

THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (NO. 5) (WALES) (AMENDMENT) REGULATIONS 2021

EQUALITY IMPACT ASSESSMENT

Full return to onsite learning from 12 April 2021 as part of the phased return to schools and settings in connection with COVID-19

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

This proposal will see a full return to onsite teaching in schools and settings from 12 April 2021 as part of the phased return to schools and settings.

This proposal builds on the phased increased opportunity for groups of learners to return to face-to-face teaching from 22 February 2021, and further from 15 March 2021, and is set in context of the continuing improvement in the public health situation in Wales.

The general proposals are outlined in brief below. We understand the precise arrangements will vary from school to school dependent on a number of factors and that schools and settings will require some flexibility to best meet the needs of their learners.

We fully accept that any change to education arrangements has a varied and broad impact on different groups including learners, staff, families and communities.

Proposal

From Monday 12 April 2021, if the public health situation continues to improve, the remainder of secondary aged learners will return to onsite teaching and learning. This will complete the return of all learners to return to onsite provision. We recognise there will be circumstances where remote learning capability will need to continue during this period up to the summer holidays as individuals and groups of learners may be asked to self-isolate in line with the COVID-19 requirements. We recognise there will be little change for primary school age learners who have already returned to onsite provision.

The Welsh Government's [operational guidance for schools and settings](#) from 12 April 2021 was published on 15 March 2021.

The report produced by the Children's Commissioner for Wales, *Coronavirus and me: A second nationwide survey of the views and experiences of children and young people in Wales*, January 2021

Following on from the first consultation in May 2020, this second consultation and report presents the views and experiences of 19,737 children and young people aged 3-18 in the COVID restrictions.

The report outlines in its summary findings that life has generally been difficult for all age groups with many expressing frustration and sometimes anger about the impact of the pandemic on their lives. Many spoke about missing their friends, teachers, schools and families. 30 per cent of 17 and 18 year olds reported being worried 'most of the time'.

Over half enjoyed learning at their own pace from home, but many were worried about falling behind with their learning. Levels of confidence and motivation with education are shown to be decreasing with age.

In both consultations we see that children who often face more barriers to accessing their rights have also faced more struggles on average than their peers. Disabled children and young people are more likely to be worried about coronavirus, more likely to feel sad, and more likely to feel unsafe. Children and young people of Black, Asian and other minority ethnicities are more likely to feel lonely and less likely to say they feel safe.

Many children and young people also reported positive experiences in both consultations, including enjoying spending time at home and receiving good support from schools and youth workers.

The (EHRC) Equality and Human Rights Commission's report *How coronavirus has affected equality and human rights*, October 2020

As part of its *Is Britain Fairer?* report series the EHRC reports on how the pandemic has affected different groups. The key findings about school closures and remote learning include:

"There is a real danger of a lost 'COVID generation' as young people miss out on education and are likely to be hardest hit by job losses.

"Differences in support for remote learning during the pandemic threaten to widen inequalities for those who already perform less well than their peers, particularly boys, Black pupils, some Gypsy, Roma and Traveller pupils, pupils who need support in education, and those who are socio-economically disadvantaged.

"The response to the coronavirus pandemic has created gaps in the education of most children in Britain. These gaps threaten attainment at primary and secondary level.

"Boys continue to perform worse than girls and attainment by children with SEND / ASN / ALN is much lower than those without such needs.

“Black pupils have lower attainment levels than other ethnic minority groups although Gypsy, Roma and Traveller pupils continue to have the lowest attainment levels of any ethnic group by a significant amount.

“Children eligible for free school meals or from deprived areas perform below the average. These groups are at risk of falling further behind. There are also inequalities in the amount of time spent on home-learning, with some indication that boys are spending less time on home learning than girls.

“Research suggests that 20% of pupils on free school meals in the UK had no access to a computer at home, compared with 7% of other children.

“In Wales, there are also concerns that pupils attending Welsh language schools who do not have Welsh-speaking parents are not getting sufficient attention.”

We have identified some specific impacts by protected characteristic and have listed these below.

In general, where we refer to staff, we refer to the full range of staff involved in schools and settings including all teaching and non-teaching, administrative, facilities, and school transport staff.

Returning to school buildings

The Royal College of Paediatrics and Child Health have issued guidance indicating that very few children are clinically extremely vulnerable and as a result many of the children previously advised to shield are no longer required to do so. We expect some families to feel anxious about the return to onsite teaching and learning, and in many cases this may relate to where a learner or family member is clinically extremely vulnerable and has previously been shielding. Settings and local authorities should continue to work with families to support learners to access the curriculum and minimise disruption to learners' education. If a learner is unable to attend the physical setting due to self-isolation, the setting should continue to engage regularly with the learner remotely in line with our [Learning guidance](#).

All those in the first four priority areas have received their vaccinations. We acknowledge that the vaccine programme is moving at some pace across Wales and as long as supply continues, the number of education staff vaccinated will continue to increase.

It will be important for school leaders to consider practical options for how best to support their teaching workforce and classroom assistants, as all staff and learners

return to school buildings, and as remote provision required as a result of COVID-19 arrangements decreases.

The Welsh Government's operational guidance for schools and settings sets out a suite of important mitigations that Local Authorities and schools and settings will be asked to implement. These include comprehensive risk assessments; Black, Asian and Minority Ethnic Toolkit; enhanced cleaning regimes; good hand and respiratory hygiene; ventilation; use of high quality three-layer face coverings where appropriate, including for learners in secondary school age settings in classrooms only if social distancing cannot be maintained; continuous vigilance for symptoms; and surveillance, testing and outbreak management.

For other members of the workforce, including cleaners, catering staff and technicians, similar considerations will need to be taken to ensure staff can return to work safely, with awareness of factors unique to each role taken into consideration.

Additional financial support has been made available to support Local Authorities with additional costs associated with the phased return of learners.

Disability

Staff with disabilities

It is likely that a higher number of staff in schools and settings with physical disabilities will need to take precautions about returning to site compared with staff without a disability. Some of these will be clinically extremely vulnerable and may previously have been shielding.

For members of staff with additional support needs it will be important for any changes to routine to be clearly communicated.

Staff mental wellbeing

Staff suffering with mental ill health may have found closures to onsite learning to have a greater negative impact on their wellbeing than their peers. The same group of people may be more likely to be anxious about the full return of learners to onsite provision, and we recognise staff working onsite through the phased return may have had different experiences. Mental health and wellbeing support is set out in the Welsh Government's Operational guidance for schools.

Routine testing

We recognise increased onsite learning in schools and settings will result in greater community mobility with pupils and parents and guardians travelling more. We also understand there will be other easing measures within future 21 day review periods which could also lead to greater community mobility.

The Welsh Government's Operational guidance for schools provides information on the measures schools and settings and individuals can take to remain safe. The updated Operational guidance for 12 April includes information on asymptomatic testing for schools and settings to quickly detect asymptomatic adults to reduce the likelihood of clusters and outbreaks in settings. Tests have been available to all staff working in schools and settings including school transport operators, peripatetic teachers and supply staff from February 2021.

Sex

Caring responsibilities

We recognise that women who are staff are more likely to have been juggling caring responsibilities with supporting home learning whilst working from home or whilst working in school supporting vulnerable learners and children of critical workers. As learners return to schools and settings, some staff who are parents or carers will be dependent upon childcare being available to enable them to return to previous or amended working patterns themselves.

Women who are parents or carers, and who make up the wider education workforce for example learning assistants and cleaners are also likely to be dependent upon childcare being available to enable them to return to their contracted working patterns. We acknowledge for many families the wrap around support at the beginning and end of the school day is important to provide flexibility around working arrangements.

Safety and wellbeing

There is a risk that there has been an increase in domestic abuse during lockdown. For staff impacted by this, a return to the workplace is likely to have a positive impact overall, but support should be available to support these members of staff.

Women's health

At any one time, a proportion of the female education workforce will be dealing with the often debilitating effects of the menopause and other menstrual health issues such as endometriosis. Stress, which we know has increased for some as a result of lockdown, can exacerbate a number of the symptoms associated with these conditions and returning to a repurposed school estate where access to toilets might have changed may be challenging. With workplaces moving towards being 'menopause friendly' schools should consider how they offer support in this context.

Gender reassignment

Transgender members of the workforce may have experienced delays to gender-affirming treatment due to COVID-19, which could have a negative impact on mental

health and wellbeing. There is no data available to know how many members of the workforce may be impacted.

Pregnancy and maternity

Pregnant members of the workforce should continue to follow the latest guidance set out in the Welsh Government's Operational guidance for schools, and employers should conduct risk assessments.

Returning to work

Some members of staff will be returning to the workforce after maternity leave and will not have experienced home learning in the same way as their colleagues.

Experts have warned Covid-19 has had a negative impact on maternal mental health beyond that seen in the general population, where reported rates of anxiety have more than doubled. Consideration should be given to their re-induction to the workforce.

Religious spaces

Our operational guidance states that all available space should be utilised to assist with maintaining social distance from staff and learners, which we understand is more challenging with the full return to onsite provision. Where rooms are potentially being repurposed, it should be ensured that provision remains available for staff to access religious spaces at expected times of day.

Wellbeing

We recognise that supporting staff wellbeing at a time of increasing onsite operations is paramount. The All Wales Risk Assessment Tool enables staff to consider both their health and well-being, and understand their personal risk of developing more serious symptoms if they come into contact with the COVID-19 virus as either low, high or very high.

Low-income households

Whilst the closure of schools and settings has caused some members of staff to be furloughed, which may have decreased their monthly income, it is expected that increasing operations will allow for those people to return to work and to their previous salary.

Record of Impacts by protected characteristic

Children and young people

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	Children and young people may be adversely impacted by a loss of schooling, routine and social contact.	Children and young people are the groups most directly impacted by school and college closures.	Schools and settings have been open for vulnerable children and children of critical workers and as part of the phased return to onsite teaching, for increasing groups of learners from February this year. Our priority for phased return focused first on our youngest learners, recognising they find remote learning particularly challenging, and then on to the critical transition points including Years 11 and 13. This proposal sees all learners return to onsite teaching in a regulated environment with COVID safety measures in place. Measures are informed by operational guidance, advice from the HSE, PHW and local government and based on scientific and technical advice to the Welsh and UK Governments.

Disability	Children and young people with disabilities and additional or special learning needs may be more adversely impacted by not attending school or college.	Vulnerable learners are identified by educational providers or Local Authorities (including children's social care services), as those who could benefit from continued full-time attendance at school or college.	All children and young people who are identified as vulnerable or who have a statement of SEN could be expected to attend their usual school or college as normal through the last period as stipulated in the Regulations. Ability to attend their own school or setting mitigates some of the impact of access to familiar support, social interactions and routine. We recognise the continued impact of the pandemic on support for these learners.
Gender Reassignment	None	--	--
Pregnancy and maternity	We understand there could be cases of pregnancies in young people who may still be in attendance at school or college.	Studies from the UK show that pregnant women are no more likely to get seriously unwell from coronavirus but pregnant women have been included in the list of people at increased risk as a precaution. Pregnant women should follow the latest government guidance on social distancing and avoid	Central messaging and information made available may be relevant and provide reassurance.

		<p>anyone who has symptoms suggestive of coronavirus.</p> <p>Pregnant women in their third trimester should be particularly attentive to social distancing.</p>	
Race	<p>Some Black, Asian and minority ethnic learners, including Gypsy, Roma and Traveller learners may be adversely impacted by remote learning, particularly in accessing technology.</p>	<p>EHRC report: <i>How coronavirus has affected equality and human rights</i>, October 2020</p>	<p>As part of the ‘Stay Safe. Stay Learning’ programme, the Welsh Government has been working with Local Authorities to support digitally excluded learners and the full return to onsite learning will see a removal of many of the barriers.</p> <p>Recognising the progress made and circumstances which will continue to require access and home infrastructure (e.g. during periods of self-isolation), schools and settings are encouraged to have a range of communication channels in place for parents and carers, including non-digital options for those without access to technology.</p> <p>Every learner with access to technology may benefit from the</p>

			Hwb digital learning platform for Wales including Office 365.
Religion, belief and non-belief	Children and young people who attend a school or college with a religious character may be adversely affected by the closures if school or college represents their only access to collective worship or other teachings important to those individuals.	School or college may represent the only opportunity for some children and young people to practice religious observance with their peers.	<p>Through Hwb, the digital learning platform for Wales, learners and practitioners from maintained schools have access to a range of online learning tools.</p> <p>Video conferencing can provide an interactive experience and an opportunity to collaborate and engage in religious observance through school or college in a safe and accessible way in circumstances where learners are unable to attend onsite provision e.g. in self-isolation. For the most part, the return to full onsite provision may be expected to provide increased opportunities to access collective worship or other teachings.</p>
Sex / Gender	All learners develop in different ways and whilst complex, we understand gender can be an influencing factor in cognitive	Attainment information over time and international evidence from for example PISA (Programme for	The individual nature of learners and learning and the need for targeted support is being recognised in our action to support

	development, in participation and achievement; though gender may also indicate the existence of other barriers and challenges which may have a greater impact.	International Student Assessment)	children and young people to return to schools and settings and move beyond COVID.
Sexual orientation	None	--	--
Marriage and civil partnership	None	--	--
Children and young people up to the age of 18	A Children's Rights Impact Assessment (CRIA) for this next phase of increasing access to onsite learning has been carried out separately.	Children and young people are the groups most directly impacted by school and college closures.	We will build on the issues identified in the CRIA. A full CRIA is available separately.
Low-income households	Learners from low income household may be disproportionately adversely impacted by school and college closures where they have limited access to digital devices and the internet.	National Survey for Wales, 2018-19 <i>Internet use and digital skills</i>	A full return to onsite teaching and learning may be seen to address many of the issues caused by limited access to digital connectivity. As part of the 'Stay Safe. Stay Learning' programme, the Welsh Government has been working with Local Authorities to support digitally excluded learners.

			<p>Additional funding was made available to support these learners in 2020.</p> <p>In addition, schools and settings continue to be encouraged to have a range of communication channels in place for parents and carers, including non-digital options for those parents and carers without access to technology for circumstances where some learners may need to be taught remotely, e.g. if in self-isolation.</p>
<p>Low-income households</p>	<p>Learners eligible for free school meals provision may be adversely impacted by school closures.</p>	<p>Some families are reliant on the provision of free school meals for their children’s nutrition and health needs.</p> <p>Data gathered by Data Cymru has shown that since the end of June 2020 the number of children receiving free school meals has increased by 12,969 from 91,700 at the end of June to 104,669 at the 9 December 2020. This increased to over 105,000 by the end of January 2021, and we</p>	<p>Local Authorities are reminded that legal duties with regard to the provision of free school meals still apply throughout these phases of school closures and phased and full reopening.</p> <p>Additionally, when making arrangements for providing eligible learners with free school meals, school governing bodies and Local Authorities must take reasonable steps to ensure that a learner cannot be</p>

		<p>expect to see a continued increase over the coming months.</p>	<p>identified by any person, other than a person authorised under legislation, as a learner who receives a free school lunch.</p> <p>Further information on free school meals is contained within the Operational guidance for schools and settings.</p> <p>Additional support including through PDG Access remains available.</p>
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Staff in schools and settings and families

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	<p>Working-age adults who are parents may be adversely impacted by the need to provide childcare and extra support to their children while home schooling.</p> <p>Some of these parents will have had to use leave or seek alternative employment where working from home has not been an</p>	<p>School closures have meant many working parents who are not critical workers have had to make arrangements with their employers to change working patterns and locations.</p> <p>Reliance on wider family and friend childcare networks has also been restricted under the</p>	<p>We continue to use campaigns and networks to distribute information and advice to parents and provide reassurance, for example the <i>Parenting. Give it Time</i> campaign which is used to get messages out to parents; the Flying Start Facebook page; and our Parenting Expert Action Group,</p>

	option, and in some cases will have been furloughed or lost employment, which in turn could all lead to an increase in low income households.	wider COVID-19 measures in place.	Childcare, Flying Start and Families First Networks. Our recent reassurance campaigns have focused on Keeping Wales Learning, Testing and Keeping Wales Safe.
Age	Older, retired people who provide childcare e.g. for grandchildren may be adversely impacted by the need to provide additional help with childcare and support with home schooling and are more likely to have health vulnerabilities and concerns regarding transmission of COVID. This is likely to decrease as greater numbers are able to return to onsite learning.	Grandparents have been called upon to help with childcare and home schooling where working parents have been unable to make alternative arrangements. The full return to onsite provision may reduce the impact on grandparents called upon to help with childcare, increasing the time all learners are in schools/ settings.	
Age	Increasing onsite operations will require greater numbers of staff to work onsite and to travel between home and their settings. This may include older staff members, who we know are of higher risk of developing more serious symptoms from COVID-19. It may require reliance on	Whilst this does enable staff members to re-engage with face-to-face learning with learners, age is known to be a factor in determining risk of developing more serious symptoms from Covid-19.	An All Wales Risk Assessment Tool developed in collaboration with the sector takes age into account and helps the individual and their employer to take additional steps to mitigate these risks. This is over and above the mitigating measures introduced

	<p>public transport. Older staff members may also have concerns over health vulnerabilities of loved ones within their household or in care arrangements.</p>		<p>for learners, staff and others on school sites.</p> <p>The risk assessment tool will have both immediate and long term implications for those individuals who assess their personal risk factors. In the longer term, some people who may have been in harm's way will have been protected from severe COVID-19 infection or possibility of death. In addition to the immediate action taken, in the longer term individuals will be able to identify and understand lifestyle improvements that if actioned may have longer term effects on their health and wellbeing.</p> <p>The seasonal benefits of the warmer weather and longer days, as well as the increased community mobility are recognised as factors which may have a positive and negative impact.</p>
<p>Disability</p>	<p>Parents and carers with disabilities may be disproportionately adversely impacted by the need to provide</p>	<p>Physical disabilities and learning disabilities may affect a parent's ability to perform the role of</p>	<p>The Welsh Government's operational guidance recognises that some parents and carers</p>

	additional childcare and support during school closures.	both care giver and educator on a full-time basis, even for a short timeframe.	may be more anxious about their children's return to onsite learning. It is critical that schools follow up on concerns around engagement, or the welfare of a learner. Schools and Local Authorities should work with the family to support learners to access the full curriculum and minimise disruption to their education.
Disability	Increasing onsite operations will require greater numbers of staff to work from school sites. This may include staff with disabilities.	It is likely that a higher number of school staff with physical disabilities will need to take precautions about returning to school compared to school staff without a disability.	Through our operational guidance we emphasise that staff should talk to their employers about how they will be supported. This will be particularly important where staff members are now required to return to face-to-face learning.
Gender Reassignment	We recognise that transgender members of the workforce may have experienced delays to gender-affirming treatment due to COVID-19, which could have a negative impact on mental health and wellbeing.	--	--

	There is no data available to know how many members of the workforce may be impacted.		
Pregnancy and maternity	<p>Pregnant women and those with very young children as well as older children who attend school or college may be adversely impacted by the need to provide extra childcare and support for home schooling.</p> <p>Those who have become unpaid carers are more likely to be women, younger and have young children. They have faced competing demands, which have challenged their physical and mental health and wellbeing and placed additional strain on their relationships, finances and ability to do paid work.</p>	EHRC report: <i>How coronavirus has affected equality and human rights</i> , October 2020	We are using campaigns, and networks, to distribute information and advice to parents and provide reassurance, for example the <i>Parenting. Give it Time</i> campaign which is used to get messages out to parents; the Flying Start Facebook page; and our Parenting Expert Action Group, Childcare, Flying Start and Families First Networks.
Pregnancy and maternity	Increasing onsite operations will require greater numbers of staff to work from school sites. This may include staff who are pregnant.	Pregnant women are in the people at increased risk category and are generally advised to follow the above advice, which applies to all staff in schools	We have noted in our operational guidance that that pregnant staff and their employers should follow the advice in the COVID-19: advice for pregnant employees.

		and the advice to general public but in doing so be aware that they are at increased risk	This is alongside the All-Wales Risk Assessment Tool.
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	Increasing onsite operations will require greater numbers of staff to work from school sites. This may include Black, Asian and minority ethnic people, who we know are of higher risk of developing more serious symptoms from Covid-19.	Whilst this proposal does enable staff members to re-engage with face-to-face learning with learners, ethnicity is known to be a factor in determining risk of developing more serious symptoms from Covid-19.	<p>An All Wales Risk Assessment Tool developed in collaboration with the sector takes age into account and helps the individual and their employer to take additional steps to mitigate these risks. This is over and above the mitigating measures introduced for learners, staff and others on school sites.</p> <p>The risk assessment tool will have both immediate and long term implications for those individuals who assess their personal risk factors. In the longer term, some people who may have been in harm's way will have been protected from severe COVID-19 infection or possibility of death. In addition to the immediate action taken, in the longer term individuals will be able to identify and understand lifestyle improvements that if</p>

			actioned may have longer term effects on their health and wellbeing.
Religion, belief and non-belief	Staff may be concerned that they will be unable to find suitable space onsite for religious worship.		Our operational guidance states that all available space should be utilised to assist with maintaining social distance from staff and learners. Where rooms are potentially being repurposed, it should be ensured that provision remains available for staff to access religious spaces at expected times of day.
Sex / Gender	Women are more likely to carry the burden of additional childcare and home schooling, even if they are in employment, than their male partners.	EHRC report: <i>How coronavirus has affected equality and human rights</i> , October 2020	We are using campaigns, and networks, to reassure and distribute information and advice to parents, for example the <i>Parenting. Give it Time</i> campaign which is used to get messages out to parents; the Flying Start Facebook page; and our Parenting Expert Action Group, Childcare, Flying Start and Families First Networks.
Sex / Gender	Increasing school operations will require	Whilst this does enable staff members	An All Wales Risk Assessment Tool

	<p>greater numbers of staff to work from school sites. This may include men, who we know are of higher risk of developing more serious symptoms from COVID-19.</p>	<p>to re-engage with face-to-face learning with learners, age is known to be a factor in determining risk of developing more serious symptoms from COVID-19.</p>	<p>developed in collaboration with the sector takes age into account and helps the individual and their employer to take additional steps to mitigate these risks. This is over and above the mitigating measures introduced for learners, staff and others on school sites.</p> <p>The risk assessment tool will have both immediate and long term implications for those individuals who assess their personal risk factors. In the longer term, some people who may have been in harm's way will have been protected from severe COVID-19 infection or possibility of death. In addition to the immediate action taken, in the longer term individuals will be able to identify and understand lifestyle improvements that if actioned may have longer term effects on their health and wellbeing.</p>
<p>Sexual orientation</p>	<p>None</p>	<p>--</p>	<p>--</p>

Marriage and civil partnership	None	--	--
Children and young people up to the age of 18	N/A – see section on children and young people	--	--
Low-income households	Parents from low income households may lack the intellectual resources to support their children through home schooling.	A full return to onsite teaching and learning should significantly reduce the impact households have experienced in home schooling.	Through Hwb, the digital learning platform for Wales, learners and practitioners from maintained schools have access to a range of online learning tools. Using applications through Hwb can provide an interactive experience and an opportunity to collaborate and engage in a safe and accessible way.
Low-income households	Members of the education workforce and others working in schools and settings may be concerned with financial matters and in need of additional support, including those in low-income households.	Whilst we do not measure free school meals eligibility by household, the data gathered by Data Cymru showing an increase in the number of pupils receiving free school meals may signal wider financial concerns.	The Welsh and UK Governments have put in place a number of support measures for people in low-income households including financial support, discretionary assistance and enhancement schemes.

Human Rights and UN Conventions

Whilst the Regulations engage individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights, the Welsh 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.

Article 5 (right to liberty), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 11 (freedom of assembly and association) and Article 1 of the First Protocol (protection of property) are engaged by these Regulations.

Each of these are qualified rights, which permit Welsh Ministers to interfere with the exercise of the rights if necessary in a democratic society in the interests of public safety or for the protection of health. All such restrictions and requirements must be justified on the basis that they are in pursuit of a legitimate aim, namely of protecting public health and are proportionate.

Any interference with these rights also needs to be balanced with the State's positive obligations under Article 2 (right to life). It balances the need to maintain an appropriate response to the threat posed by the coronavirus against the rights of individuals and businesses, in a manner which remains proportionate to the need to reduce the rate of transmission of the coronavirus, taking into account the scientific evidence.