**21-DAY REVIEWS OF MEASURES TO MANAGE COVID-19 IN WALES**

**6 AUGUST UPDATE TO 30 JULY REVIEW: SUMMARY EQUALITY IMPACT ASSESSMENT**

**Introduction**

1. In the sixth review of lockdown restrictions on 30 July, Welsh Ministers continued to consider what easements could be prioritised to mitigate against the widespread harms caused by COVID-19 and to benefit Welsh citizens.
2. A summary EIA was produced at the time, however as the reopening of indoor play areas, gyms, leisure centres, swimming pools, spas (except for saunas and steam rooms) and indoor fitness centres had not yet been confirmed, this supplementary summary EIA has been produced.
3. In addition, this EIA covers the decision by the Welsh Ministers for personal training sessions and organised physical exercise activities to be exempt from the regulations on indoor gatherings, specifying that 30 people is the maximum.

**Legislative background**

1. 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) (Wales) Regulations 2020 on 11 July. A consolidated version of the most recent Regulations can be found [here](https://gov.wales/coronavirus-legislation-and-guidance-law).
2. Regulation 3(2) requires Welsh Ministers to review the need for restrictions and requirements under the Regulations every 21 days. The restrictions in place must be proportionate to the objective we are seeking to achieve by them. When restrictions are no longer proportionate, Welsh Ministers are committed to amending or withdrawing them. The last review was completed on 7 July, and the next review will be required by 30 July 2020.

**Equality impact assessment of the measures**

1. The Welsh Government is fully committed to establishing a more prosperous, more equal and a greener Wales. In taking swift action to effectively slow and work towards stopping the spread of coronavirus, Welsh Ministers have remained mindful of the way in which some groups and communities have been hit harder than others by the virus and the restrictions imposed to control it.
2. In considering the equality impacts of the proposals, Welsh Ministers have been clear any relaxation of the lockdown restrictions should not cause further harm. The measures outlined above are considered to have positive impacts on economic and social wellbeing.

**Additional considerations and other impact assessments**

*European Convention on Human Rights (ECHR)*

1. The fundamental purpose of the lockdown restrictions have been to protect everyone’s right to life (Article 2 of the ECHR). By restricting freedom of movement, the lockdown restrictions also infringed upon a range of other human rights on justifiable public health grounds. However, the package of measures agreed for implementation following this review should mitigate some of the temporary infringements on wider human rights by promoting the following ECHR Articles:

|  |  |
| --- | --- |
| **Article 2** | The right to life |
| **Article 8** | The right to respect for private and family life and correspondence |
| **Article 11** | Freedom of assembly and association |

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

1. 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?*** |
| --- | --- | --- | --- |
| *Article 11 of the* ***International Covenant on Economic, Social and Cultural Rights (ICESCR)*** *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.* | *Positive: re-opening indoor play is expected to have a positive impact on the standard of living of children.*  *Positive: re-opening premises which allow individuals to engage in physical activity is expected to be beneficial to both mental and physical well-being.* | *There is a wealth of evidence on the value of play to child development, including physical development, literacy and emotional development.*  *This includes reports published by the American Academy of Paediatrics[[1]](#footnote-1) and the British Medical Association[[2]](#footnote-2).* | *No specific negative impacts from the proposal.* |

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

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

* **Article 12** – Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.
* **Article 15** – Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.
* **Article 18** – Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.
* **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** – All children have a right to relax and play, and to join in a wide range of activities.

1. Easing restrictions on indoor play would enable the Welsh Government to meet its obligations under article 31 in particular. There may also be some benefits under Article 15 (the right to meet together), but these will be constrained until further easements are made to gatherings indoors.

*Wider economic, social and wellbeing impacts*

1. There are ‘four harms’ that are widely associated with COVID-19, which relate to:

* Direct harm from COVID-19;
* Harm from the NHS becoming overwhelmed from the demands of COVID-19;
* Indirect harm emanating from a reduction of non-COVID activity; and
* Indirect harms from wider societal actions and the lockdown.

Evidence suggests the first three harms have largely now been mitigated but we must work to understand and mitigate the range of fourth harms.

1. It is difficult to fully grasp the range of impacts fourth harms can have: how long will they last; whether they will be short, medium or longer-term issues and even when other impacts may emerge. To support our identification and understanding of the four harms, a range of survey evidence is being gathered and analysed.
2. As well as the well-being impacts noted above and below, the easements described are expected to have a positive economic impact. The ONS’ Business Impacts of Covid-19 Survey (BICS) provides insights on the effects of restrictions across the UK on the broad *Arts, Entertainment, and Recreation* sector (which most sport and leisure businesses sit within).[[3]](#footnote-3) It shows that, as of the second half of June, this sector had been one of the worst impacted by lockdown restrictions so far - only 39% of businesses within this sector were still continuing to trade, the lowest level of any sector. The proposed easements should enable a number of businesses to begin trading again.
3. Indoor play areas are also businesses. BALPPA represent 180 play areas out of 1,100, and report that the sector employs over 30,000 people across the UK, (there is no specific Wales breakdown for this information.)

*Environmental impacts*

1. There is likely to be a small negative environmental impact as more people travel longer distances to visit services, and are likely to increasingly use their own cars to do so where they are able.

*Welsh Language*

1. 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*

1. The impact of these measures is not anticipated to differ in rural areas.

**Annex A: Equality Impact Assessment – reopening indoor gyms and play areas, leisure centres, swimming pools, full reopening spas, indoor fitness centres**

Lockdown restrictions on this sector have had a disproportionate impact on most groups in terms of well-being. A positive economic impact is expected for younger people who are more likely than other age cohorts to work in the sector.

| ***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?*** |
| --- | --- | --- | --- |
| *Age (think about different age groups)* | **Positive:** Younger cohorts of the population are significantly more likely to work within this sector in Wales than older cohorts, therefore opening sector could have positive distributional impacts if it prevents potential job losses and increases household incomes by transferring individuals off the UK’s Job Retention Scheme. This cohort currently represents the age group most at risk from an economic downturn. | Analysis by Welsh Government of Annual Population Survey (APS) data for 2019 shows that 31% of workers in the sports activities sector in Wales are under the age of 25 (while this age group only represents 12% of workforce). | The proposal to allow reopening of these facilities will allow revenue generation to begin, which would support the return from furlough and continuation of employment when the Job Retention Scheme ends. |
| *Disability (think about different types of disability)* | **Neutral:** Disabled employees and customers may require additional support to enable them return to work or to participate in resumed physical activities whilst coronavirus restrictions and measures to minimise virus transmission remain in place. | Analysis of APS data for 2019 suggests that disabled people represent 15% of the workforce for the Sports Activities sector (this group represents 15% of the wider workforce).  Specific data is not available, but it is likely that the sections of the population that can now return from shielding will constitute a significant proportion of the demand for the activities resuming at indoor leisure facilities, including people with disabilities who have been required to shield. | **Mitigation:** Employers will need to consider all reasonable measures they can implement to support and protect disabled employees in their workplace.  Guidance will suggest that operators should consider whether there is scope to provide priority for disabled/ shielding people at leisure centres, e.g. could allotted timeslots be provided?  We will also explore whether it is appropriate in guidance (given the requirements in regulation) to suggest that operators look to implement sufficient alternative mitigations to allow staff / trained volunteers to support disabled participants where necessary (either within 2m or via direct physical contact where this is essential), so that wherever possible they will have equal access to activities. |
| *Gender Reassignment (the act of transitioning and Transgender people)* | No differential impact identified. |  |  |
| *Pregnancy and maternity* | No differential impact identified. |  |  |
| *Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)* | **Positive**: BAME population more likely to work within this sector in Wales than white population, therefore opening sector could have positive distributional impacts if it prevents potential job losses and increases household incomes by transferring individuals off the UK’s Job Retention Scheme.  **Negative**: BAME groups may be disproportionately at risk of negative health outcomes should they contract Covid-19, which should be considered for both staff and customers of the sector. | Analysis of APS data for 2019 estimates that 8% of the workforce within the Sports Activities sector are BAME, while this group represents 5% of the overall Welsh workforce. | **Mitigation:** Employers will need to consider all reasonable measures they can implement to support and protect disabled employees in their workplace. |
| *Religion, belief and non-belief* | No differential impact identified. |  |  |
| *Sex / Gender* | No differential impacts identified. | Analysis of APS data for 2019 estimates that 42% of workers in Wales within the Sports Activities sector are female, while women represent 47% of the total Welsh workforce. |  |
| *Sexual orientation (Lesbian, Gay and Bisexual)* | No differential impact identified. |  |  |
| *Marriage and civil partnership* | No differential impact identified. |  |  |
| *Children and young people up to the age of 18* | **Positive:** Children and young people have rights to congregate, join clubs and take parts in activities under the United Nations Convention on the Rights of the Child. Opening the sector would have a positive impact in supporting these rights. |  | Consideration will be given to the impact of the relaxing of social distancing measures for under 11s on the guidance provided to the sector. |
| *Low-income households* | **Positive:** Sport Wales targets support across Wales to encourage participation in physical exercise by groups which have lower levels of participation, including low-income households. Opening up the sector will support and encourage participation by these groups. |  |  |

**Annex B: Equality Impact Assessment – Easing of restrictions on indoor play**

Ending restrictions on indoor play will provide increased opportunities for children to engage in a range of different physical and developmental activities and provide opportunities for more social interaction.

|  |  |  |  |
| --- | --- | --- | --- |
| ***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?*** |
| *Age (think about different age groups)* | **Positive:** Re-opening more premises providing a greater range of services and attractions will be of benefit to all age groups. However there are particular benefits to children from reopening indoor play areas. | There is a wealth of evidence on the value of play to child development, including physical development, literacy and emotional development.  This includes reports published by the American Academy of Paediatrics[[4]](#footnote-4) and the British Medical Association[[5]](#footnote-5). | Welsh Government has adopted a collaborative approach to developing guidance on re-opening sectors/services/facilities with stakeholders and industry. Therefore, comprehensive guidance to support safe implementation of measures is available for those areas where restrictions have been eased and will be prepared as appropriate for other premises as preparations are made for them to re-open.  Guidance in relation to indoor play areas is under development and will underline that it illegal to discriminate, directly or indirectly, against anyone because of a protected characteristic. |
| *Disability (think about different types of disability)* | **Positive:** As more premises re-open, disabled people should benefit from being able to access a greater range of services and other opportunities. This will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing.  Indoor play centres are required to comply with the Disability Discrimination Act 1995, ensuring people with disabilities can access their premises. Specific indoor play equipment for use by children with disabilities is available in some settings across Wales. | There are no figures available on the number of employees with disabilities within the indoor play sector. Nor is there any information on the number of visits to them undertaken by children or adults with disabilities. Consequently it is difficult to quantify specific impacts.  Local authorities are under a statutory duty to ensure there are sufficient play opportunities in their area for children with disabilities. | Guidance for the indoor play sector will require organisations to consider the rights of those with protected characteristics in terms of accessing venues or services.  Examples could include:   * Informing people of any changes to booking procedures or how the destination will assist people with disabilities so that they can continue to access the venue in a safe way. * providing additional information to visually impaired visitors in advance of visits regarding changed access to buildings or sites and new and more complex visitor routes and generally by making all visitor information accessible   The guidance also states that employers have statutory obligations towards disabled workers and must make reasonable adjustments to ensure that they are not put at a disadvantage. |
| *Gender Reassignment (the act of transitioning and Transgender people)* | Unlikely to have an impact. | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Pregnancy and maternity* | **Positive:** Re-opening more businesses such as indoor play centres will also provide a greater range of activities which mothers/carers may be able to take young children to enjoy | As more premises open, they will generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)* | **Neutral as visitors.**  Unclear in terms of employees as there is no detail available on the workforce. However, as more businesses are allowed to re-open they should help the preservation of jobs and increase household incomes for those who work in the sector (i.e. by receiving their full salary as they are transferred off furlough).  **Negative:** BAME groups are disproportionately at risk of negative health outcomes should they contract Covid-19 | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | **Mitigation:** Consistent and clear messaging needs to be maintained reminding BAME people of the risks that COVID-19 poses.  Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely.  The guidance also advises the use of simple, clear and accessible messaging to explain guidelines, with consideration of groups whose first language may not be Welsh or English.  It also requires that the risk assessment pays particular regard to whether the people doing the work are especially vulnerable to COVID19 and to put in place steps to protect them. |
| *Religion, belief and non-belief* | *Unlikely to have an impact* | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Sex / Gender* | Neutral: Women tend to be primary care-givers, including for children during the school holidays. Access to more and in particular, community provided services such as indoor play areas will be of benefit | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing.  Opportunities to return to employment will help reduce anxieties associated with lockdown including financial worries. | Recent easements by Welsh Government including supporting childcare facilities to re-open; re-opening schools; lifting the stay local restrictions; and enabling extended households to form will all serve to provide access to more forms of support to women who require it.  Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Sexual orientation (Lesbian, Gay and Bisexual)* | Unlikely to have an impact. | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Marriage and civil partnership* | Unlikely to have an impact. | Insufficient data available to form a proper assessment  As more premises open, people should generally benefit from more opportunities for safe social interaction and opportunities to access services, which will help to reduce loneliness and isolation; provide more access to support; and generally promote wellbeing. | Guidance for the indoor play sector will advise that organisations consider the rights of those with protected characteristics and how they will be able to continue to access the venue / services safely. |
| *Children and young people up to the age of 18* | **Positive:** Will provide increased opportunities to engage in a range of different activities and provide opportunities for more social interaction.  **Positive:** Exercise and sport is an important contributor to the healthy physical, psychological well-being and social development of children. Evidence suggests that children are doing less exercise in Wales now than before the pandemic. Re-enabling activity in this area will widen the scope for children and young people to engage in physical exercise | The survey ‘[Coronavirus and Me](https://www.childcomwales.org.uk/wp-content/uploads/2020/06/FINAL_formattedCVRep_EN.pdf)’ of approx. 23,000 children and young people in Wales provides some insight into their experiences of the coronavirus pandemic and their reactions, hopes and concerns for the future (Article 12, UNCRC).  *Sport Wales survey conducted by Savanta ComRes from 8-12 May 2020:  “26% report that their children are doing more activity since the COVID-19 restrictions, while 35% report that their children are doing less. Overall this suggests a net reduction of 9 percentage points.”* | No mitigation required. |
| Low-income households | **Positive:** Indoor play areas are usually located in areas that are easily accessible to families by foot or public transport as well as by car, and often alongside other facilities aimed at children and families. While some of these centres charge entry fees, they are generally kept low, with family deals and other incentives to make them affordable. They represent an alternative to outdoor playgrounds and parks in poor weather and are particularly important to people with no outdoor space. | Sport Wales survey conducted by Savanta ComRes from 8-12 May 2020:  “There are however significant variations within certain demographic groups. There is a net increase in activity levels amongst those from higher socioeconomic backgrounds (+7 percentage points), however there is a net decrease amongst those from lower socioeconomic backgrounds (-4 percentage points).”  “Those children from lower socio economic backgrounds appear to be experiencing the greatest reductions (LOW SES: More 23% Less 36% = -13 percentage points HIGH SES: More 28% Less 35% = -7 percentage points)” | Guidance on reopening indoor play areas will advise making provision to allow bookings from people who do not have access to the Internet. |

1. <https://pediatrics.aappublications.org/content/119/1/182> [↑](#footnote-ref-1)
2. <https://www.researchgate.net/publication/281283103_Preventing_childhood_obesity_BMA_June_2005> [↑](#footnote-ref-2)
3. Covering the period 15th to 28th of June, 2020. [↑](#footnote-ref-3)
4. <https://pediatrics.aappublications.org/content/119/1/182> [↑](#footnote-ref-4)
5. <https://www.researchgate.net/publication/281283103_Preventing_childhood_obesity_BMA_June_2005> [↑](#footnote-ref-5)