

## Children’s Rights and Wellbeing Impact Assessments – Stage 3

<p><b>CRWIA title:</b> Removing the requirement for children (18 and under) and young people who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas to self-isolate upon arrival in Scotland from amber list countries.</p>	
<p><b>Summary of policy aims and desired outcomes</b></p>	<p>The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021 (‘the (No. 5) Regulations’) came into force at 04:00 on Monday 19 July 2021 and make amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (‘the principal Regulations’), the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (‘the 2021 Regulations’) and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (‘the 2020 Regulations’). The Regulations provide that persons arriving in Scotland from an amber list country and who have not within the preceding 10 days departed from or transited through a red list country or territory, are no longer required to self-isolate in specified premises or to take a day 8 test if they are an “eligible vaccinated passenger”. This decision aligns with the UK, Northern Ireland and Welsh Governments.</p> <p>In summary, these changes apply to a passenger arriving in Scotland having departed from or transited through a non-exempt but not acute risk country or territory who:</p> <ul style="list-style-type: none"> <li>• has completed a course of doses of an authorised Coronavirus (Covid-19) vaccine,</li> <li>• has participated in, or is participating in, a clinical trial for an authorised vaccine,</li> <li>• is a child who is ordinarily resident in the UK, EU or US, as well as dependents of those vaccinated overseas</li> <li>• has completed a course of vaccine under the UK overseas vaccine roll-out programme, or who is a dependant of such a person.</li> </ul> <p>The passenger must be able to produce proof of eligible vaccinated status, if requested, to immigration or an operator by way of letter of certification produced by NHS Scotland or equivalent certification, where applicable from NHS England, NHS Wales or the Department for Health in Northern Ireland.</p>
<p><b>Executive summary</b></p>	<p>The Scottish Government has introduced The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations, and the (No. 7) Regulations 2021 to help as many people as possible return to a more normal life.</p> <p>From Monday 19 July 2021, the regulations contain the following measures, that passengers (subject to exemptions), who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland and are travelling from an “amber list” country or territory are required to:</p>

	<ul style="list-style-type: none"> <li>• book and undertake a Pre-Departure Test (PDT), taken a maximum of 72 hours before travel to Scotland</li> <li>• provide proof that they were fully vaccinated in the UK at least 14 days prior to travel</li> <li>• book and undertake a Polymerase chain reaction (PCR) test to take on day two after arrival in Scotland</li> </ul> <p>From Monday 2 August, passengers travelling to Scotland from an amber list country and have been fully vaccinated in the UK (including as part of UK vaccine rollout overseas), EU member states, European Free Trade Association (EFTA) countries (Iceland, Liechtenstein, Norway and Switzerland), Andorra, Monaco, San Marino and Vatican City and the USA do not have to self-isolate or take a day 8 test upon arrival in Scotland. Fully vaccinated means that they have had their final dose of a COVID-19 vaccine through approved sources, at least 14 days before they arrive in Scotland. Arrivals will have to carry with them a form of certification to provide details of their vaccine status. For US arrivals, this proof is a CDC card showing you are fully vaccinated, along with proof of residence in the US. All arrivals from Europe must show a record of vaccination through the European Digital Covid Certificate.</p> <p>This document builds upon work undertaken to ensure that children’s rights and wellbeing are at the centre of our response to Coronavirus (Covid-19) and the previous Children’s Rights and Wellbeing Impact Assessments (CRWIAs) which have been published. It sets out our efforts to mitigate the wider harms on children, through decisions that are necessary at this stage to return to a more normal way of life.</p>
<b>Background</b>	<p>The instrument also amends the 2021 Regulations to place a duty on operators to check evidence that someone is an eligible vaccinated passenger. There is a defence for an operator to show that the passenger presented documentation which the operator, or person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.</p> <p>The instrument also amends the 2020 Regulations to require carriers to provide an updated passenger announcement on board vessels setting out the testing and isolation requirements for passengers in light of the amendments on eligible vaccinated passengers.</p> <p>The regulations also contain provisions requiring these amber list arrivals (subject to exemptions), who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland, to book a Pre-Departure Test (PDT) to be taken a maximum of 72 hours before travel to Scotland and a Polymerase Chain Reaction (PCR) test should be taken on day two following arrival in Scotland.</p> <p>A subsequent amendment was made to the principal Regulations and the 2021 Regulations by the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) No. 6) Regulations 2021 which excluded passengers who had departed from, or transited through mainland France (including Corsica), from being “eligible vaccinated arrivals”, meaning that such</p>

	<p>passengers would be required to self-isolate in specified premises for 10 days and would require to take day 2 and day 8 tests, notwithstanding the changes made by the (No. 5) Regulations. This change was made following the assessment of the risk of transmission within France and was subsequently amended by the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021; the change coming into force on 8 August 2021.</p> <p>Further amendments were made to the principal Regulations via The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2021 which came into force from 0400 on Monday 2 August. This amendment provides that an eligible vaccinated passenger from EU member states, the European Free Trade Association (EFTA) countries, microstates of Andorra, Monaco, San Marino and Vatican City, or the USA is required to take a Coronavirus (Covid-19) test only no later than the end of the second day following their arrival in Scotland, as opposed to on the second day and the eighth day. These “eligible vaccinated passengers” are not required to self-isolate for 10 days in specified premises on arrival in Scotland. This did not include passengers from/via France. Arrivals will have to provide a form of certification to prove details of their vaccine status. For US arrivals, this proof is a CDC card showing that they are fully vaccinated, along with proof of residence in the US. All arrivals from Europe must show a record of vaccination through the European Digital COVID Certificate.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The CRWIA considers whether the provisions allowing persons arriving in Scotland from a country or territory on the amber list or having travelled through a country or territory on the amber list in the previous 10 days, to no longer stay and self-isolate in specified premises if they are fully vaccinated, impacts upon the rights and wellbeing of children and young people in Scotland. This policy will affect all children arriving into Scotland from outside the common travel area who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas. We have considered all of the UNCRC article in order to assess the potential impacts, both positive and negative, and these are listed.</p> <p>The Joint Committee for Vaccination and Immunisation (JCVI) have provided updated advice on the vaccination of 16 and 17 year olds on 4 August 2021.</p> <p>The advice states that all 16 – 17-year olds should be offered a first dose of Pfizer-BNT162b2 vaccine. This is in addition to the existing offer of two doses of vaccine to 16 – 17 year olds who are in ‘at-risk’ groups. The JCVI have advised that further advice will follow as to whether not this cohort should receive a second dose of the vaccine once further evidence on effectiveness and safety have been reviewed due to evidence of rare occurrences of myocarditis and pericarditis after a second dose.</p> <p>This new advice is an addition to the existing advice published on 19 July that states two doses of the Pfizer vaccine should be provided to:</p>

	<ul style="list-style-type: none"> <li>• 17 year olds within three months of their 18th birthday</li> <li>• 16 and 17 year olds who are in “at-risk”</li> <li>• all 12 – 15 year olds who have underlying health conditions that put them at higher risk of severe Coronavirus (Covid-19).</li> <li>• Children and young people aged 12 years and over who are household contacts of persons who are immunosuppressed.</li> </ul> <p>This group also includes children with severe neuro-disabilities, Down’s syndrome, underlying conditions resulting in immunosuppression, and those with profound and multiple learning disabilities (PMLD), severe learning disabilities or who are on the learning disability register.</p> <p>The Chief Medical Officer confirmed that Boards could start vaccinating 16 and 17 year olds at drop-ins from the weekend of 7/8 August 2021, if their own clinical governance arrangements are content that their staff have the necessary information, training and tools to undertake the vaccinations and necessary informed consent conversations.</p> <p>All Pfizer drop-in centres in mainland Scotland started offering the vaccine to 16 to 17 year old age group from Tuesday 10 August 2021.</p> <p>Clinical trials are currently underway for vaccination of children and we will continue to engage with vaccine developers and the JCVI so that if trials are successful we are ready to vaccinate younger age groups, if that is what the clinical and scientific evidence supports.</p> <p>As most children have not been offered the vaccination or two doses at this point, they are unable to provide proof of vaccination. The principal regulations have been amended to provide an exemption for children who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas so that they will not be required to isolate. Furthermore, the principle regulations provide an exemption for children under 11 so they are not required to take a test before travelling or to take the day 2 test after arrival into Scotland.</p>
<p><b>Children and young people’s views and experiences</b></p>	<p>The successful roll out of the Vaccination programme in Scotland with 89.8% of adults having received their first dose and 72.5% having received their second dose<sup>1</sup> as at 3 August 2021, has allowed us to reduce the direct harm of the virus and is enabling us to re-open large parts of the economy and society.</p> <p>There has been no direct engagement with children and young people, due to these regulations being made urgently in order to return to a more normal way of life. However, we have drawn on previous engagement with stakeholders including the Children and Young People’s Commissioner Scotland, YoungScot, YouthLink,</p>

	<p>Children in Scotland, Intercultural Youth Scotland, the Poverty and Inequality Commission and Scottish Women’s Aid.</p> <p>We are also unaware of any research into children’s experience of removing the self-isolation requirement. However, we have considered wider evidence on the impact of the Coronavirus (Covid-19) lockdowns on children. In particular we have considered the reports below:</p> <p>Children’s Parliament - <a href="#">How Are You Doing? – A report on Children’s Parliament national wellbeing survey and Corona Times: Children’s Journal</a></p> <p>Children’s Parliament - <a href="#">15 Stories – Engaging with the views and experiences of families with younger children during the Covid-19 pandemic</a></p> <p>SYP, YouthLink Scotland and Young Scot - <a href="#">Lockdown Lowdown (Report 1 – May 2020) – What young people in Scotland think about Covid-19</a></p> <p>SYP, YouthLink Scotland and Young Scot - <a href="#">Lockdown Lowdown (Report 2 – December 2020) – What young people in Scotland think about their lives as lockdown restrictions change</a></p> <p>We continue to keep all of the evidence under review.</p>			
<p><b>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</b></p>	<p>The policy will have a positive impact for children who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas arriving in Scotland from amber list countries, as it will remove the requirement to self-isolate for 10 days.</p>			
<p><b>Monitoring and review</b></p>				
<p>We will continue to consider the impact of these changes on children’s rights and wellbeing including by engaging with relevant stakeholders.</p>				
<p><b>Regulation</b></p>	<p><b>Aims of measure</b></p>	<p><b>Likely to impact on . . .</b></p>	<p><b>Compliance with UNCRC requirements</b></p>	<p><b>Contribution to local duties to safeguard, support and promote child wellbeing</b></p>
<p>The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations</p>	<p>To remove the requirement for international travellers to self-isolate for 10 days upon arrival in Scotland from</p>	<p>All children travelling from out with the common travel area.</p>	<p><b>Article 1</b> Article 1 defines a child as every human below the age of 18 unless under the law applicable to the child majority is</p>	<p>The following wellbeing indicators are relevant:</p> <p><b>Safe:</b> the policy removes the need for children who normally reside</p>

<p>2021 ('the (No. 5) Regulations')</p>	<p>an amber list country.</p>		<p>attained earlier. This policy covers all children under the age of 18.</p> <p><b>Article 2</b> Article 2 requires that States Parties shall respect and ensure the rights set forth in the Convention to each child without discrimination irrespective of the child's or his or her parents or legal guardian's race, national, ethnic or social origin (amongst others).</p> <p>Removing the requirement for children who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas to self-isolate could benefit children who were born or whose parents were born out with the common travel area and who are returning to Scotland. Within the regulations there is also an exemption for children under 11 so they are</p>	<p>in the UK, EU or US as well as dependents of those vaccinated overseas to self-isolate upon arrival into Scotland from amber list countries. This will allow them to receive support and assistance from family members.</p> <p><b>Nurtured:</b> the policy removes the need for children who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas to self-isolate upon arrival into Scotland from amber list countries. This will allow them to receive support and assistance from family members.</p>
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			<p>no required to take a test before travelling or take the day 2 tests after arrival into Scotland.</p> <p>We continue to keep all of the evidence under review and these regulations were made urgently in Scotland as part of a four nation approach to ensure that the measures in the International Travel Regulations remain proportionate. This is the first phase of amendments and to alleviate discrimination irrespective of the child's or his or her parents or legal guardian's race, national, ethnic or social origin (amongst others), further additions to the list of countries eligible for vaccination status will be reviewed.</p> <p><b>Article 3</b></p> <p>Article 3 requires that in all actions concerning children the best interests of</p>	
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			<p>the child shall be a primary consideration.</p> <p>We have continued to ensure that the best interests of the child have been central to our response to Coronavirus (Covid-19), including in relation to the imposition of these easing of restrictions.</p> <p>Removing the need for children to isolate for 10 days after arriving into Scotland will be in the child's best interest as they will be able to lead an unrestricted life.</p> <p><b>Article 5</b> Article 5 requires States Parties to respect the responsibilities, rights and duties of parents.</p> <p>These regulations could allow parents more flexibility on how they exercise their parental responsibilities and rights. As the child does not need to isolate it may</p>	
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			<p>be more straightforward for a parent to exercise the parental responsibility [section 1(1) (a) of the Children (Scotland) Act 1995 refers] to “safeguard and promote the child’s health, development and welfare”.</p> <p><b>Article 9</b> Article 9 provides that States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.</p> <p>Removing the self-isolation requirement for children arriving into Scotland could allow children and parents to more readily maintain relations and in-person contact, especially for those who live out with the common travel area. It will also allow movement between family members to be more</p>	
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			<p>accessible. Furthermore, children will be able to more readily maintain relations with friends and other social contacts.</p> <p><b>Article 10</b> Article 10 of the UNCRC says “children and young people should be able to stay in contact with and visit their parents, even if they live in different countries” and “should always be able to enter and leave their own country”.</p> <p>These regulations, by their nature, may allow children, who were born or whose parents were born out with the common travel area and are returning to Scotland, to move more freely internationally to visit parents who reside in different states. This may result in the ability to maintain their relations and contact more freely.</p> <p><b>Article 15</b></p>	
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			<p>shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.</p> <p>Removing the need for children who normally reside in the UK, EU or US as well as dependents of those vaccinated overseas to self-isolate may have a positive impact on a child's ability to maintain direct contact with both parents where one of the parents lives out with the common travel area, or parents visiting or moving through different countries.</p> <p><b>Article 28</b> Article 28 informs that every child has the right to education on the basis of equal opportunities.</p> <p>Where previously children arriving</p>	
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			<p>into Scotland from amber list countries had to isolate for 10 days, possibly missing time in education, removing the need for them to do this will be positive as they will be able to return to education.</p> <p><b>Article 31</b> Article 31 states that every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.</p> <p>Allowing children from amber list countries to not isolate may mean they could partake in increased activities that previously they would not have been able to.</p>	
<b>CRWIA Declaration</b>				
<b>Authorisation</b>				
<b>Policy lead</b> Emer Appleton Policy Officer COVID: Community Surveillance			<b>Date</b> 07/09/2021	
<b>Deputy Director or equivalent</b> Kerry Morgan Deputy Director COVID: Travel Restrictions			<b>Date</b> 07/09/2021	