatherings)
Level 3	20 (post-funeral gatherings permitted)
Level 2	20 (post-funeral gatherings permitted)
Level 1	20 (post-funeral gatherings permitted)

⁵⁷ [Births, Deaths and Other Vital Events - Quarterly Figures | National Records of Scotland \(nrscotland.gov.uk\)](https://nrs.scot.nhs.uk/quarterly-figures). The total number of marriages for 2020 is provisional.

⁵⁸ [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](https://nrs.scot.nhs.uk/data-tables), Table 7.10

⁵⁹ [Coronavirus \(Scotland\) \(No.2\) Act 2020: fourth report on marriage and civil partnership - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-scotland-no-2-act-2020/fourth-report-on-marriage-and-civil-partnership/pages/10)

Level 0	50 (post-funeral gatherings permitted)
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At time of writing, in areas in Level 4, a maximum of 20 people are permitted at a funeral service and no post-funeral gatherings are permitted.

The retention of the maximum of 20 people at a funeral service and no post-funeral gatherings in Level 4 aligns with the position throughout Winter 2020-2021 lockdown/tighter Level 4 restrictions. Unlike the funeral service, it is possible for post-funeral gatherings to be delayed to a later date. Post-funeral gatherings are likely to involve many people who know one another well and alcohol consumption is permitted. They have been linked to a small number of COVID-19 outbreaks in Scotland.⁶⁰ The prohibition of post-funeral gatherings at level 4 is not considered to create any particular inequalities for those with protected characteristic(s).

From April 26 (data permitting), mainland Scotland (currently in level 4) will move into level 3 and funerals may have a maximum 50 people in attendance, with physical distancing. This cap will also apply to post-funeral gatherings, which will again be permitted. This change will be followed, if infection rates and vaccination progress continues to allow, by further easing of restrictions as Scotland progresses through the lower levels of the Framework. At protection level 2, to which Scotland is anticipated to move from 17 May, the number of attendees permitted will remain 50. A further easing for life events is anticipated in areas under protection level 1, which under the Scottish Government's timetable is expected to apply from early June (subject to the data at the time), when up to 100 people can attend subject to physical distancing. And again an easing of restrictions at protection level 0 may proceed in late June (subject to the data at the time) when up to 200 people will be able to attend subject to physical distancing.

This proposal protects the attendance numbers at funeral services in all levels of the framework (e.g. the service which accompanies the burial or cremation) which must proceed in real time and cannot be delayed. Delays to funerals risk a significant impact on body storage capacity. Funeral services are also an essential part of the bereavement process, engage Article 8 ECHR rights in relation to private and family life and are vital to people's wellbeing. Public correspondence provides evidence that the original levels framework caps of 20 people were extremely difficult for people, and it is perceived that increases to permitted numbers at funerals will be welcomed by the bereaved and help protect ECHR Article 8 rights.

Differential impacts	Age: Children and Younger People⁶¹	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change in the level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
		Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change in the level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>

⁶⁰ These have been reported to Burial and Cremation officials by the Scottish Government's Outbreak Management team, who maintain an Incident Summary record.

⁶¹ People who are under 16 cannot marry or enter a civil partnership in Scotland

		Level 4	<p>Marriages and civil partnerships</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). As this reflected the legal minimum required to solemnise a marriage or to register a civil partnership, (the couple who must be 16 or over, the celebrant or registrar and two witnesses) children and those younger than 16 were unable to attend. The change at protection level 4 to allowing up to 20 people to attend will likely be positive as children and young people under 16 can be invited, though our guidance will remain that children of all ages are included in the numbers limit. We are not aware of any evidence that suggests this change in the level of restriction will create any particular inequalities for this protected characteristic</p> <p>(Receptions are already not permitted at level 4, so there is no change.)</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. Children are included in this headcount. We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic.</p>
Age: Older People	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>	
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>	
	Level 4	<p>Marriages and civil partnerships</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4 so there is no change for receptions). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. The change at protection level 4 to allowing up to 20 people to attend will likely be positive for older people as it means</p>	

		<p>numbers are increased and it will increase the possibility for an individual to be invited.</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>To the extent that older people may be at a higher risk from coronavirus, our guidance for marriages and funerals will continue as appropriate to reference other guidance for at risk groups, and we will continue to emphasise the importance of adhering to risk mitigations such as physical distancing and face coverings. Marriages and funeral guidance should be read alongside the guidance for at risk groups, including in relation to shielding, as well as information published by NHS Inform.</p>
Sex: Women	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 4	<p>Marriages and civil partnership</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities for women. (Receptions are already not permitted at level 4 and no change is proposed). NRS has published data on the provisional numbers of marriages in 2020 but data is not yet available broken down by sex. In 2019, there were 26,007 marriages, and slightly more women married (26,225) compared to men (25,789).⁶²</p>

⁶² [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#)

		<p>In addition to this proposal ensuring people of both sexes still being able to marry and so protects their Article 12 ECHR right , marriage and civil partnership is a way in which second female parents can obtain parental responsibilities and rights (“PRRs”). Marriages can take place at all protection levels, therefore permitting parents to obtain parental responsibilities and rights.</p> <p>This change will likely be positive for those wishing to attend these important life events.</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Sex: Men	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages and funerals.</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 4	<p>Marriages and civil partnerships</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony will create any particular inequalities for men. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p>NRS has published data on the numbers of marriages conducted over the course of the pandemic but data is not yet available broken down by sex of the parties. In 2019, there were 26,007 marriages, and slightly more women married (26,225) compared to men (25,789).⁶³</p> <p>In addition to this proposal ensuring that people of both sexes can marry and so protecting their Article 12 ECHR right, marriage is one of the ways in which fathers can obtain PRRs (similarly, second female</p>

⁶³ [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/data-tables)

		<p>parents can obtain PRRs through being married to, or in a civil partnership with, the mother). Marriages can take place at all protection levels including level 4, therefore permitting parents to obtain parental responsibilities and rights.</p> <p>This change will likely be positive for those wishing to attend these important life events.</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Race	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p>Allowing an interpreter when required (who does not count towards the numbers cap) may help couples who do not speak English.⁶⁴</p> <p>The increase in the numbers cap will likely be positive for those wishing to attend these important life events.</p> <p>Funerals</p>

⁶⁴ There is specific provision on interpreters at section 22 of the Marriage (Scotland) Act 1977

		<p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Religion or Belief	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p> <p>NRS has published statistics for 2019 and earlier years about the number of marriages and civil partnerships which are conducted by a religious or belief celebrant, including by selected denomination.⁶⁵ This data is not yet available for 2020.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 4	<p><i>Marriages and civil partnerships</i></p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p>Previous stakeholder consultation indicated that limiting numbers to 5 or 6 would not have addressed religious requirements but when the limit of 5/6 was imposed by the health protection regulations in January 2021, this was considered to be justified by the need to respond to the apparent greater transmissibility of the new variant of the virus. In addition, the reduction to 5 or 6 was intended to be temporary.</p> <p>The Scottish Government reviewed the impact on religious bodies and people of faith of reducing numbers who can attend to 5 or 6. In carrying out this review, the Scottish Government sought views from 20 religious or belief bodies. Seven groups responded. One noted that the restriction was ‘too tight’ because it did not allow for parents and</p>

⁶⁵ [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#) see tables 7.05-7.07

		<p>children to attend and a number of others noted that some couples had cancelled or postponed their marriage.</p> <p>Our previous engagement with religious and belief bodies suggests that the proposed increase in the numbers who may attend a marriage ceremony to 20 from 5/6 would address religious requirements. The proposed change would have a positive impact for those with this protected characteristic.</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Disability	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
	Level 4	<p>Marriages and civil partnerships</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities for those with a disability. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p>Making provision for an interpreter (who is not included in the numbers cap) when required supports those who need help with a (hearing) disability. Increasing the numbers permitted to attend would also support those who can only attend with assistance from a carer.</p> <p>Funerals</p>

			There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Sexual Orientation	Level 0 and Level 1	Increase from original levels caps for marriages, civil partnerships and funerals. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.	
	Level 2 - 3	Increase from original levels caps for marriages, civil partnerships and funerals. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.	
	Level 4	<i>Marriages and civil partnerships</i> At level 4, the numbers currently able to attend a marriage ceremony is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony will create any particular inequalities for this protected characteristic. (Receptions are already not permitted at level 4 and no change is proposed). The restrictions apply in the same way to mixed and to same sex marriages. The restrictions do not distinguish between same sex and opposite sex marriage and the arrangements do not differ for civil partnerships compared to marriage. NRS quarterly data available for 2020 indicates that of the 11,986 marriages, 424 (or 3.5%) were same sex marriages. ⁶⁶ In 2020, 33 civil partnerships involved parties who were both male and 39 involved parties who were both female. This can be compared to the position in 2019, when there were 912 same sex marriages, which constituted 3.5% of the overall number of marriages (26,007), ⁶⁷ and there were 50 civil partnership where both parties were men and 33 where both parties were female. <i>Funerals</i> There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a	

⁶⁶ Provisional data- [Births, Deaths and Other Vital Events - Quarterly Figures | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

⁶⁷ [Marriages and Civil Partnership - Time Series Data | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk) See Table MT-01

		funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Marriage and Civil Partnership⁶⁸	Level 0 and Level 1	<p>Increase in original level caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to take part in and attend these important life events</p>
	Level 2- 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to take part in and attend these important life events.</p>
	Level 4	<p><i>Marriages and civil partnerships</i></p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership will create any particular inequalities for this group. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p><i>Funerals</i></p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Pregnancy and Maternity	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>

⁶⁸ in respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work.

		<p>We are aware that some people of faith may want to marry before starting a family. The easings at the different protection levels are likely to benefit this group.</p>
	Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p> <p>We are aware that some people of faith may want to marry before starting a family. The easings at the different protection levels are likely to benefit this group.</p>
	Level 4	<p>Marriages and civil partnerships</p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities for this group. We are aware of some requests that very young children (infants) should not count towards limits on numbers and this increase should have a positive benefit in allowing more people to attend. (Receptions are already not permitted at level 4 and no change is proposed).</p> <p>We are aware that some people of faith may want to marry before starting a family. The easings at the different protection levels are likely to benefit this group.</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Officials have not received public correspondence requesting that very young children (infants) should not count towards the maximum number of attendees.</p>
Gender Reassignment	Level 0 and Level 1	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change</p>

			will likely be positive for those wishing to attend these important life events.
		Level 2 - 3	<p>Increase from original levels caps for marriages, civil partnerships and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
		Level 4	<p><i>Marriages and civil partnerships</i></p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities for people with this protected characteristic. The restrictions apply in the same way to mixed and to same sex marriages.</p> <p>(Receptions are already not permitted at level 4 and no change is proposed).</p> <p><i>Funerals</i></p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Socio-economic disadvantage	Level 0 and Level 1	<p>Increase from original levels caps for marriages and funerals.</p> <p>We are not aware of any evidence that suggests this change will create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>
Level 2 - 3		<p>Increase from original levels caps for marriages and funerals. Change of restriction will not create any particular inequalities for this protected characteristic. This change will likely be positive for those wishing to attend these important life events.</p>	
Level 4		<p><i>Marriages and civil partnerships</i></p> <p>At level 4, the numbers currently able to attend a marriage ceremony or civil partnership registration is 5 (or 6 if an interpreter is needed). We are not aware of any evidence to suggest that the change at protection level 4 to allowing up to 20 people to attend a marriage ceremony or civil partnership registration will create any particular inequalities for people with this protected characteristic. Couples from different socio economic backgrounds can choose to proceed with a marriage</p>	

		<p>ceremony with a lower number of attendees as they could before there were pandemic restrictions. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.⁶⁹</p> <p>Funerals</p> <p>There is no change to protection level 4 in the health protection regulations or policy guidance. At level 4, the numbers able to attend a funeral service will remain at 20 people (as set out in guidance) and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Families from different socio-economic backgrounds can choose to proceed with a funeral service with a lower cost and number of attendees as they could before there were pandemic restrictions.</p>
Mitigating actions:	Level 0 and Level 1	<p>A range of mitigations in relation to the transmission of COVID-19 have been considered and implemented through guidance, both specifically for marriages and funerals and in related guidance for hospitality venues and for receptions and post-funeral gatherings to minimise the risks to all attendees at life events.</p> <p>The guidance on funeral services and on marriage ceremonies and civil partnerships⁷⁰ sets out the range of mitigations to reduce the opportunities for the virus to transmit, including on the actions venues must take, the need for physical distancing between households, face coverings in indoor spaces, and hygiene requirements such as when sharing objects required during the service. For example the marriage ceremony and civil partnership guidance contains information about handling hand fasting ribbons and use of the quaich as well as on sharing a pen to sign the marriage schedule. In relation to funerals, an example includes the risk assessment required by funeral directors before families can carry the cords.</p> <p>This guidance is updated regularly to ensure clear communication of the requirements and SG officials continue to communicate with interested stakeholders.</p>
	Level 2 - 3	<p>The Scottish Government guidance on funeral services, and on marriage ceremonies and civil partnerships and receptions sets out the range of mitigations to reduce the opportunities for the virus to transmit, including on the actions venues must take, the need for physical distancing between households, face coverings in indoor spaces, and hygiene requirements such as when sharing objects required during the service. For example the marriage ceremony and civil partnership</p>

⁶⁹ National Records of Scotland have published information on the costs of getting married in Scotland [Marriage in Scotland - What You Would Pay \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/information-and-statistics/our-statistics-and-research/statistics-2019/marriage-in-scotland-what-you-would-pay) and on the costs of entering a civil partnership in Scotland [Civil Partnership Registration in Scotland - What You Would Pay \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/information-and-statistics/our-statistics-and-research/statistics-2019/civil-partnership-registration-in-scotland-what-you-would-pay)

⁷⁰ [Coronavirus \(COVID-19\): guidance for funeral services - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-funeral-services/pages/1-introduction-and-what-you-should-know.aspx) and [Coronavirus \(COVID-19\): wedding ceremonies and civil partnership registrations - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-wedding-ceremonies-and-civil-partnership-registrations/pages/1-introduction-and-what-you-should-know.aspx)

	<p>guidance contains information about handling handfasting ribbons and use of the quaich as well as on sharing a pen to sign the marriage schedule. In relation to funerals, an example includes the risk assessment required by funeral directors before families can carry the cords.</p> <p>We have updated our guidance for marriages and funerals to ensure clear communication of the requirements and SG officials continue to communicate regularly with interested stakeholders.</p>
Level 4	<p>Marriages and civil partnerships</p> <p>We have updated our guidance for marriages to ensure clear communication of the continuing requirements and the cap on numbers at all protection levels. We will continue to monitor the restrictions in place in the light of the evidence and to engage with stakeholders.</p> <p>Funerals</p> <p>No change to policy or regulation.</p> <p>Marriages, civil partnerships and funerals</p> <p>The guidance on funeral services, and marriage ceremonies and civil partnerships sets out the range of mitigations to reduce the opportunities for the virus to transmit, including on the actions venues must take, the need for physical distancing between households, face coverings in indoor spaces, and hygiene requirements such as when sharing objects required during the service. For example the marriage ceremony and civil partnership guidance contains information about handling hand fasting ribbons and use of the quaich as well as on sharing a pen to sign the marriage schedule. In relation to funerals, an example includes the risk assessment required by funeral directors before families can carry the cords.</p>

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	<p>In respect of the easing of restrictions on permitted numbers at these events this change will likely be positive for people with one or more of the protected characteristics.</p> <p>For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.</p>

				To the extent that older people may be at a higher risk from coronavirus, our guidance for marriages and funerals will continue as appropriate to reference other guidance for at risk groups, and we will continue to emphasise the importance of adhering to risk mitigations such as physical distancing and face coverings. Marriages and funeral guidance should be read alongside the guidance for at risk groups, including in relation to shielding , as well as information published by NHS Inform.
Advancing equality of opportunity			X	We have no evidence of differential impacts for the need to advance equality of opportunity between different age groups.
Promoting good relations among and between different age groups			X	We have no evidence of differential impacts to promote good relations between different age groups

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 impacts for the need to advance equality for opportunity of disabled people
Promoting good relations among and between disabled and non-disabled people			X	We have no evidence of differential impact for the need to promote good relations between these 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 impacts for the need to advance equality of opportunity between men and women.

Promoting good relations between men and women			X	We have no evidence of differential impact for the need to promote good relations between the different sexes.

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	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 impacts for the need to advance equality of opportunity for people with this protected characteristic.
Promoting good relations			X	We have no evidence of differential impact for the need to promote good relations 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	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 impacts for the need to advance equality of opportunity for people who intend to undergo, are undergoing or have undergone gender reassignment
Promoting good relations			X	We have no evidence of differential impact for the need to promote good relations as between people with the protected characteristic of gender reassignment and others who do not.

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
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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 impacts for the need to advance equality of opportunity for this characteristic.
Promoting good relations			X	We have no evidence of differential impact for the need to promote good relations.

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 impacts for the need to advance equality of opportunity for this characteristic.
Promoting good race relations			X	We have no evidence of differential impact in respect of the need to promote 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	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			The Scottish Government recognises that the current number limit on who can attend a marriage ceremony to the statutory minimum of 5 (or 6 if an interpreter is required) may not fit with all religious requirements or preferred approaches by religious bodies to marriage ceremonies. Returning to permitting up to 20 people to attend will have a positive impact for those with this protected characteristic.

Promoting good relations	X			See Advancing equality of opportunity. The Scottish Government recognises the importance to individuals of particular faiths that they marry in accordance with their faith. Permitting people of all religions and beliefs and opportunity to do so may help promote relations amongst religious and belief groups.
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Do you think the policy impacts on people because of their marriage or civil partnership?⁷¹

Marriage and Civil Partnership	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.

⁷¹ The PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.

Places of Worship

Title of Proposal: Places of Worship - Protective Levels Framework – April 2021

Following lockdown measures coming into force on 8 January 2021, places of worship located in Level 4 were closed for general public worship (subject to some exceptions). Revised Regulations that came into force on 24 March eased restrictions, allowing places of worship located in level 4 areas to re-open to members of the public and enabled individuals to exercise their right to freedom of religion within a place of worship. The revised Regulations also enabled people to leave a level 4 area to attend their usual place of worship. This has the benefit of permitting travel for a number of people that reside close to their usual place of worship, although it is in a different local authority. In addition, it enables people to attend a place of worship when there is none of their faith or denomination in the local authority they reside.

This enabled both communal worship, prayer and contemplation, led by a minister of religion or lay person and also individual worship consisting of private prayer/reflection to take place, subject to guidance stating a maximum capacity of 50, (including all children) social distancing and appropriate mitigation measures in place.

Places of worship located in level 3 areas could remain open, subject to a maximum capacity of 50, social distancing and appropriate mitigation measures in place.

The revised Strategic Framework Protective Levels was published on 13 April, with the expected timetable for easing restrictions from 26 April. From this date, the standardised cap on attendance at places of worship is due to be lifted, with the capacity being based on a physical distancing capacity to building arrangement, which could result in capacities exceeding 50 in each individual self-contained communal space. This can be calculated in accordance with supplementary guidance published by Scottish Government, by dividing the space to be occupied by an occupancy load factor. Other methodologies may be used provided that they are demonstrably effective methods of calculating Covid Occupancy capacity limits. Clear signage should be provided when entering the place of worship what the maximum capacity should be.

However, some higher risk activities, such as singing, should still be limited and Scottish Government guidance reflects this. Additionally, there is advice about limiting the capacity of services and those responsible for a place of worship will continue to be subject to a duty to take all reasonable measures to ensure physical distancing and appropriate mitigation measures, as detailed in the [guidance for safe use of places of worship](#).

Differential impacts	Age: Children and Younger People	<p>More children and younger people will now be able to attend their place of worship, for general acts of worship. As such, this may result in more households attending places of worship.</p> <p>Attendance at children's and younger people's faith based classes and other youth group organisations will be dependent on other Regulations/guidance.</p>
	Age: Older People	<p>The easing of restrictions on places of worship will have more of a positive impact for older people, as a larger number of older people attend places of worship more regularly than younger groups, according to the independent Scottish Church Census 2016. (Approx 45% aged 65& over, 30% aged 45 – 64, 18% aged 25 – 44 and 7% aged under 25).</p>

	<p>Based on information in consultation with our faith and belief stakeholders, it is also likely that some older people may have been less likely to access means of watching live or recorded acts of worship in their own homes.</p> <p>As such this will have a positive impact on the ability of older people to attend a place of worship.</p> <p>However, this measure may also have a negative impact in potentially exposing infection to a group of people who are more at risk from the virus, as current guidance remains that those shielding should minimise contact with people outside their own household if possible. Nevertheless, it is acknowledged that older people are now being vaccinated, which will offer additional protection.</p>
Sex: Women	<p>The independent Scottish Church Census 2016 for the majority of Christian churches in Scotland indicated that approximately three-fifths of churchgoers are women. We do not have similar data available for other religions.</p> <p>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 by easing restrictions may have a greater positive impact on women than men.</p>
Sex: Men	<p>As detailed above, the Scottish Church Census suggests that easing attendance restrictions at places of worship may have less of an impact on men than women.</p>
Race	<p>The easing of restrictions is expected to have an as equal positive/negative on all races. Therefore, no obvious impact identified.</p>
Religion & Faith	<p>More members of faith communities will be able to attend places of worship for communal or congregational worship, prayer, and wider activities, ceremonies and services. This change will be of particular benefit to groups for whom individual prayer or contemplation is more significant and those for whom such contemplation and prayer needs to ideally take place in their place of worship.</p> <p>There will still be guidance in place advising limits on numbers of people who can attend a place of worship to exercise their religious rights in order to ensure 2 metre physical distancing and hygiene safeguards can be met.</p> <p>Although it will be possible for more people to attend, the remaining maximum capacity in the total number of people who can attend a place of worship at one time may have a negative impact on faiths that have larger catchment areas for individual places of worship that ordinarily have a high capacity, such as Muslim and Sikh communities.</p> <p>Faith groups that use prayer rugs as part of their act of worship, or those who involve kneeling in pews may consider the use of an occupational load factor as unfair, as additional space is required to include such activities and maintain 2m spacing.</p> <p>However the increase in permissible attendance figures for a place of worship will enable more people to attend an act of worship than before.</p>

	<p>A number of people rely on attending places of worship for social and spiritual wellbeing and reopening places of worship with increased permissible capacities should result in positive impacts in these respects, and for mental health.</p> <p>The guidance restricting high risk activities, such as singing, will remain in place, with an associated negative impact on some faith groups.</p> <p>However, based on information in consultation with our faith group stakeholders, there has been wide spread use of digital technologies to allow live-streaming of acts of worship and the distribution of recorded material whilst places of worship have been closed and it is likely that this will continue, enabling some who previously may not have been able to physically attend an act of worship to participate in it.</p>
Disability	<p>Consideration needs to be given to those disabled people who may, in line with wider public health advice, still be advised to avoid indoor gatherings (but should in some cases be able to access services digitally as described above). However, disabled people that have not been advised to shield will be able to attend places of worship.</p> <p>Some disabled people, for example wheelchair users or those with limited mobility, may face barriers to attending services if special arrangements are not made to ensure they are able to access, circulate and use all necessary facilities while maintaining 2 metre physical distancing and hygiene requirements.</p>
Sexual Orientation	No impact identified.
Marriage and Civil Partnership	Places of worship are already permitted to open for marriage ceremonies and civil partnership registrations. No impact arises for marriage and civil partnership as a result of the change to capacity numbers for communal worship.
Pregnancy and Maternity	Women who are pregnant are currently considered at higher risk of infection and are advised to minimise contact. The easing of restrictions may give some pregnant women more confidence to attend a place of worship, thinking there is less risk, but others may be of the opinion that more people equals higher risk, so may be more wary about attending.
Gender Reassignment	No impact identified.
Socio-economic disadvantage	No impact identified.
<p>Mitigating actions: Scottish Government officials are very aware of, and focussed on the importance of faith and worship for a significant proportion of the Scottish population and the benefits to spiritual and wider wellbeing that communal worship can bring. We have regular engagement meetings with faith and belief communities around all aspects on restrictions on attendance at places of worship and regarding all associated guidance, e.g. essential singing during acts of worship, serving of food, e.g. communion, etc.</p>	

The judicial review of the decision to close places of worship highlighted the vulnerabilities of having discrepancies of capacity levels between different, yet comparable, uses of buildings and settings. Ahead of decisions published in the revised Strategic Framework, we were able to implement changes to our guidance which allowed for the use of independent self-contained spaces to each have a maximum capacity of 50, where it was possible to meet appropriate social distancing recommendations and the individual areas were isolated from each other, including access to and from. This enabled greater capacities to attend a place of worship where it was considered safe to do so. In doing so, Ministers can be shown to meeting their commitment to enabling greater capacity numbers within places of worship, on condition that appropriate mitigation measures are in place.

When publishing the revised Strategic Framework, Scottish Government considered the most proportionate approach to take, assessing the current and projected state of the pandemic, was that buildings, such as places of worship, would follow physical distancing guidance without caps.

We continue to work with faith and belief partners to ensure that appropriate mitigations and guidance are in place and are regularly reviewed, steered by evolving scientific and health advice on transmission risks.

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.

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	No evidence of a differential impact identified at this time.
Advancing equality of opportunity	X			The easing of restrictions on places of worship will have more of a positive impact for older people, as the independent Scottish Church Census 2016 would suggest they attend places of worship more regularly than younger groups. It is also likely that some older people may have been less likely to access means of watching live or recorded acts of worship in their own homes. More families are likely to attend, with higher capacity levels. This will particularly suit parents with infants, who may have otherwise been reluctant to attend.
Promoting good relations among and between different age groups	X			Ability to meet to worship with friends and peers could result in improved mental and social wellbeing, particularly when house visits have not been possible.

				Children are more likely to attend in greater numbers, which may encourage friends to attend as well.
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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	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 among and between disabled and non-disabled people	X			Ability to meet to worship with friends and peers could result in improved mental and social wellbeing, particularly when house visits have not been possible. This could be particularly relevant to a disabled person who may otherwise have had limited ability to get outside

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			As statistics would suggest that more women than men attend places of worship, it is likely that more women will be more positively affected
Promoting good relations between men and women			X	No evidence of a differential impact identified at this time.

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

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

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

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

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

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

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

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

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

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good 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			Supports the right to manifest a religion or belief in worship, teaching, practice and observance, whilst taking measures to keep them safe in the circumstances, when attending places of worship. Faith groups that use prayer rugs as part of their act of worship, or those who involve kneeling in pews may consider the use of an occupational load factor as unfair, as additional space is required to include such activities and maintain 2m spacing. However, such measures should be seen as safeguarding those attending.
Advancing equality of opportunity	X			Should benefit all religions and faiths by allowing larger numbers to gather together safely.
Promoting good relations	X			Could result in getting more support and encouragement from others in a congregation and sharing experience with others, which could improve mental wellbeing. The new proportional cap approach will allow a more consistent way of calculating the estimated maximum capacity of a wide range of buildings, including places of worship, with the intention of providing a fairer approach across different sectors.

Do you think the policy impacts on people because of their marriage or civil partnership?⁷²

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
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⁷² The PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.

Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
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Public Libraries

Title of Proposal: Protection Levels Framework – public libraries

The measure allows public libraries to reopen alongside guidance that specifies what is allowed/not allowed in all levels.

Below are details about the service public libraries are able to offer at each level which are outlined in the guidance.

Level 0-1

Enhanced hygiene and physical distancing; Face coverings; 72 hour book quarantine; Access for browsing the library; No un/regulated activities or dwell time; Possibility for unregulated children's activities, where the 2 metre physical distancing measures can be adhered to and guidance followed (This does not include regulated childcare settings which are registered with the Care Inspectorate or other registration body); PC booking; Limited access to study spaces, recommended pre-booked only; Click and Collect and Home delivery services; Online.

Level 2-3

Enhanced hygiene and physical distancing, including stricter limits on numbers of people in building to ensure physical distancing of 2 metres; Face coverings; Refreshed risk assessments for staff areas and other high risk public areas; No un/regulated activities or dwell time; 72 hour book quarantine; Limited access for browsing the library, recommended pre-booked only (emphasis on click and collect where possible for level 3 only); Limited access for PC booking, recommended pre-booked only; Limited access to study spaces, recommended pre-booked only; Click and Collect and Home delivery services; Online

Level 4

No public access to library building except for limited access for PC booking, pre-booked only; Monitoring and recording of numbers of individuals using the service; Enhanced hygiene and physical distancing; Face coverings; 72 hour book quarantine; Click and Collect and Home delivery services; Online

Libraries are devolved to local authorities, who will decide when and what services will be offered. We understand this is likely to be a phased approach with physical distancing and hygiene measures in place. Some may start with limited services, such as a "click and collect" type approach or only opening some libraries in their area. Other changes from before lockdown may include: less stock on the library floor to reduce touch points; reduced access to computers; furniture being removed; and fewer group activities or a delay to them restarting.

Additional measures included in safer workplace guidance for libraries reopening include quarantining of books, computers placed further apart, screens at desks, advice on desk sharing, enhanced cleaning, and the removal or rearranging of furniture to reduce dwell time.

Differential impacts	Age: Children and Younger People	Level 0-1 The opening of libraries would benefit children and young people, particularly those who are not able to access digital services or reading materials at home. According to Scottish Household Survey (SHS) data, just over a quarter of young people aged 16-24 went to the library in the 12-month period
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		<p>analysed (SHS, 2019)⁷³. 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>Children from households with limited internet and PC access and/or no e-readers may also have less 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> <p>Level 2-3</p> <p>The potential social harms to young people of losing library services can be partly mitigated if library services are made available, however with protective measures in place to mitigate the potential health risks. These impacts can be mitigated if some library services are available, with protective measures.</p> <p>Level 4</p> <p>At this level, libraries offer bookable IT services under level 4 restrictions. This benefits children from households with limited internet and PC access and/or no e-readers, so they can access online learning resources. A lack of access to wider library services could impact educational opportunities and widen the attainment gap.</p>
	<p>Age: Older People</p>	<p>Level 0-1</p> <p>The opening of libraries would also benefit older people, particularly those who are not able to access digital services or reading materials at home. 22% of over-75s went to the library in the 12 month period analysed (SHS, 2019). 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> <p>Level 2-3</p> <p>The potential social harms to older people of losing library services can be partly mitigated if library services are made available, however with protective measures in place to mitigate the potential health risks.</p> <p>Level 4</p>

⁷³ SHS, 2019, Culture and Heritage Report, Available at: [Scottish household survey 2019: culture and heritage - report - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/culture-heritage-report-2019/)

	<p>Research by the Carnegie Trust (2020)⁷⁴ 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%).</p> <p>Older people may have more limited access to the internet at home and bookable IT under level 4 restrictions positively impacts their ability to access the internet, if they normally use library computer services. As noted above Libraries provide a social setting for older people. This is not available under measures in Level 4.</p>
<p>Sex: Women Sex: Men</p>	<p>Level 0-1</p> <p>Over the 12 month period analysed, 31% of women reported going to the library, compared with 22% of men (SHS, 2019).</p> <p>Potential benefits for women being able to access this service if open. Impact on men may be lower.</p> <p>Level 2-3</p> <p>Potential benefits for women being able to access this service if open, with some protective measures. Impact on men may be lower.</p> <p>Level 4</p> <p>The limited access to all library services (excluding bookable IT access) will possibly have a greater negative impact on women.</p>
<p>Race</p>	<p>Level 0-1</p> <p>No information on differential use of libraries among different groups</p> <p>Level 2-3</p> <p>No information on differential use of libraries among different groups</p> <p>Level 4</p> <p>No information on differential use of libraries among different groups</p>
<p>Religion & Faith</p>	<p>Level 0-1</p> <p>No information on differential use of libraries among different groups</p> <p>Level 2-3</p> <p>No information on differential use of libraries among different groups</p> <p>Level 4</p>

⁷⁴ Carnegie Trust, 2020, Available at: [Making a Difference: Libraries, Lockdown and Looking Ahead \(carnegieuktrust.org.uk\)](https://carnegieuktrust.org.uk/making-a-difference-libraries-lockdown-and-looking-ahead)

		No information on differential use of libraries among different groups
Disability	Level 0-3	<p>18% of those with a condition that causes long-term major reduced capacity, and 28% of those with a minor physical or mental health condition, attended a library in the 12 month period analysed (SHS, 2019). 28% of people with no long-term physical or mental health condition attended a library in that period. This suggests that there will be no discernible difference between how those with and without a long-term condition will be impacted at these levels.</p> <p>However, research by the Carnegie Trust (2020) suggests public library services provide a range of activities and groups that are part of social prescribing, supporting those with long-term conditions or who are lonely or isolated, or have complex social needs. Many public library services work in partnership with organisations such as Macmillan, Alzheimer’s Society and Dementia UK to provide support for health conditions.</p> <p>There may be certain conditions where requiring to wear face coverings may be detrimental to a person’s health. No or limited access to public libraries may result in some disabled people to become more socially isolated, with reduced wellbeing. These impacts can be mitigated if library services are available.</p>
	Level 4	<p>Research by the Carnegie Trust (2020) did suggest some concerns around poorer access to digital library services for those with a visual impairment during earlier lockdowns. This group may be detrimentally impacted if only digital services are available.</p>
Sexual Orientation	Level 0-1	No information on differential use of libraries among different groups
	Level 2-3	No information on differential use of libraries among different groups
	Level 4	No information on differential use of libraries among different groups
Marriage and Civil Partnership	Level 0-1	No information on differential use of libraries among different groups
	Level 2-3	No information on differential use of libraries among different groups
	Level 4	No information on differential use of libraries among different groups

	No information on differential use of libraries among different groups
Pregnancy and Maternity	<p>Level 0-1</p> <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. If some of these groups are be able to resume under level 0-1, it will benefit participants.</p> <p>Level 2-3</p> <p>The main impact on this area will be among groups for new parents. Many services are now offering such groups online which provides the educational element but lacks the opportunity to tackle social isolation and loneliness</p> <p>Level 4</p> <p>As noted above, the main impact on this area will be among groups for new parents. Many services are now offering such groups online which provides the educational element but lacks the opportunity to tackle social isolation and loneliness.</p>
Gender Reassignment	<p>Level 0-1</p> <p>No information on differential use of libraries among different groups</p> <p>Level 2-3</p> <p>No information on differential use of libraries among different groups</p> <p>Level 4</p> <p>No information on differential use of libraries among different groups</p>
Socio-economic disadvantage	<p>Level 0-1</p> <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 (Scottish Index of Multiple Deprivation) (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 pleasure⁷⁵. However, SHS (2019) data suggests no discernible difference across income groups in terms of attending libraries in over the 12 month period analysed.</p> <p>Individuals from these groups may benefit, and negative impacts mitigated, if library services are available.</p>

⁷⁵ https://media.nesta.org.uk/documents/01-FS_NEST_DPENG_Book.pdf

		<p>Level 2-3</p> <p>Individuals from these groups may benefit, and negative impacts mitigated, if library services are available, with protective measures.</p> <p>Level 4</p> <p>Internet access is often essential to work, access learning materials and essential goods and services.</p> <p>Additionally, Carnegie Trust(2020) research found that 60% of those who engaged with library services during lockdown, highlighted a range of benefits beyond digital offerings, aided by the libraries efforts to tackle digital exclusion through access to devices, and saw positive impacts on wellbeing generally, and support around feeling connected to community and dealing with loneliness.</p> <p>Restoring IT services at level 4 helps mitigate against these negative impacts.</p>
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Mitigating actions:

Level 0-1

None needed

Level 2-3

Allowing some library services to remain available with protective measures may mitigate against some of the negative impacts that might otherwise be felt.

Level 4

During the enhanced lockdown, originally no library services were allowed beyond click and collect services. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 were amended to allow limited bookable IT with protective measures to mitigate against some of the negative impacts that might otherwise be felt, such as loss of access to reading materials and to PCs. Guidance was updated to ensure this could be done safely.

Stakeholder Engagement

The following stakeholders have been involved in discussions relating to guidance for public library services and all have provided feedback on the impact of the workforce and users:

- Scottish Library and Information Council
- Association of Public Librarians Scotland
- Chartered Institute of Library and Informational Professionals Scotland
- Voice of Culture and Leisure Managers in Scotland
- COSLA
- SOLACE
- UNISON
- GMB
- National Library of Scotland

We will continue to engage with stakeholders as needed on best practice and ongoing issues with restoring of services, including on equalities issues.

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	No evidence of a differential impact identified at this time.
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 protective measures, at levels 2 and 3, and limited bookable IT access at level 4, will help mitigate against the negative effects that would come with stopping in person services.
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	No evidence of a differential impact identified at this time.
Advancing equality of opportunity		X		Research ⁷⁶ 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, with mainly digital services available. This impact can be mitigated with access to libraries in levels 0-3.
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?

⁷⁶ <https://www.carnegieuktrust.org.uk/publications/making-a-difference-libraries-lockdown-and-looking-ahead/>

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			SHS data suggests more women access and use libraries than men. Allowing library services to continue (with protective measures at levels 2 and 3 and limited bookable IT access at level 4) will help mitigate against the negative effects that would come with stopping in person services.
Promoting good relations between men and women			X	No evidence of a differential impact identified at this time.

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity		X		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 beyond levels 0 and 1, although some may be delivered online, mitigating that impact.
Promoting good relations			X	No evidence of a differential impact identified at this time.

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

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

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

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

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

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good 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?⁷⁷

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.

⁷⁷ The PSED only applies, under section 149(1)(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act.

Face Coverings

<p>Title of Proposal: EQIA on Face Coverings for the provisions within the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020</p> <p>These provisions do not represent a change to the face coverings requirements within the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 and continue to mandate the use of face coverings for adults, young people and children over the age of 5, unless they have a reasonable excuse or are exempt, which are detailed in the provisions.</p> <p>Face coverings bring a benefit in reducing transmission of the virus but they are not a substitute for physical distancing, good hand and environmental hygiene and ventilation. Transmission is more likely to occur when people are in close proximity to each other, in crowded places and in poorly ventilated places, and while the primary sources of transmission are contact and droplet, aerosol transmission also occurs. Equally, asymptomatic transmission and pre-symptomatic transmission are possible. Face coverings can provide some protection to the wearer from droplet and aerosol transmission and they can also provide protection to those around the wearer. They also serve a purpose in source control by reducing contamination to the environment surrounding the wearer. That is why we have made the use of face coverings mandatory in a large range of indoor public places, including indoor communal workplaces, and on public transport where we know the risks are highest.</p>		
<p>Differential impacts</p>	<p>Age: Children and Younger People</p>	<p>There are no particular age groups that would be more disadvantaged by the range of settings in which the use of face coverings is mandatory. These settings are likely to be frequented by people of all age groups including children and young people.</p> <p>For safety reasons, there is no requirement that children under the age of 5 to use face coverings (under the regulation they are exempt). Children may find face coverings irritating. Guidance is available on the nature of face coverings.</p> <p>The regulation also provides an exemption for school transport services. And is explicit that for ‘indoor communal places’ ‘workplaces’ excludes schools.</p> <p>A Disability Equality Scotland online poll (August 2020) asked respondents if they had any concerns about the use of face coverings in schools and on school transport. 343 individuals responded, of which 87% had no concerns. Concerns were reported around:</p> <ul style="list-style-type: none"> • stigma for those exempt; • the impact of face coverings on pupils with hearing impairments and others who rely on lip reading and facial expressions for communications; • affordability and availability of face coverings; and, • the lack of use or enforcement of face coverings on school transport, particularly when school transport is shared with the general public, which increases transmission risks. <p>In recognition of children’s development and learning needs, the wearing of face coverings in school settings by staff and children is not a legal requirement but is covered in the Scottish Government Early Learning Centres and Schools guidance. This means that the only recommendation for primary pupils aged 5 years and over to wear face coverings is on dedicated school transport (unless exemptions apply). The Guidance also</p>

	<p>recommends that , a face covering should be worn at all times by staff and young people in secondary schools, including S1-S3 learners (not just the senior phase) in classrooms, in communal areas. In March 2021, the Scottish Government published Impact Assessments on the phased return of in-school learning. This publication include considerations around face coverings.</p>
<p>Age: Older People</p>	<p>We have previously consulted with Age Scotland on face coverings, the development of the exemptions policy, the creation and delivery of a face covering exemption card service, and the design of the physical and digital face covering card. The input was critical and in part informed the decision to create a physical card and a free helpline due to high rates of digital exclusion among older people.</p> <p>The Scottish face covering card and service is distinct in the UK in that it is the only physical card that is delivered by a service provider and not simply downloaded from a website.</p> <p>The Scottish Government has also consulted with Asthma UK, Glasgow Disability Alliance, Disability Equality Scotland, Inclusion Scotland and BEMIS and continues to engage with key stakeholders.</p> <p>Face coverings are one of the mitigations of stopping the spread of coronavirus. When worn correctly, face coverings can provide protection to the wearer from and to those around the wearer. Older people are at a higher risk of developing more severe symptoms when infected, and so face coverings may further protect them.</p> <p>This is the case even if people have been vaccinated. Older groups have been prioritised in the vaccination roll-out therefore there is a risk that those groups may feel less inclined to wear face coverings even though there is still risks of infection and spreading.</p> <p>Older people with advancing dementia or Alzheimer’s may have additional challenges adhering to face covering rules. We engaged with colleagues leading on carers policy to agree the groups who are exempt from the mandatory requirement. This includes those with dementia or Alzheimers. 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 causes severe distress to either the wearer or the person in the care of the wearer.</p> <p>The face covering requirements could also offer more reassurance to older people to visit a wide range of indoor public settings.</p>
<p>Sex: Women</p>	<p>It is unlikely that these measures will have a specific differential impact for women. However, we also know that 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, the use of face coverings in the wide range of settings is likely to have a greater benefit to women overall.</p> <p>Women also tend to be the main carers for children, therefore they may be more likely to experience resistance from children who find face coverings</p>

	uncomfortable. Guidance is available and a range of media campaigns on face coverings are in the public domain.
Sex: Men	It is unlikely that these measures will have a specific differential negative impact for men.
Race	<p>It is unlikely that these measures will have a specific differential negative on racial groups. There may be some benefits for these groups as a high adherence to the use of face coverings by the general public in indoor public places will help reduce the transmission of COVID-19 and in particular it will protect those at a higher risk of severe health outcomes.</p> <p>The Public Health Scotland report of 3 March 2021 (which included data up to 15 February) showed that there is continued evidence of increased risks of hospitalisation or death due to COVID-19 in some ethnic groups, which have persisted during the second wave. It also noted that, while rates of hospitalisation or death were higher during the second wave across the population, those of South Asian ethnicity appear to have been at a proportionally greater risk. Compared to White Scottish, rates were estimated to be around 3 times higher in Pakistani and Mixed groups, and around 2 times higher in Indian and Other Asian Groups.</p>
Religion & Faith	<p>It is unlikely that these measures will have a specific differential impact.</p> <p>There are no particular religious or faith groups that would be more disadvantaged in the range of settings in which face coverings must be worn, which includes places of worship. These settings are likely to be frequented by people of all groups.</p> <p>Religious face coverings that cover the mouth and nose also fulfil the requirement.</p> <p>The regulation sets out requirements for all places of worships and all religions.</p> <p>The guidance for the safer use of places of worship states that it is possible to briefly remove the face coverings to consume food or drinks, where this is essential for the act of worship. It is at the discretion of those responsible for a place of worship as to whether the preparation, handling and consumption of food and drink forms an essential part of their communal act of worship (or other permitted use as covered in the safer use of places of worship guidance). Faith leaders and those responsible for places of worship must take measures to adapt faith-specific rites and rituals in accordance with this guidance to ensure the safety of those present.</p>
Disability	<p>We have consulted with a range of disabled peoples' organisations including Disability Equality Scotland, Age Scotland, Asthma UK, Glasgow Disability Alliance as well as Inclusion Scotland and BEMIS on face coverings policy. This input has been critical in shaping our approach and measures we have put in place for exemptions, as well as the design and implementation of the Exemption Card Scheme.</p> <p>This continued input is critical to the ongoing future policy development and for gathering feedback on any emerging issues such as reports of people</p>

	<p>being denied entry to premises with valid exemption cards and reports of hate crimes. In particular we are liaising closely with Disability Equality Scotland, who are contracted to administer the Exemption Card Scheme on behalf of Scottish Government.</p> <p>Disabled people may be more likely to be immunocompromised, or otherwise suffer more intense/fatal symptoms from Covid, so the measures set out, may further protect them, especially as shielding is rolled back.</p> <p>People living with hearing loss may find the use of face coverings worn by other people could create communication barriers. There is a specific exemption for those communicating with a person who has difficulties communicating and relies on lip reading or facial expression to be able to communicate.</p> <p>Face shields are not defined as face coverings which could also have a more detrimental impact on those who rely on lip reading. Face covering guidance makes clear when communicating with someone who relies on lip reading and facial expressions, you are permitted to remove your face covering to communicate. And that 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 face covering requirements. For this reason, we continue to engage with colleagues leading on carers policy to agree the groups who are exempt from the mandatory requirement. This includes those with learning disabilities.</p> <p>It is important to weigh this up against the evidence that Covid-19 particularly affects those with a pre-existing medical conditions⁷⁸. 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.</p> <p>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 impairments⁷⁹.</p> <p>The benefits of face coverings being required within more settings as more places open, will therefore have a greater positive impact on people with disabilities.</p>
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⁷⁸ <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-general-advice>

⁷⁹ ONS Coronavirus Social Impacts Study <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/coronavirusandthesocialimpactsondisabledpeopleingreatbritain/may2020?hootPostID=b78ba3a6a211a045c00d5971c4d6a38a>

	<p>However, disabilities also cover the large majority of reasons for an individual to be exempt from wearing a face covering, and so disabled people are more likely to be affected than non-disabled groups if face coverings policies are more strongly enforced without regard for exemptions, and disabled people with exemptions are still experiencing hate crimes for not wearing coverings.</p> <p>We are continuing to engage with Disability Equality Scotland on this issue and liaising with relevant policy teams across Scottish Government. There is also updated guidance which sets out that there are people who are exempt from wearing a face covering and should not be denied access to any space. Although businesses have the right to formulate their own entry policies, before refusing entry to a person who is not required by law to wear a face covering, a business should consider carefully how that fits with its COVID-19 risk assessment, its general health and safety duties, and other legal obligations in relation to employment and equalities. We continue to encourage employers to ensure staff are aware of and considerate of the exemptions.</p>
Sexual Orientation	It is unlikely that these measures will have a specific differential impact.
Marriage and Civil Partnership	It is unlikely that these measures will have a specific differential impact. There are specific conditions set out in the regulation in relation to marriage and civil partnership ceremonies.
Pregnancy and Maternity	<p>It is unlikely that these measures will have a specific negative impact for pregnant and breastfeeding mothers, but there may be some benefits for them. A rapid evidence review undertaken by the UK Parliament, published on February 2021, indicated that pregnant women are not at a higher risk of contracting COVID-19 than the general population and if they do get the infection it is likely to be mild or moderate. The rapid review also indicated pregnant women have the same risk factors for COVID-19 infection as the general population, namely, age, pre-existing medical conditions, being overweight or obese or having an ethnic minority background. However, the study noted there is some evidence that maternal Covid-19 is linked to an increased risk of preterm birth and caesarean section. There is also evidence from the UK which indicates that babies from a Black, Asian or other ethnic minority group are more likely to be hospitalised with COVID-19 than babies from White background.</p> <p>Therefore, the use of face coverings by the public will provide further protection to this group.</p>
Gender Reassignment	It is unlikely that these measures will have a specific differential impact.
Socio-economic disadvantage	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. Guidance and instructions on how to make face covering are publicly available. Using a scarf meets the definition in the regulation 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. However, disability organisations had 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. Scottish Government guidance and media campaigns emphasise the ability to wash and re-use face coverings.
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Mitigating actions:

Wearing a face covering helps reduce the transmission of Covid 19.

The face covering measures may disproportionately positively benefit the health of the people whom the disease effects more severely, 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 males. 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.

Individual discretion should be applied in considering the use of face coverings where the wearing of a face covering is difficult 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. 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 wearing a face covering would be inappropriate because it would cause difficulty, pain or severe distress or anxiety or because it cannot be worn in the proper manner safely. This is supported by our Exemption Card scheme which enables those who meet criteria to be provided with a lanyard which can be utilised as required. This is administered by Disability Equality Scotland and we continue to actively engage with them and other organisations on the effectiveness of policy.

The Scottish Government guidance and media campaigns will also continue to 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. Communications around the policy will be considered to ensure that the regulation meets the tests of advancing equality and fostering good relations. This includes 4 nations engagement to ensure consistency and collaboration on any joint issues.

For some disabled people with learning impairments, understanding of and actions required to comply with the regulation, may provide additional challenges. Provision of information and advice will continue to 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 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.

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	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 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		Stakeholder (Disability Equality Scotland in particular) have reported an increase in discrimination towards groups which are exempt from wearing face coverings.
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		Stakeholder (Disability Equality Scotland in particular) have reported an increase in discrimination towards groups which are exempt from wearing face coverings.

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

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

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

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

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

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

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

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

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

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

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
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?⁸⁰

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.

⁸⁰ "The PSED only applies, under section 149(a) of the Equality Act 2010, to the protected characteristic of marriage and civil partnership in relation to eliminating discrimination etc. relating to work under Part 5 of that Act."

Conclusion

The updated Strategic Framework and levels approach are designed to suppress the virus to the lowest possible level and to keep it there, whilst returning to as much normality as possible for as many people as possible. They 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.

We know that the virus transmits when people come together, especially indoors, and therefore we have to limit, for now, the places where they do so.

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 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.
