



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT

Pre-Christmas restrictions 4 December 2020: summary impact assessment

An impact assessment on measures to manage COVID-19 in Wales.

First published: 14 December 2020

Last updated: 14 December 2020

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Introduction

Welsh ministers agreed that strengthened restrictions were necessary in Wales in the period leading up to Christmas as the evidence shows a rise in the number of infections, which if left unchecked risks overwhelming the NHS. Scientific modelling also shows that spread of the virus can be controlled using non pharmaceutical interventions, especially if undertaken early. Achieving lower transmission rates would allow us to go into the festive period with a lower prevalence as this will reduce the health risks associated with intergenerational mixing.

This could also potentially mitigate some of the socio-economic harms associated with having to implement a longer period of possibly more severe restrictions at a later date in order to regain control over the transmission of the virus.

Welsh ministers decided to:

Household mixing

Maintain the existing arrangement of two households forming a single extended household and that only the extended household can meet in the home (or garden)

Meeting indoors in regulated settings and outdoors

Maintain the rule of four

Hospitality (pubs, restaurants, cafes)

- Require all premises to close at 6pm
- Prohibit the sale and consumption of alcohol at all times

Entertainment and visitor attractions

Require indoor venues to be closed (except outdoor attractions) and events to be prohibited

Places of worship, weddings and funerals

Places of worship to remain open under current arrangements for communal worship under social distancing.

Weddings and funerals: Ceremonies to continue to be allowed under social distancing rules (i.e. limit based on risk assessment and premises) and retain rule of up to 15 people to get together indoors for a reception meal or wake.

Other premises

- Public Services, non-essential shops, close contact services to remain open
- Gyms, swimming pools and leisure centres to remain open
- Holiday accommodation to remain open for people within Wales

Childcare and education

Childcare, schools, HE and FE institutions all remain open.

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Travel

Restrict travel by Regulation to and from areas of high prevalence (Tier 3 in England, Level 3 and above in Scotland, all of Northern Ireland) and issue guidance which strongly advises people not travel to and from Tier/Level 2 or lower.

Fixed Penalty Notices

Revise the FPNs to give local authorities the power to issue penalty notices where the terms of a Premises Improvement Notice had not been complied with; reduce the FPN for failing to self-isolate to £500 and increase the penalty for organising an event of over 15 people indoors (e.g. house party) or over 30 people outdoors to £500.

Legislative background

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 came into force on 26 March. These were replaced by The Health Protection (Coronavirus Restrictions) (No. 2) (No 3) and (No 4) (Wales) Regulations 2020. This summary EIA concerns an amendment to the The Health Protection (Coronavirus Restrictions) (No 4) (Wales) Regulations 2020 which will come into force at 6pm on Friday 4 December. [Find out about current restrictions on individuals, business and others.](#)

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Review

The Regulations are reviewed regularly. The next review is on 17 December and every 3 weeks thereafter.

Equality impact assessment of the measures

Welsh ministers recognise that coronavirus itself has disproportionate equality impacts. It has more serious health impacts and a greater likelihood of death for older people; men; people living in more deprived areas and BAME people. Controlling the virus and reducing transmission will have positive equality impacts for these groups. Ministers also recognise that measures to control the spread of the virus will inevitably have disproportionate equality impacts and that minimising adverse equality, older people and children's rights impacts should be intrinsic to the design of the new regime and the selection of control measures and the support framework.

There is scope to mitigate the most significant adverse impacts in the selection of measures and the package of support offered but it will not be possible to address all of the disproportionate and adverse impacts. Some of those impacts are short term but many will have longer term effects and exacerbate disadvantage.

The measures outlined above are considered to have positive impacts on economic and social wellbeing for people who may be isolated and do not have family or close friends nearby with whom to form an extended households as they allow for up to four people to meet in a Regulated setting or outdoors. However, people on lower incomes will be less able to afford to go out to a café, restaurant or pub, so the impact of the policy will be regressive and may mean the flexibilities provided for will be less available to them. In addition, while

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hospitality businesses will not be able to sell alcohol this could lead to some people to drink less which could have a beneficial impact on that person's health and to the wider family. However, for some individuals this could encourage greater drinking at home with a range of potential negative effects e.g. increased domestic violence.

The measures should impact positively on children and young people as childcare facilities, schools, further education colleges and higher educational institutions can remain open. This is particularly positive for children and young people who are vulnerable or from disadvantaged backgrounds as evidence shows that they have suffered the most harm from the closure of schools, colleges or universities. We do however recognise that the measures to control the pandemic have had an impact on families, in terms of relationship breakdown or inter-parental conflict etc. resulting from a range of tensions caused by the social and economic impacts of the crisis.

Keeping close contact services, leisure and retail open will impact positively on women and young people who are disproportionately represented in these sectors. Allowing exercise classes to continue should also be positive for people on low incomes as they can be more affordable than gym membership. This should also be positive for women who are more likely than men to take exercise classes. However, the restrictions on hospitality and requirements for the entertainment sector (cinemas, bowling alleys) to close are likely to have a negative impact on women, young people and people from BAME communities who are disproportionately represented in the sector. The economic harm is also likely to be felt by the wider family including children. More generally, evidence (Citizens Advice Bureau and Resolution Foundation) shows that equality impacts are not falling equally and that disabled, carers, people that are clinically vulnerable and people on low incomes are at a higher risk of redundancy.

There will be no travel restrictions inside Wales. However, travel will not be permitted to and from areas of high prevalence in the UK (Tier 3 in England, Level 3 and above in Scotland, all of Northern Ireland) without a reasonable

excuse. Our guidance strongly advises against all non-essential travel in the UK). Whilst this will have a positive impact on well-being for many, restrictions on travel will continue to have negative equality impacts. These arise from constraining the locations where people access services and recreation and in many instances it will mean restricting people from meeting family and friends if they live in other parts of the UK or abroad, which can lead to increased loneliness and isolation. It is anticipated this may have an adverse impact on BAME people, who have close family and extended family living in other parts of the UK and overseas.

The Regulations will impact positively on faith groups as places of worship will remain open.

Additional considerations and other impact assessments

European Convention on Human Rights (ECHR)

The amendments contained in these Regulations continue to engage under the principal Regulations and the Functions of Local Authorities Regulations individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The implications of the International Covenant on Economic, Social and Cultural Rights (ICESCR) has also been considered. An assessment of impact is outlined below:

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative impacts?
<p>Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) <i>recognises the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.</i></p>	<p><i>Negative: The requirement to close all hospitality premises except for take-away service will have a negative impact on the workers in this sector. This is also the busiest time of year for many businesses in the sector and when many employees would expect increased tips on top of their wage. This is particularly significant as many workers tend to be from low income households.</i></p>	<p>Workers in the sector will work fewer hours and many will not work at all as it is likely that many premises will not open at all. Employees able to benefit from the extended UK Government furlough scheme will lose 20% of their wage and most (if not all) of the tips that they would have expected to receive in this period.</p> <p>There is also the threat of future unemployment is the business becomes</p>	<p>The negative impact will be mitigated to an extent by the financial support package and UK Government support.</p>

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Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
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unviable.

United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) has been considered in this assessment. The package of measures agreed have implications for the following Articles:

- Article 3: All organisations concerned with children should work towards what is best for each child.
- Article 6: All children have the right of life, Governments should ensure that children survive and develop.
- Article 14: Children have the right to think and believe what they choose and also to practise their religion,
- Article 23: A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.
- Article 27: Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this
- Article 31: Children have the right to relax and play, and to join in a wide range of activities

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Wider economic, social and wellbeing impacts

Despite the support offered to businesses most severely affected by the COVID-19 pandemic, the impact on people's livelihoods has been significant. Amongst those hardest hit have been those receiving lower wage levels, younger people, those with low skills/qualifications levels, people with poor health and disabilities and those from BAME communities.

People will generally be worse off when businesses are required to close as the extended UK Government support schemes do not cover people's previous full income. A surge in unemployment levels is now predicted and there are clear signs that there will be long-term scarring effects.

Specific short term economic harms will take the form of increased unemployment, proportional to length of closure. In turn, these impacts will have adverse effects on health and well-being. A significant negative economic impact is expected as a result of the requirement to close all hospitality at 6pm and to prohibit the sale of alcohol, especially as the pre-Christmas is traditionally one of the busiest times of the year. The travel restrictions will also impact negatively on the tourism sector. A one-week closure of hospitality, arts and recreation might result in the loss of GDP in the order of £70 million which provides some indication of the weekly GDP impact of adopting English "tier 3" restrictions in Wales. The figure is likely to be reduced as hospitality services can remain open until 6pm though many will chose not to stay open as they will not be able to sell alcohol.

If we assume employment of 110,000 (latest available data (2019) shows employment of 123,000 in the sector. 110,000 is an illustrative example to reflect expected redundancies in 2020) in the accommodation and food services sector or 8.3% of the workforce when discounting those already working in takeaways etc. shown below, this would mean (50%) 55,000 or over 4% of the Welsh workforce not working who otherwise would be or (75%) 82,500 or 6.2% of the

workforce not working who otherwise would be. If they all received 80% of their wages, this could potentially equate to around £70 million in lost earnings if 50% are not working and £100 million if 75% are not working.

In Wales there are 8,900 in hospitality and 1,905 in other tourism related activities. Across these sectors, the majority are SMEs - with a high concentration in the micro size band. In the event of a tier 3 style lockdowns, some businesses may find it difficult to survive given the turbulence experienced so far this year.

There could also be knock-on effects to other sectors of the economy through reduced demand for goods and services impacting on supply chains etc.

The closure of hospitality will also have a negative impact on people who socialise in hospitality venues and this may lead to increased feelings of isolation and affect people's wellbeing. This is particularly the case for people who work in the day and are not able to meet others before 6pm on weekdays (or in some cases at weekends).

The Welsh Government has put in place a package of support worth £340 million, directed primarily at the hospitality and tourism sectors, for deployment in December 2020-January 2021 which complements the UK Government schemes.

Environmental impacts

There is likely to be an overall positive environmental impact as fewer people travel longer distances to visit friends and family, attractions and hospitality premises. However those that do travel are likely to increasingly use their own cars to do so where they are able.

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Welsh Language

The measures described above do not have any identifiable negative impacts on the Welsh Government's commitment to preserve and promote the Welsh Language.

Rural impacts

The restrictions on hospitality coupled with travel restrictions will have an adverse impact on the tourism industry and as the trade of public houses is focused heavily on evenings in rural communities.

Annex A: Equality Impact Assessment

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
<i>Age (think about different age groups)</i>	Positive: Given the health impacts of Coronavirus are more serious for older people, reducing transmission rates will have a positive impact. Negative: Young people are disproportionately	The Resolution Foundation reported on 27 October that 9 per cent of those furloughed had lost their jobs.	The Welsh Government support package and UK Government extension of furlough will help mitigate some the adverse impacts of this measure in the short term.

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Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>represented in the hospitality sector and will be negatively impacted by the restrictions in the short term and any medium and long term consequences that they have on businesses in the sector. Younger people have also received disproportionate numbers of fixed penalty notices (FPNs) issued to date.</p>	<p>This rate was highest for 18-24-year-olds, Black, Asian and minority ethnic workers, and the low paid.</p> <p>Up to 22 September, 61% of the FPNs issued in Wales were to people under 35.</p>	<p>It is not clear what has driven the disparities with regard to FPNs or whether there are additional disparities we do not know about, given the limited data</p>
<p><i>Disability (think about different types of disability)</i></p>	<p>Positive: COVID-19 has a significant disproportionate impact on the health of some disabled people and some people with chronic health conditions. Strengthened measures to reduce transmission will have some positive impacts for disabled people. Allowing close contact services to remain open will also assist to minimise adverse impacts on disabled people.</p>	<p>Citizen's Advice's report: An Unequal Crisis (England & Wales) found that a high number of disabled people (1 in 4) are facing redundancy than the general population (1 in 6).</p>	<p>The Welsh Government support package and UK Government extension of furlough will help mitigate some the adverse impacts of this measure in the short term.</p> <p>The extended household provision and the ability to meet up to four people outside or in a regulated setting and provisions for indoor</p>

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	<p>Negative: In the earlier stages of the pandemic, disabled people were more likely to be furloughed and this pattern may be repeated. For disabled people, the isolation and negative impacts on their health due to mental health problems may be heightened.</p>		<p>organised activity may help mitigate feelings of loneliness and isolation.</p>
<p><i>Gender Reassignment (the act of transitioning and Transgender people)</i></p>	<p>No differential impact expected.</p>		
<p><i>Pregnancy and maternity</i></p>	<p>Some women have also reported post-natal concerns around mental health support, breast feeding etc.</p>		<p>We are maintaining the provision which enables groups like parent and baby / toddler to operate in community facilities of various sorts which will help in addressing these issues.</p>

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Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
<p><i>Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)</i></p>	<p>Negative: people from BAME communities are disproportionately represented in the hospitality sector and will be negatively impacted by the requirement to close at 6pm</p> <p>People from BAME communities are also disproportionately likely to be taxi drivers who will be impacted significantly by the 6pm closure of hospitality.</p> <p>Negative: There has been some evidence of disproportionate numbers of fixed penalty notices issued to Black, Asian and Minority Ethnic people. The creation of new offences which may result in fixed penalty notices being issued may have adverse impacts on Black, Asian and Minority Ethnic communities. The restrictions on travel may have an adverse impact on BAME people who have family elsewhere in the UK or overseas.</p>	<p>Black Asian and Minority ethnic people comprise 11% of food and beverage employees in Wales.</p> <p>The Resolution Foundation reported on 27 October that 9 per cent of those previously furloughed had lost their jobs. This rate was highest for 18-24-year-olds, Black, Asian and minority ethnic workers, and the low paid.</p> <p>It has been reported that 24% of Black, Asian and Minority Ethnic mothers</p>	<p>The Welsh Government support package and UK Government extension of furlough will help mitigate some the adverse impacts of this measure in the short term. The Welsh Government package is specifically targeted at the hospitality and tourism sector.</p> <p>It is not clear what has driven the disparities with regard to FPNs or whether there are additional disparities we do not know about, given the limited data</p>

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Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
<i>Religion, belief and non-belief</i>	Positive: Places of worship will remain open and be allowed to operate in a COVID secure way. This will have a positive impact on faith groups.	<p>reported that they were struggling to feed their children.</p> <p>10% of FPNs in Wales up to 22 September were issued to people identifying as Asian or Chinese, who represent around 2% of the population.</p>	
<i>Sex / Gender</i>	Positive: There is clear evidence that COVID-19 has a disproportionate impact on the health of men. Therefore measures to bring the virus	76% of FPNs issued to 22 September have been to men.	The Welsh Government support package and UK Government extension of furlough will help mitigate some

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Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>back under control and reduce transmission will have positive impacts for men.</p> <p>Negative: Women will be impacted by the restrictions on hospitality sector as they are disproportionately represented in the sector. They are also more likely to be impacted if their child has to self-isolate as tend to do more childcare.</p> <p>Negative: Men have received a disproportionate number of FPNs issued.</p>		<p>the adverse impacts of this measure in the short term.</p> <p>It is not clear what has driven the disparities with regard to gender and FPNs given the limited data.</p>
<i>Sexual orientation (Lesbian, Gay and Bisexual)</i>	<p>Positive: The continued ability to meet up to four people in regulated settings or take part in organised activity would provide some additional flexibility which would be important in addressing adverse impacts for those whose household was negative or hostile to the individual's sexual</p>	<p>There is some evidence from earlier in the pandemic about the negative impact of being required to stay home for some people whose families were negative about</p>	

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	orientation.	or hostile to the individual's sexual orientation.	
<i>Marriage and civil partnership</i>	No differential impact expected		
<i>Children and young people up to the age of 18</i>	Positive: Keeping schools, public play facilities and colleges open will have a positive impact on children and young people especially those that are vulnerable or from disadvantaged backgrounds. The decision to allow sport and other organised activities to continue will also have a positive impact on children's health and well-being as will the provision to meet outdoors or in regulated settings. This is particularly important for teenagers who will welcome the chance to meet their friends.	The evidence from the first lockdown shows that the impact on vulnerable and disadvantaged children has been particularly acute. Not being able to see friends was cited as the single thing which had an impact on how children and young people felt in the	The Welsh Government has prioritised families who are in poverty through for example the Discretionary Assistance Fund and the Child development Fund for children at risk of development delay

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Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>Negative: Children will be affected by negative economic impacts experienced by the family.</p> <p>Negative: The closure of entertainment venues (cinemas, bowling arcades, indoor play) decreases the leisure options available to children and young people.</p>	<p>Coronavirus and Me survey.</p> <p>BAME children reported in the coronavirus and me survey that were more likely to say they needed help making sure their family had enough food. They are more likely to report indications of food insecurity. This has also been reported by stakeholders who work directly with the BAME community</p>	
<i>Low-income households</i>	<p>Negative: People on low incomes are disproportionately represented in the</p>	<p>The Resolution Foundation reported on 27 October that 9 per cent of those</p>	<p>The Welsh Government support package and UK Government extension of furlough will help mitigate the</p>

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	<p>hospitality sector and will be negatively impacted by the requirement to close at 6m. People from lower income households may be less able to meet in a regulated setting,</p> <p>Positive: Reducing the amount for failing to self-isolate is likely to have a small positive impact for disadvantaged groups.</p>	<p>previously furloughed had lost their jobs. This rate was highest for 18-24-year-olds, Black, Asian and minority ethnic workers, and the low paid.</p>	<p>adverse impacts of this measure in the short term though we recognise that many will have to manage on less money than normal as furlough is 80% of wages. It is also particularly difficult for some categories of workers such as those on zero hours contracts. agency workers and other work placement schemes.</p>

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