

# **Statutory Review: Geography & Necessity of Measures**

## **Equality Impacts Analysis for the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020**

**Date: 16.02.2021**

### **Introduction**

1. The Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020 (the 'All Tiers Regulations') were introduced on 2 December 2020 and apply tiered social distancing measures and business restrictions to regional areas based on the local epidemiology. The regulations were amended on 14 December, 16 December 2020, 19 December 2020, 20 December 2020, 26 December and again on 31 December 2020 to adjust the tiers applicable to certain areas and to make other amendments to the regulations. Following a continued rise in transmission rates and the increasing prevalence of a new variant of the virus England was placed into an enhanced Tier 4, equivalent of a new national lockdown on 5 January, which saw tougher measures and restrictions added. Due to the purpose of this review, it is important to highlight that particular scrutiny should be given to the impact presented in Tier 4 because of all areas in England currently being placed in Tier 4.
2. This document records the analysis undertaken by Departments to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) (as set out in section 149 of the Equality Act 2010) to fulfil the statutory requirement to review the necessity of the measures and local areas which are contained within the All Tier regulations.<sup>1</sup>
3. The PSED that we use is made up of three elements; it requires a public authority (in the exercise of its functions) to have due regard to the need to:
  - I. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - II. Advance equality of opportunity between people who share a protected characteristic and those who do not;

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<sup>1</sup> We use the latest version of the Labour Force Survey (LFS) to identify where worker demographics in a sector differ from the population average, such that workers will be disproportionately impacted by conditions affecting that sector (note that these 'disproportionate impacts' can be positive or negative). We note these disproportionate impacts when there is either a difference of more than three percentage points from the population average or a difference of more than 50% (relevant when the population average is under 6%). This ensures that we only mention substantial differences, allowing policymakers to focus on areas of particular relevance.

III. Foster good relations between people who share a protected characteristic and those who do not.

4. The protected characteristics are:

**Age:** The Equality Act 2010 categorises 'age' as a protected characteristic and defines a person who has or shares the protected characteristic as a 'person of a particular age group' or 'persons of the same age group'. An 'age group' is 'defined by reference to age, whether by reference to a particular age or to a range of ages'.<sup>2</sup>

**Disability:** Under the Equality Act 2010, a person has a disability as a protected characteristic if the person has 'a physical or mental impairment', which 'has a substantial and long-term adverse effect on [his/her] ability to carry out normal day-to-day activities'.<sup>3</sup>

**Marriage/civil partnership:** The Equality Act 2010 defines someone as having the protected characteristic of marriage or civil partnership if 'the person is married or is a civil partner'.<sup>4</sup> The first aim of the public sector equality duty applies to this characteristic but the other aims (advancing equality and fostering good relations) do not apply.

**Pregnancy and maternity:** Pregnancy and maternity is a protected characteristic under the Equality Act 2010. A woman is protected against discrimination on the grounds of pregnancy and maternity during her pregnancy and any statutory maternity leave to which she is entitled.

**Sex:** 'Sex' as a protected characteristic under the Equality Act 2010 refers 'to a man or to a woman'.<sup>5</sup>

**Sexual orientation:** The Equality Act 2010 explains that the protected characteristic of sexual orientation means a person's sexual orientation towards persons of the same sex, persons of the opposite sex or persons of either sex.<sup>6</sup>

**Gender reassignment:** Under the Equality Act 2010, transsexual people share the protected characteristic of gender reassignment. A person has this characteristic if that 'person is proposing to undergo, is undergoing, or has undergone a process (or part

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<sup>2</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 4: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>3</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 4: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>4</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 5: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>5</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 6: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>6</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance/sexual-orientation-discrimination>

of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex'.<sup>7</sup>

**Race:** Race, as a protected characteristic in the Equality Act 2010, includes 'colour', 'nationality' and 'ethnic or national origins'.<sup>8</sup> A racial group can include two or more different racial groups.

**Religion or belief:** In the Equality Act, defines 'Religion' as 'any religion [including] a lack of religion'. 'Belief' is defined in the *Act* as 'any religious or philosophical belief [including] lack of belief'.<sup>9</sup>

## **Tiers Policy**

5. The novel coronavirus (COVID-19) outbreak, which began in December 2019, presents a significant challenge for the entire world. The UK Government and the devolved administrations have worked since the start of the outbreak to put in place the appropriate mechanisms to control the transmission of the virus. The Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020 ("the All Tiers Regulations") were the latest step in the response. On 2 December 2020, these Regulations and associated guidance replaced the previous national regulations set out in the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 and associated national guidance. On 20 December 2020 the All Tiers Regulations were amended by The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020. We introduced a new, stricter Tier 4 with additional restrictions on movement and business closures in our efforts to respond to the current situation.
6. The All Tiers Regulations, as currently in force, place all areas in England into one of four Tiers. Currently, all areas in England are under *Tier 4: Stay at Home* measures and restrictions.
7. All four Tiers have some degree of restriction placed upon them, such as limits on social contact or restrictions on the hospitality sector.
  - i. *Tier 1: Medium Alert* applies base restrictions including the Rule of 6 indoors and outdoors. It also closes night entertainment venues (eg nightclubs) and places some restrictions on certain hospitality and entertainment venues

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<sup>7</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 5: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>8</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 5: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

<sup>9</sup> See 'Equality Key Concepts' *Equality Act (c.15), Part 1 – Socio-economic inequalities*, Part 2, Chapter 1, 2010, p. 6: [https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

- ii. *Tier 2: High Alert* imposes further restrictions including the Rule of 6 being applicable outside only (but including a private garden), with support bubbles and own households being for the only means possible for indoor contact unless an exception applies, along with further restrictions on certain hospitality and entertainment venues (in addition to the business closures in tier 1).
- iii. *Tier 3: Very High Alert* imposes stricter restrictions in areas where the virus infection rate remains substantial. Tier 3 further limits the social contact rules in Tier 2 by only permitting that households or support bubbles can meet indoors and in private garden unless an exemption applies. In public outdoor spaces the rule of 6 applies. Hospitality businesses are closed and may only operate on a takeaway basis. Certain entertainment businesses are closed (such as casinos) along with accommodation venues except for limited purpose. However, retail is largely open along with gyms (as with lower tiers).
- iv. *Tier 4: Stay at Home*, as currently drafted, imposes the strictest level of restrictions underpinned by restrictions on peoples' ability to leave their home unless they have a 'reasonable excuse'. Gatherings restrictions are tightened so that people may only gather with their household or support bubble at a public outdoor place unless an exception applies. People can exercise with 1 other person in a public outdoor place, but not accompanied by a member of their household or support bubble. People must remain in their households or support bubbles when inside. Hospitality businesses are closed and may only operate on a takeaway or drive-thru basis (although no longer for alcohol sales). There are also a series of exemptions in which businesses are allowed to offer accommodation. In addition to the business closures in other tiers, a wider range of entertainment venues are closed (such as outdoor water parks as opposed to indoor parts only being closed in tier 3). In addition, a wider range of leisure activities are closed, including gyms, tourist attractions and personal care. 'Non-essential' retail businesses must close except for delivery or online sales, or collection.

Library buildings must close except for specific purposes permitted such as to provide public services. Other exemptions include cafes and canteens associated with post-16 education and training and facilities for training or competition ('behind closed doors') by elite sportspersons, which includes indoor or outdoor sports facilities and sports grounds. Performing Arts restrictions are strengthened and no performing arts events with audiences are allowed, including outdoor events and drive-ins. Non-professional activity is not permitted, but professional activity including performance for streaming and broadcast and training activities can continue.



8. As a result of the new strain and high case rates rapidly rising, it is deemed necessary that Tier 4 measures (the most rigorous level in the current tier system) is in place across England to stem the spread of the virus. It would not be sufficient to place areas into different categories as overall case rates have risen across England. Consequently, placing the entirety of England in Tier 4 should decrease in the long term, as it should ultimately save lives.

### **Equality Analysis**

9. The Secretary of State for Health and Social Care must review the necessity of the measures and statutory provisions of the (All Tier Regulations) every 28 days and the allocation of areas into Tier 2, 3 and 4 every 14 days (although all areas in England are now in Tier 4). The equality analysis for each Tier is structured in such a way to consider the impacts of the social contact restrictions and the business restrictions separately. This is preceded by a summary of the equality impacts associated with the measures in each tier.
10. As restrictions for Tier 1 remain relevant unless the measures in Tier 2 supersede them (and Tier 3 restrictions remain relevant unless measures in Tier 4 supersede them), the Tier 1 impacts remain relevant to consideration in subsequent tiers and have not been repeated.

### **Tier 1: Medium Alert**

#### **SUMMARY:**

11. The equality impact notes that whilst Tier 1 is the most lenient Tier, there would remain some important impacts on groups with protected characteristics. Young people are likely to be disproportionately impacted by social contact restrictions as they are more likely to socialise with and rely on support from people from multiple households. Likewise, ethnic minority groups are likely to be disproportionately impacted by the 'Rule of 6' as they tend to live in larger, multi-generational households. Social contact restrictions also have a disproportionate impact on families which can cause significant problems on those who feel responsible for childcare including when working from home. Limits on leisure, entertainment and hospitality businesses are more likely to impact young people and those from lower socioeconomic backgrounds who make up a large share of the workforce. In addition, ethnic minorities make up a significantly larger share of the hospitality workforce than on average across the UK, so will be disproportionately impacted by restrictions.
12. To note, that there are currently no areas in England in Tier 1:Medium.

#### ***Social Contact Restrictions***

##### **Age**

13. Younger people (17–24-year olds) are more likely to spend time socialising with people from multiple households, than older generations.<sup>10</sup> Therefore, they may be more negatively impacted by the rule of 6.
14. Younger people are also more likely to participate in sport that is not organised and so not covered by the organised sports exemptions. Instead informal sporting activities are subject to wider social contact restrictions. Although all age demographics are likely to be negatively affected, younger people are likely to be more negatively affected by stricter controls on sports as sport participation declines with age: 70% of 16-34 years olds participate in sport compared with 61% of 55-74-year olds.<sup>11</sup> This potential impact on younger people may be mitigated by the exemption for organised outdoor sport. In addition, sport for educational purposes and supervised sport and physical activity for under-18s are exempt but those aged 19-34 will be impacted in colleges and universities.
15. December 2020 findings show that younger people are much more confident about returning to cultural venues. Therefore, this age group may be more positively impacted by the removal of restrictions in lower tiers, compared to older age groups;
  - 27% of under 24s have booked or organised something over the next couple of months, versus 8% of over 45s.
  - 19% of under 24s said “I am happy to attend right now if there was something I wanted to see or do”, versus 6% of over 65s
16. The Office for National Statistics (ONS) has also found that lockdown and COVID-19 restrictions had increased young people’s levels of anxiety and loneliness. These negative impacts may be worsened because of restrictions affecting their ability to play indoor team sports. In November 2020 68% of young people reported feeling lonely or stressed and 53% reported feeling lonely.<sup>12</sup> Physical activity can support students in colleges and Higher Education Institutions to improve their mental wellbeing. The average college has 185 students with disclosed mental health conditions. In addition to this 81% of colleges have reported having significant numbers of students who have undisclosed mental health difficulties (Association of Colleges, 2017)<sup>13</sup>.
17. Those who are aged 18-25 and do not meet the definition of vulnerable, may be negatively impacted compared to those under 18, in being unable to access youth services other than in groups of up to six.

<sup>10</sup> Verbrugge, L. M., Gruber-Baldini, A. L., & Fozard, J. L. (1996). Age differences and age changes in activities: Baltimore Longitudinal Study of Aging. *The Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, 51(1), S30-S41.

<sup>11</sup> Sport England Active Lives Survey report 2019

<sup>12</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/datasets/coronavirusandthesocialimpactsongreatbritaindata>

<sup>13</sup> <https://www.aocsport.co.uk/news-cs/aoc-sport-and-mind-launch-partnership-to-develop-mental-health-projects-in-colleges/>

18. Older people or those with dementia might see negative impacts on their well-being on account of changes to their routine or social contacts. The exemption of extra care sheltered housing scheme allows for certain residents where necessary to safeguard their mental or physical health, this seeks to balance overall infection rates in the highest prevalence areas, with the risks reported by the sector of individuals not being able to eat in their usual setting. In November 2020, the ONS found that 50% of people over the age of 70 reported feeling bored. Such feelings can only be exacerbated by the restrictions to social gathering, which are likely to affect the way that they usually interact with friends and family. For instance, grandparents in large families may be unable to interact with family members as frequently, which may increase loneliness and worsen mental health issues. This impact can also be recognised in the restrictions for organised activity in support of old people activities such as choirs or arts groups.
19. The support bubble provision allows single adults who provide care for those with a disability requiring continuous care, for example dementia in some circumstances, to be eligible for a support bubble with another household of any size, which may mitigate the impact of the rule of 6 to an extent.
20. Keeping schools, other educational settings and childcare services open poses a transmission risk to older staff, mature students and, to a lesser extent, parents/carers and households. However, DfE guidance for the sector is in place to reduce the transmission risk and create an inherently safer system. Also, ensuring that educational settings remain open is justified as it avoids the serious deleterious impacts on pupils and students of all age caused by time out of educational settings.
21. With regards to the decision for schools, other educational settings and childcare to remain fully open we expect this will avoid any disparate impact on children and young people of any particular age caused by time out of educational settings. To note, discrimination on the grounds of age is not prohibited in the exercise of these functions relating to the provision of education, benefits, facilities or services to pupils by schools – although this protected characteristic is relevant for non-school educational settings, workforce and families.
22. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. This may have a particularly positive impact on those most affected by Covid-19, which includes the elderly.

### **Disability**

23. Based on the data available, we believe the fatality rate of COVID-19 is higher in those with pre-existing medical conditions which, where they are long-lasting and have substantial effects on activity, meet the Equality Act 2010 definition of disability.



24. Disabled people have been disproportionately impacted by Covid-19 restrictions. In July 2020, 75% of people with a disability were more likely to be 'very worried' or 'somewhat worried' about the effect Covid-19 has had on their life, compared to 66% for non-disabled people.<sup>14</sup> The ONS also found that people with a disability are more likely to experience depressive symptoms during Covid-19 than those without a disability.<sup>15</sup> The continuation of restrictions through tiering system, therefore, is likely to continue to have a negative impact on this group.
25. Disabled people who partake in sports are likely to benefit from the exemption allowing disabled indoor sports, particularly as a significant percentage of disabled sport is played indoors. Allowing disabled people to continue to exercise and socialise in this way may have a positive impact on physical and mental well-being.
26. The social gathering restrictions are particularly likely to have a negative impact on autistic people and people with learning disabilities, as it can result in anxiety caused by continued disruption to their routine and smaller support networks. This impact can also be recognised in the restrictions on organised activities such as art groups.
27. Those who live alone can create a support bubble with another household of any size. Disabled people who require care may also benefit from the exemption for people who are providing care or assistance to a vulnerable person and exemptions for support groups. Parents who have a child with a disability aged under 5 and who requires continuous care can also create a support bubble with another household of any size. Providing respite for disabled people has also been permitted in all tiers. These provisions are all likely to benefit disabled people and have a positive impact on well-being.
28. Keeping schools and other educational and childcare settings open across Tiers 1-3, may have a disproportionate negative impact on the disabled children, students and staff who are more vulnerable to coronavirus. However, for many children and students with special educational needs and those with disabilities, restricting attendance would have a disproportionately negative impact because of the risks that they may face outside educational settings. Furthermore, these children and students are likely to find it particularly difficult to engage with remote education. Keeping educational settings open may also benefit children and students with pre-diagnosed mental health problems, although this will not in all cases constitute a disability, as educational settings may provide access to mental health support, which could be particularly important in difficult circumstances caused by the coronavirus pandemic. It would, therefore, not be proportionate to limit attendance at this time, and any residual adverse impacts on those with disabilities does not outweigh the vital role that education and childcare settings play in attendees' education, well-being and wider

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<sup>14</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/coronavirusandthesocialimpactsondisabledpeopleingreatbritain/july2020>

<sup>15</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/coronavirusanddepressioninadultsgreatbritain/june2020>



development. Education settings have a robust set of controls in place to help limit the spread of infection and have invested heavily in ensuring that they are safe learning environments for children, students and staff.

29. Government guidance outlines the medical conditions associated with clinical vulnerability and extreme clinically vulnerability. These pupils and students are advised to attend their setting unless they are one of the very small number of pupils or students under paediatric or other NHS care and have been advised by their GP or clinician not to attend an educational setting. The Department for Education continues to support schools and colleges to deliver effective remote education and training and they have been preparing to do so as part of contingency planning for outbreaks where pupils and students have to self-isolate. Importantly, in circumstances where clinically extremely vulnerable pupils and students are advised to not attend their settings this disparate impact on their education is judged proportionate to limit the increased risk to their health based on prevalence of the virus.
30. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals, including disabled people who are more at risk of complications if infected with the disease.

#### **Marriages and civil partnerships**

31. In recognition of the unique significance that wedding and civil partnerships hold in people's lives, weddings can take place across all Tiers, subject to a limit in numbers. This strikes a balance between giving couples security and reassurance that their ceremony can take place under all local restrictions but keeps the number of attendees to a minimum in order to minimise the transmission risk.
32. Allowing the exemption to apply to both legal and non-legal weddings carries a risk that a couple may believe they are married or partnered, when it is not recognised by the State and does not have the legal protection that comes with marriages that are legally binding. This is, to an extent, mitigated by communications to encourage people to ensure their marriage or civil partnership is legally registered, and clarification in guidance of what constitutes an alternative wedding that is not legally binding.
33. The restrictions on the number of attendees at weddings may disproportionately affect some religious communities if they decide that a wedding cannot proceed because of the current restrictions on numbers. For example, for some faiths it is not possible for couples to live together and start a family before they are married. For some faiths, it is customary for weddings to take place at specific times in the year. Restrictions, therefore, may have had a disproportionate impact on these groups. This has been mitigated through engagement with the Places of Worship Taskforce to understand the needs of faith and belief wedding ceremonies.

34. Restrictions on numbers attending may also disproportionately affect those from larger families, for example those from BAME groups who often have larger families and multi-generational households.
35. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Pregnancy and maternity**

36. Allowing groups of up to 6 people to meet in indoor and outdoor settings should allow for informal childcare in most cases, except where families have a large number of children. Informal childcare is also facilitated by the childcare bubble provisions, and to some extent by the extension of support bubble eligibility criteria to include households with a child under 1. In addition, there is an exemption from the gathering restrictions for parent and child groups and caring for vulnerable people (including new and expecting parents) in Tiers 1 to 3. To note, all other exemptions apply across all four Tiers.
37. Pursuing a numerical limit (rule of six) rather than a multiple household limit or mixed numerical/household limit is likely have a greater impact on people with children than people who do not have children. Parental loneliness was found to have increased from 38% before the pandemic to 63% as parents have been cut off from friends and family on account of social distancing rules. This increase in loneliness for parents is more apparent in the most deprived areas; these parents are more than twice as likely as those living in the least deprived areas to say they feel lonely often or always (13% compared with 5%).<sup>16</sup> Allowing extended support bubbles for households with children under the age of one will help to mitigate some of the negative impacts on families with very young children, who will also benefit from a childcare bubble.
38. Pregnant women and those with young babies are likely to be adversely impacted by the gathering limit. The negative impact is partly mitigated by the exemption for births and introducing a clear exemption for new parent support groups as well as extending support bubbles for households with children under the age of one and disabled children requiring continuous care under the age of 5.
39. The gatherings limits may affect the ability for grandparents and family or friends who are not part of a support bubble or children bubble to provide informal childcare, particularly for parents working from home as well as have a negative impact on the mental well-being of the individuals whose circumstances mean they have a particular need for extra support from family and friends. The negative impact of the gathering limit on working parents may be mitigated to an extent by the exemption for registered childcare and supervised childcare activities provided outside of home, although this

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<sup>16</sup><https://mk0royalfoundationcni0.kinstacdn.com/wp-content/uploads/2020/11/STRICTLY-EMBARGOED-UNTIL-0001-HRS-FRIDAY-27-NOVEMBER-2020-IPSOS-MORI-ROYAL-FOUNDATION-EXECUTIVE-SUMMARY.pdf>

may place an increased financial burden on people from lower socio-economic backgrounds. The childcare bubble exemption, which has no limit on the number of children in it, and is separate from a support bubble, provides flexibility for families for managing their childcare needs and goes some way towards providing parents' choice about how they manage their specific personal circumstances.

40. According to government guidance, women who are pregnant are classified as clinically vulnerable, and can attend educational settings. However, staff who are pregnant may face increased health risks than those who are not pregnant should they catch COVID-19. Individuals who are pregnant and have significant heart disease (congenital or acquired) are classified as clinically extremely vulnerable. Under all tiers of restrictions, we recommend that pupils and students classified as clinically extremely vulnerable attend their educational setting unless they are one of the very small number of students under paediatric or other NHS care and have been advised by their GP or clinician not to attend an educational setting. Employers should conduct a risk assessment for pregnant women in line with The Management of Health and Safety at Work Regulations 1999 (MHSW). We recommend that it is good practice to follow the same principles for pregnant students, in line with wider health and safety obligations. The importance of attendance at schools and colleges for children and young people's education and wellbeing remains significant and the health risks to pupils, students and staff are mitigated by the system of controls implemented at education settings to reduce the risk of transmission.
41. Postnatal Depression is a depressive illness which affects more than 1 in every 10 women within a year of giving birth.<sup>17</sup> Social support from friends and family members can be a significant protective factor against postnatal depression. Restricting numbers within a group setting may reduce access to social support for new mothers and, therefore, increase their likelihood of developing postnatal depression. However, allowing support groups of up to 15 people to meet will enable new mothers to continue to meet with networks of friends or family within these limits and also via parent and baby groups library events such as rhyme-time also have a positive impact on maternal mental health, and libraries are able to offer these events across tiers 1-3 with appropriate safety measures in place. This exemption may, therefore, mitigate some of the negative impacts of social restrictions.
42. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sex**

43. The gathering restrictions are more likely to have an adverse impact on women than men, as they are considered to be at greater risk of domestic abuse on account of social contact restrictions. Although domestic abuse victims will still be able to seek support from others outside their home and attend support groups of up to 15 people,

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<sup>17</sup> <https://www.nhs.uk/conditions/post-natal-depression/>



a legal gathering limit may reduce the opportunities vulnerable people have to engage with their support network.

44. The various social contact restrictions that have been in place during 2020 have had a negative impact on women. The percentage of women reporting that they are responsible for 90-100% of childcare has increased from 27% before lockdown to 45%.<sup>18</sup> In the same survey, 48% of female respondents with a male partner reported that his access to time, space, and equipment to work had been prioritised over her own, compared to 34% who reported an equal balance and 17% who reported that her work had been prioritised.
45. Evidence also suggests that, of parents working from home, women have been taking on a larger share of childcare and home-schooling responsibilities at this time than men. A recent study found that 72% of mothers described themselves as the “default” parent for all or most of the time during lockdown and 70% of women reported being completely or mostly responsible for home schooling.<sup>19</sup>
46. A TUC report showed that: men are more likely to work from home (only 40% of homeworkers with an employer are women);<sup>20</sup> Women make up a disproportionate percentage of workers in health and social work (76%), education (73%), and accommodation and food services (56%)<sup>21</sup>. These roles are less likely to be able to be performed from home, which indicates that women are again disproportionately impacted by any loss of childcare. However, informal childcare can still be provided if the gathering is less than 6 and registered childcare and supervised childcare activities remain available. Also, childcare bubbles can be used, which may mitigate some of the negative impacts.
47. As well as reducing equality of opportunity for women, negative impacts on women may cause tension and make it difficult for good relations to be fostered between men and women.
48. Though wedding ceremonies and receptions for up to 15 people will be exempt from the legal gathering limit, any restriction on the number of attendees at a wedding may have a disproportionate impact on women. Some religious wedding ceremonies (particularly Orthodox Jewish) require the presence of a certain number of men in order for them to be valid under their traditions, and this may mean that more spaces are available for men to attend wedding ceremonies, even if the women are more closely related to the marrying couple.

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<sup>18</sup> <http://www.sussex.ac.uk/broadcast/read/52267>

<sup>19</sup> University of Sussex Study

<sup>20</sup> <https://www.tuc.org.uk/news/growth-homeworking-has-stalled>

<sup>21</sup> : BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. SIC codes Q, P, and I, respectively



49. Schools and other educational and childcare settings remain fully open across Tiers 1-3 and have limited attendance in Tier 4, with vulnerable children and young people and the children of key workers able to attend on-site. Boys/males are over-represented in the vulnerable children and young people cohort so may disproportionately benefit in having access to on-site learning..
50. Women may disproportionately benefit from education settings remaining partially open due to the uneven gender split between unpaid work/childcare at home, which would increase if educational settings were closed. Women also make up a larger proportion of the education workforce (across phases) than men and, therefore, may benefit by keeping educational settings open as it ensures that their careers are not disrupted.
51. Individually males could be at greater risk from the virus, as established in PHE's report on disparities in risks and outcomes from COVID-19<sup>22</sup>. This disparity is less likely to be significant for younger children due to their lower susceptibility to the virus. Male members of staff at educational settings and male mature students may be disproportionately impacted by the risk of COVID-19 transmission, particularly in FE and HE where staff (and students) generally tend to be older than in schools. The system of controls will continue to reduce this risk and create an inherently safer environment for staff, including those with particular characteristics that may make them more susceptible to the virus. We consider any disproportionate impacts on men identified are justified given the importance of keeping education settings open.
52. Women are more likely to be lone parents and, therefore, may be disproportionately impacted by the rule of 6, as this will likely have a greater impact on people with children. Using only a numerical limit may reduce the opportunities for women to engage with their support network outside their support bubble. The change to the support bubble provisions in the All Tiers Regulations, enabling households with a child under the age of one or a disabled child under the age of 5 who needs continuous care to form a support bubble will also assist women with a young child.
53. Women are also more likely to be at risk of domestic abuse and, therefore, the previous household limit may have disproportionately negatively impacted them compared to the numerical limit.
54. Overall, women are more likely to be negatively affected by the social restrictions than men. However, we consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

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<sup>22</sup> Beyond the data: understanding the impact of Covid-19 on BAME groups (Public Health England, June 2020)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892376/COVID\\_stakeholder\\_engagement\\_synthesis\\_beyond\\_the\\_data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

## **Sexual orientation**

55. Analysis has found that adults who identified as LGBT were twice as likely as heterosexual adults to experience symptoms of common mental disorder (e.g. anxiety or depression). An online survey commissioned by Stonewall in 2017 found that 52% of LGBT respondents in Britain reported experiencing depression in the previous year. DHSC and the LGBT National Health Adviser are working to identify and support the health needs of LGBT people during the pandemic.
56. Provisional results from a survey by the LGBT Foundation found that, as of 23 April 2020, 30% of LGBT respondents reported that they were living alone during the lockdown period, including 46% of respondents aged 50+. The ability to socialise in groups up to 6 in Tier 1 may mitigate some of these impacts and there is an exemption in the regulations in relation to gatherings with regard to support groups, including groups providing support to those facing issues relating to their sexuality or identity, including those living as lesbian, gay bisexual or transgender.
57. There is a potential impact on those who fear being victimised in public as a result of their sexual orientation and, consequently, may prefer to meet up with larger groups of friends and support networks. This may be mitigated by the exemption for support bubbles depending on the makeup of their household.
58. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

## **Gender reassignment**

59. The considerations and mitigations regarding the protected characteristic of sexual orientation are also relevant to individuals going through gender reassignment.
60. Those going through gender reassignment who feel unable to go out or who have concerns about public victimisation are likely to be disproportionately negatively impacted by reduced opportunities to engage with their support network on account of the gathering restrictions. However, this may be mitigated by the exemption for support bubbles and support groups for those who identify as LGBT, if applicable.
61. Schools and other educational settings remain open across Tiers 1-3 which may benefit students who identify as LGBT. The National LGBT Survey 2018<sup>23</sup>, found that younger respondents, over 16 years of age, were less likely to be open with any of the family they lived with about being LGBT than older respondents (28% of cisgender of 18-24 year olds – in comparison, only 16% of cisgender 35-44 year olds stated the same). Therefore, educational settings remaining open in Tier 1:Medium Alert may

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722314/GEO-LGBT-Survey-Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722314/GEO-LGBT-Survey-Report.pdf)

offer students a reasonable opportunity to leave the home to go to educational settings, if they experience specific difficulties in the home environment relating to their sexual orientation or gender identity.

62. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Race**

63. The rule of six disadvantages larger households. Households comprising more than six people are more prevalent in ethnic minority households, which may also be multi-generational. For example, 40% of British Pakistanis and Bangladeshis live in households of more than six. While the size of the household does not prevent persons from socialising in accordance with the rule of six in outdoor settings, BAME families may be unable to socialise with their wider support network or wider family. This may increase family tensions, particularly at a time in which there may be other pressures due to the coronavirus crisis. BAME families may also be affected disproportionately by the small gathering limit for weddings and the removal of the exemption to the rule of 6 for belief or religious life cycle events.
64. People from Black and Mixed ethnicities are also more likely to be lone parents than White, Asian or Other groups.<sup>24</sup> Lone parents from ethnic minorities may struggle more with the unintended consequence of the rule of 6, as it may restrict their ability to access informal childcare as BAME families tend to be bigger. Allowing childcare bubbles across all Tiers and the introduction of support bubbles for new parents will help to mitigate some of these impacts, as will the exemption for using registered childcare and supervised childcare activities. However, there may be an increased financial burden associated with this.
65. With regards to the decision to keep schools and other educational and childcare settings fully open in Tier 1, there may be disproportionate negative impacts for children, students, staff and households from minority and ethnic backgrounds who are more at risk from Covid-19. Additionally, children, students, staff and households from Asian and Black ethnic groups are more likely to live in multigenerational households and to live with older relatives, and therefore may be anxious about attending educational and childcare settings. However, limiting attendance may disproportionately impact children and students from minority and ethnic backgrounds, for example those of mixed, Caribbean and white ethnic origin who are less likely to have access to electronic devices than other ethnic groups. Furthermore, students from minority and ethnic backgrounds are more likely to experience overcrowded households, with approximately 2% of White British households experiencing

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<sup>24</sup> <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/families-and-households/latest#household-types-by-ethnicity>



overcrowding, compared with 30% Bangladeshi households (the highest percentage)<sup>25</sup>. Therefore, students from, and living in, Bangladeshi (and other ethnic minority) households may not have a physical space within their home that is free from distraction and conducive to remote learning. It is also likely to disproportionately impact those from BAME backgrounds who are over-represented in the vulnerable children and young people cohort and, therefore, more at risk from harms presenting from time out of educational settings. It would, therefore, not be proportionate to limit attendance at this time, and any residual impact on BAME pupils and students does not outweigh the vital role that education and childcare settings play in attendees' education, well-being and wider development.

66. Libraries can open across tiers 1-3. Survey data for England and Wales suggests that libraries attract a higher proportion of people from BAME backgrounds than the survey population.<sup>26</sup> BAME groups will particularly benefit from this through services such as English language classes, and access to free public computers and wifi (see paragraph 118).
67. However, the tiering restrictions seek to reduce disease transmission to those persons from larger households, and those most at risk from the virus. Recent analysis from ONS has shown that ethnic minority groups are at a greater risk of mortality and morbidity from Covid-19.<sup>27</sup> After taking account of age and other socio-demographic characteristics and measures of self-reported health and disability at the 2011 Census, the risk of a Covid-19-related death for males and females of Black ethnicity was 1.9 times more likely than those of White ethnicity. Therefore, the restrictions have a positive health impact on these groups.
68. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Religion or belief**

69. In tier 1 you can attend places of worship for a service, however you must not mingle with anyone with anyone in a group of more than 6 people, other than with people you live with or have formed a support bubble with. Additionally, some key life events are permitted. Wedding ceremonies and receptions for up to 15 people are exempt from the legal gathering limit, which will have a positive impact on religious communities by allowing both to take place, as these can play an important role in religious life.
70. Ensuring that wedding ceremonies that are not recognised as “legally binding” are also subject to the exemption will be a positive spiritual and wellbeing impact for certain

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<sup>25</sup> Ethnicity facts and figures – overcrowded households: <https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest>

<sup>26</sup> [Public Library Users Survey National Report 2018](#)



religion and belief groups, as well as ensuring equal treatment under the Covid regulations for all wedding celebrations.

71. 76.9% of wedding ceremonies are civil ceremonies in England and Wales in 2017.<sup>28</sup> Therefore, the greatest positive impact is on those who have civil ceremonies. However, this will also include a positive impact on some religious groups, as certain religious ceremonies are not legally binding.
72. These gathering limits will negatively impact certain religious groups disproportionately, including groups that partake in other memorial rituals such as the Romany and Traveller community that take place within private dwellings will be restricted to only 6 people. This may create potential inequalities for those whose traditions and beliefs tend towards memorial rituals in private dwellings.
73. Funeral ceremonies up to 30 people can take place if the event is Covid-secure in all Tiers. We expect this will have a positive impact on individuals that are religious, given the importance of funerals in many religions. We also expect to see a positive impact on those with larger family sizes, including those from BAME groups who are more likely to have larger families.
74. A funeral commemorative event (FCEs), such as a wake, is a meeting primarily for the purpose of gathering socially with friends and family to celebrate the life of the person who has died. These will be limited to no more than 15 people. FCEs are not conceptualised the same way by all communities. In some faiths (such as many Christian faiths), this is an integral post-funeral social gathering. In other groups, a wake is held the night before. They can be religious but are primarily a social adjunct to a funeral which is often not religious. Allowing FCEs to be exempt from the 'rule of 6' will apply to everyone who has lost a loved one so will be beneficial for people of all faiths and none.
75. The 15-person limit on commemorative events may disproportionately impact on certain religious communities where ceremonies require a certain number of attendees, for example Orthodox Jewish Ceremonies.
76. However, evidence is growing to suggest that Covid-related death rates are not evenly spread amongst groups in the UK and some groups are seeing disproportionate deaths in their communities and, therefore, these groups are more likely to suffer the consequences of not being allowed a wake of larger than 15 people but equally will benefit from this exemption allowing wakes and FCEs in some form. Enabling FCEs to take place in all tiers will, therefore, have a positive benefit to both religious groups and those without religion as it is a crucial part of the bereavement process.
77. Evidence shows that disproportionately more people from Black, Asian and Minority Ethnic backgrounds have died from Covid-19. A number of risk factors result in some

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<sup>28</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2017>

demographic groups being more at risk than others. In areas with high concentrations of at-risk groups, it is reasonable to expect that death rates will be higher. Risk factors include:

- Age (the elderly) and underlying health conditions. Some settings like care homes and hospitals are particularly at risk.
  - Poverty. The most deprived areas have seen the highest death rates. Though not a protected characteristic, there is a clear link between protected characteristics (such as race, disability and gender) and deprivation that suggests the virus disproportionately affecting deprived areas will correlate with a disproportionate effect on PSED protected groups.
  - Location. The virus spreads more readily in urban areas – the more urban, the higher the infection rates and death rates. Deaths rates were almost five times higher in large urban conurbations than in rural hamlets during Spring 2020. As there is a correlation between urban areas and Black, Asian and Minority Ethnic groups, this will result in a disproportionate effect on PSED protected groups. By ensuring that all people can have a funeral commemorative event, such as a wake (albeit with a limited number of people allowed), we will be protecting the mourning process for groups who may see a disproportionate number of deaths in their communities. This will help to provide a supportive network to individuals in mourning and protect their mental health.
78. Places of worship are open across all tiers, which will have a positive impact on people with religious beliefs, although they remain subject to restrictions on gatherings dependant on tier restrictions. As this limits the number of people who can attend services, this will have a negative impact on the ability of religious groups to meet to celebrate together. The gatherings restrictions will also impact on people's ability to meet at home for religious practices. This may result in indirect discrimination against those who are religious compared to those who are not.
79. People from Asian, Black and 'Other Ethnic' groups identified as religious in the highest proportions. 86% of Asian/Asian British people identified as religious, along with 85% of people who were Black/African/Caribbean/Black British and 83% of people in the 'Other ethnic group' category. This points to the strong correlation between ethnicity and religion.<sup>29</sup> Therefore, ensuring that places of worship remain open across all tiers is likely to have the greatest positive impact on BAME people than White British people.
80. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

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<sup>29</sup> Source: Census 2011

81. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on certain religious groups, as volunteers are often able to respond more effectively, than local authorities or government, to needs which are specific to particular religious groups.

### ***Business restrictions***

#### **Age**

82. Employees in the hospitality sector are predominantly younger workers when compared to the overall UK economy. In particular, 37% of workers in food and beverage serving activities – which accounts for 80% of hospitality workers – are aged 16-24 years old, compared to 11% across the UK economy<sup>30</sup>
83. Limitations on hospitality, leisure and entertainment venues may affect customers from a range of age groups who rely on certain business services for mental and physical health benefits, resulting in increased feelings of social isolation. The closure of nightclubs and discos is, for instance, likely to continue to have a greater impact on younger people who tend to use such facilities more than older people. The impact is mitigated to a certain amount as many venues can still operate albeit with some restrictions placed on them such as early closing.
84. Impacts on employment have had a knock-on effect on those living in rented accommodation, especially people aged between 25-35 who in 2017 made up 35% of those in rented accommodation, the largest of any age group in the UK. Those renting their home from a landlord spent 61% of their usual weekly budget on essentials, compared with 52% for households which owned their home outright or with a mortgage. This means that they have more pressure on their pay and less opportunity to build savings.
85. Younger people (17–24-year olds) are more likely to participate in sport that is not organised. Informal sport will be made extremely difficult with the gathering limit at 1 household/bubble for indoor sports. Sport participation declines with age with 70% of 16-34 years olds participating, compared to 61% of 55-74-year olds.<sup>31</sup> Younger people may, therefore, be more negatively affected by stricter controls on sports including the tighter restriction on indoor sports. However, all age demographics are likely to be negatively affected. This potential impact on younger people may be mitigated by the exemption for organised outdoor sport which can continue to be played.

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<sup>30</sup> BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Hospitality defined as SIC code I, and food and beverage serving activities as SIC code 56.

<sup>31</sup> Sport England Active Lives Survey report 2019



86. Allowing sports facilities and gyms to remain open across Tiers 1 to 3 could positively impact young people (aged 16-24), who account for approximately 14% of participants in sport and exercise.
87. Older people, whether they are visiting hospitality venues or leisure venues are hospitality workers or leisure workers, are more likely to fall into the 'extremely clinically vulnerable' group and could, therefore, be more at risk of death if they were to be infected. While these individuals may benefit from reduced exposure to infection on account of reduced social contact, there is a risk that people in this category may be exposed to infection at weddings and funerals and this may influence their decision on whether or not to attend.
88. Allowing spectators at sport events in Tiers 1 with 50% capacity/ up to 4,000 spectators to attend Young people (16-24) and the elderly (over 65) account for approximately a third of attendants between them and so would be positively impacted by this.
89. The reduced audience capacity for performing arts venues will result in reduced demand for labour. As well as performing arts staff, this will negatively impact hospitality staff at these venues, who are likely to be disproportionately from lower social economic backgrounds, ethnic minorities and young people.
90. Libraries will remain open in Tiers 1, 2 and 3, which may positively impact those aged 65 and over who account for over a quarter of library visits<sup>32</sup>
91. Older individuals and those with pre-existing conditions are more likely to become seriously ill from Covid-19 (WHO). All actions that will decrease the exposure of this group and reducing the transmission rates of infection could have a positive impact on their physical health.
92. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Disability**

93. There are lower employment rates among disabled people in general, which may mean that there will be disproportionate negative impacts on disabled peoples' employment and employment prospects.<sup>33</sup>
94. Disabled people will benefit from the specific exemption to enable participation in disabled indoor sports, particularly as a significant percentage of disabled sport is played indoors. This exemption may help to ensure disabled people can exercise and

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<sup>32</sup> [Public Library Users Survey National Report 2018](#)

<sup>33</sup> DWP (2020). The employment of disabled people. <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2019>



socialise through indoor sports continuing, which may have positive impacts on physical and mental well-being.

95. Disabled workers are overrepresented in the creatives arts, entertainment, and activities sector (18% of workers, compared to a 14% UK average). Some disabilities, including diabetes, have been shown to be particularly vulnerable to Covid-19, although not all disabilities under the Equality Act 2010 are associated with a higher risk of a severe Covid-19 outcome. The working safety guidance and performing arts guidance highlights the importance of ensuring a safe operation while people are at work in consideration of this <sup>34</sup>.
96. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Pregnancy and maternity**

97. Pregnant women are classified as 'clinically vulnerable' and at a moderate risk. As a precaution, pregnant women are advised to stay at home as much as possible, follow social distancing and stay away from anyone who has coronavirus symptoms. The Coronavirus Job Retention Scheme can be used to furlough employees who have been told to remain home but are unable to work from home.
98. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sex**

99. In the health sector, a BMA council member has stated that 7 out of 10 women do not have appropriately fitting PPE<sup>35</sup> and are, therefore, at increased risk in frontline roles and are more likely to disproportionately benefit from the legal duties for businesses to follow Covid Secure guidelines and issuance of fines for egregious breaches of regulations.
100. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sexual orientation**

101. It should be noted that as sexual orientation monitoring is not generally collected by major employment surveys there may be impacts on LGBT groups that we are currently unable to capture.

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<sup>34</sup> BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Creative arts, entertainment, and activities sector defined as SIC code 90.

<sup>35</sup> BMA <https://canvas.vuelio.co.uk/britishmedicalassociation/bma-in-the-news-thursday-23rd-april-2020/view/covid-19-dr-helen-fidler-on-bbc-radio-4/item>

102. There is some evidence that there has been a detrimental impact on LGBT people due to restrictions imposed in the night-time economy, such as the closure of nightclubs and the early closure of bars. Gay and Lesbian bars and clubs may represent a focal point of LGBT culture in a way that is more pronounced than in the heterosexual community. However, by potentially reducing the risks of transmission in hospitality settings, such business restrictions also benefit LGBT people working in the sector.
103. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Gender reassignment**

104. The analysis relating to the protected characteristic of 'sexual orientation' is also relevant for gender reassignment.
105. It should be noted that data on gender reassignment, or more broadly, gender identity or trans status is not collected in major employment or labour market surveys. There is also limited evidence available on numbers of people who identify as transgender due to a reluctance to disclose in some circumstances, given concerns around discrimination or bullying.
106. A report by Stonewall in 2018<sup>36</sup>, based on YouGov research with 3,213 LGBT employees found that 51% of transgender staff had hidden their sexuality for fear of discrimination. This limits our assessment of the impact of measures on transgender people in the workplace and from the restrictions on any part of the sector.
107. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Race**

108. Ethnic minorities make up 15% of the food and beverage services workforce, compared to the UK average of 12%, and are therefore likely to be disproportionately impacted by business restrictions in this sector.<sup>37</sup>
109. The reduced audience capacity for performing arts venues will result in reduced demand for labour. As well as performing arts staff, this will negatively impact hospitality staff at these venues, who are likely to be disproportionately from lower social economic backgrounds, ethnic minorities and young people
110. The ONS has produced new data showing that people from BAME communities are at greater risk of severe adverse outcomes from Covid-19. The report, *Beyond the*

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<sup>36</sup> Stonewall reveals coming out at work still a problem (26 April 2018)

<sup>37</sup> BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Food and beverage sector defined as SIC code 56.

*data: Understanding the impact of Covid-19 on BAME groups*, found that the highest age standardised diagnosis rates of Covid-19 per 100,000 population were in people of Black ethnic groups (486 in females and 649 in males) and the lowest were in people of White ethnic groups (220 in females and 224 in males).

111. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. This is especially relevant for BAME groups who are particularly at risk from the spread of the virus.

### **Religion or belief**

112. There do not appear to be any disproportionate impacts in relation to religion or belief.

### **Less Advantaged Socio-Economic Groups**

113. Although not a requirement under PSSED, impacts on less advantaged socio-economic groups have also been considered, as any impacts on the groups with protected characteristics will be exacerbated if they also fall into a lower socio-economic group.
114. Research has shown that the Covid-19 pandemic has put a disproportionate strain on those who are less economically secure.<sup>38</sup> ONS also showed that those who were unable to afford an unexpected expense were more likely to suffer from depression during COVID-19.<sup>39</sup>
115. In England the age standardised mortality rate involving Covid-19 in the least deprived area was 58.8 per 100,000, compared to 128.3 for the most deprived areas.<sup>40</sup> Those in the most deprived areas may benefit most from a reduction in infection levels of Covid-19 and therefore the unfavourable impacts of the regulations are justified by the aims of the policy.
116. The median annual gross salary in the UK hospitality sector is £11,800, which is £14,000 below the national median.<sup>41</sup> In addition, workers in the sector tend to have low levels of formal qualifications.<sup>42</sup> Restrictions on this sector may therefore have a disproportionately negative impact on workers from lower socio-economic groups. If business restrictions lead to increased redundancies within the hospitality sector, this is likely to disproportionately impact those from lower socio-economic groups. A number of studies have pointed to the disproportionate impacts of Covid-19 on those with lower incomes, as people in this category are less likely to be able to work from home and more likely to lose their jobs as a result of decreased demand and increased

<sup>38</sup> <https://www.mentalhealth.org.uk/sites/default/files/MHF-covid-19-inequality-mental-health-briefing.pdf>

<sup>39</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/coronavirusanddepressioninadultsgreatbritain/june2020>

<sup>40</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsinvolvedwithcovid19bylocalareasanddeprivation/deathsoccurringbetween1marchand31may2020>

<sup>41</sup> ONS ASHE 2020, Table 5.7a

<sup>42</sup> ONS ASHE 2019.

probability of working in restricted sectors. However, the members of this group may also benefit from reduced risks of transmission at work.

117. A continuation of reduced audience capacity for performing arts venues will mean an increase in the number of employees not able to currently work, largely hospitality staff at these venues. This may have a disproportionate effect on those from lower social economic backgrounds, ethnic minorities and young people.
118. Libraries remain open in tiers 1, 2 and 3 and can offer all their services if safe to do so. The offer of free public computer access and WIFI in libraries will benefit those on lower incomes who may not have access at home. This could be particularly beneficial for accessing government support e.g. applying for Universal Credit.
119. Conclusion:
  120. We have reviewed Tier 1: Medium Alert measures and provisions and are content that the equality analysis has considered disproportionate impacts and are justified on the basis that the policy aims, and intent continues to reduce transmission, and therefore protect the health of individuals. The review will note, that no areas are currently in Tier 1: Medium.

## **TIER 2: HIGH ALERT**

### **SUMMARY:**

The equality analysis notes that Tier 2: High Alert will have some important impacts on groups with protected characteristics. The rule that permits only single households to meet indoors which will have a disproportionate impact on young people, especially as they are less likely to qualify for mitigations (such as support bubbles) because they are more likely to live in flat or house shares. The restriction on inter-household mixing in private dwellings may have a negative impact on the mental health and well-being of older people as well, as it may prevent visits from close family and friends. Single parents, women, those from a lower socio-economic background and ethnic minority groups are more likely to be impacted by the business restrictions in Tier 2.

To note, that there are currently no areas in England in Tier 2:High.

### ***Social Contact Restrictions***

#### **Age**

121. The consideration of the impacts of Tier 1: Medium Alert restrictions in relation to Age remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.



122. Young people, who reported high levels of loneliness and concerns about coping during the lockdown. In a survey by Britain Thinks, younger respondents were more likely to report that they are not coping as well as usual during the Coronavirus lockdown (42% among 18-24-year olds), with this decreasing gradually by age bracket (among 65+ year olds only 20% reported the same). Although the All Tiers Regulations having varying degrees of restrictions, it is likely that the single household restrictions for indoors settings in Tier 2: High Alert will have a negative impact on young people. However, this will be mitigated in part by the outdoor gathering restrictions being subject to the rule of 6, which allows for greater social contact.
123. Young people may be more likely to live in a flat or house where there may be a challenging dynamic for the creation of bubbles. For example, if more than one member of the household wishes to create a bubble with a second single household. However, a flat/house share may provide company within the home that may assist with feelings of loneliness and isolation. People can still meet in groups of 6 or less outdoors.
124. Also, 43% of 16 to 34-year olds (around 5.9 million young people) live with their parents or relatives, most commonly in owner occupied homes (66%).<sup>43</sup> This group of young people may find household-based limits more restrictive, as they may be less inclined to socialise as a household than other types of household, such as nuclear families with young children.
125. Children and young people acting as carers may also be disadvantaged through restricted social interactions to a single household. However, this may be mitigated in part by the outdoor gathering restrictions being subject to the rule of 6, which allows for greater social contact.
- Those who are aged 18-25 and do not meet the definition of vulnerable, may be negatively impacted compared to those under 18, in being unable to access youth services other than in groups of up to six
126. The restriction on inter-household mixing in private dwellings may have a negative impact on the mental health and well-being of older people, as it may prevent visits from close family and friends. In addition, older people may be unable to go outdoors to meet people, especially during winter and early spring. This highlights a disproportionate impact on the older population who are less mobile.
127. However, older individuals and those with pre-existing conditions are more likely to become seriously ill from Covid-19 (WHO). Therefore, all actions that will decrease the exposure of this group could have a positive impact on their physical health.

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<sup>43</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902866/EHS\\_2018-19\\_Life\\_Course\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902866/EHS_2018-19_Life_Course_Report.pdf)

128. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Disability**

129. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to Disability remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
130. Restrictions on inter-household mixing may disproportionately negatively impact people with disabilities who benefit from visitors coming to their home. This restriction may in turn have a negative impact on their mental well-being. Conversely, considering the complex vulnerabilities that may be associated with their disabilities, the physical wellbeing of some individuals with disabilities may be improved by preventing inter-household mixing, as limiting contact with others may limit the potential for them to contract the disease. The impacts can also be recognised in the restrictions of organised activities such as art groups.
131. The social contact restrictions may also increase isolation for those with disabilities and may not benefit from the Rule of 6 applying outdoors. For example, a person with dementia may benefit from seeing familiar faces from different households but may not be able to leave the house easily. A person with a disability might benefit from the exemption allowing a close family member or friend to visit a person who is staying in a care home or to accompany them to a medical appointment.
132. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Marriage and Civil Partnership**

133. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to Marriage and Civil Partnership remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
134. We have not identified any further impacts in relation to the protected characteristic of marriage and civil partnership in addition to those under Tier 1: Medium Alert.

### **Pregnancy and maternity**

135. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to Pregnancy and maternity remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
136. The restrictions on inter-household mixing and gatherings may have a negative impact on pregnant individuals and new mothers, who may be at a heightened risk of mental health complications, such as postnatal depression, and would benefit from access to

support from friends and family in a home environment. However, there is evidence to suggest that Covid-19 poses a higher risk to those in their third trimester of pregnancy, or those with underlying conditions, and, therefore, the reduction in social contact may provide physical protection from contracting the disease, reducing the risk to themselves and their baby.

137. The exemption for meetings indoors for pregnant woman giving birth will mitigate the negative impact of the gathering restrictions on pregnant individuals and new mothers.
138. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sex**

139. The consideration of the impacts of Tier 1: Medium Alert restrictions in relation to Sex remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
140. The inter-household mixing restriction may have an impact on lone-parent families, who are predominantly female, and may normally benefit from support and social interaction with other families within private homes. Such impacts may be mitigated by the application of the Rule of 6 in outdoors settings and the ability of lone parent families to create a support bubble and access childcare bubbles.
141. Domestic abuse, which consistently and disproportionately affects women,<sup>44</sup> has been highlighted as a concern during national lockdown and the impacts of ongoing restrictions on this group remain a concern. Domestic abuse victims may be affected by the social contact restrictions that only allow single households to mix in indoor settings, as it reduces the support that could be offered to the victim in their own home. It also reduces the ability for others to identify that there is a problem and offer support if the victim is unable to leave their home.
142. Although the victim of abuse may be able to access a support bubble (e.g., if the victim has a child under the age of one or a disabled child under the age of 5 who need continuous care), there remains a risk that the abuser takes control of the creation and maintenance of any support bubbles in a way that further disadvantages the victim. Exemptions to the gatherings restrictions allows for a person to escape from harm or potential harm, which may be beneficial in supporting the victim to escape abuse.
143. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sexual orientation**

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<sup>44</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseine nglandandwalesoverview/november2019>



144. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to sexual orientation remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
145. Restricting gatherings indoors to single households may have a negative impact on LGBT people who may be suffering from abusive or non-supportive home environments and require additional support from those outside their support network. For example, it has been reported that some young LGBT people have found themselves isolating in a house with LGBT-phobic parents and family members, with some experiencing domestic abuse.<sup>45</sup> This may be mitigated by the Rule of 6 applying in outdoor settings, which provides more scope for social contact.
146. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Gender reassignment**

147. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to Gender reassignment remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
148. Considerations of the impacts on the protected characteristic of sexual orientation is also pertinent to gender reassignment.
149. The indoor gatherings restriction may have an impact on individuals experiencing anxiety or depression, who may benefit from support from a wider social network within indoor settings. This may include those undergoing gender reassignment or associated worries, who might benefit from support in social environments. The impact of the restrictions may be mitigated by the Rule of 6 applying in outdoor settings.
150. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Race**

151. The consideration of the impacts of Tier 1: Medium Alert restrictions in relation to Race remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
152. Ethnic minority groups are more likely to live in overcrowded households.<sup>46</sup> For example, around 30% of East Asian households originally from Bangladesh experience overcrowding compared to around 2% among white groups.<sup>47</sup> Preventing

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<sup>45</sup> Hunte, B., 2020. Coronavirus: 'I'm stuck in isolation with my homophobic parents' [Online]. Available from: <https://www.bbc.co.uk/news/uk-52039832> [Accessed 6 April 2020].

<sup>46</sup> <https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest>

<sup>47</sup> Ethnicity facts and figures – overcrowded households: <https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest>

inter-household mixing indoors may, therefore, have a disproportionate impact on BAME groups who may wish to visit other households to see and/or support close, extended family members, or to have respite from their overcrowded household.

153. All Black and some Asian ethnic minority groups are paid less on average than White Britons. Childcare is likely be a disproportionate burden for families in these ethnic minority groups. <sup>48</sup>Allowing professional childcare within private dwellings as well as childcare bubbles to provide informal childcare may mitigate some of the disproportionate impacts.<sup>49</sup>
154. Restricting gatherings to single households indoors may provide positive benefits in terms of disease transmission in larger households, especially to those most at risk from the virus.
155. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Religion or belief**

156. The consideration of the impacts of Tier 1: Medium Alert restriction in relation to Religion or belief remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.
157. Restrictions on inter-household mixing may have a disproportionate negative impact on those practising religious customs and gatherings which occur in private dwellings and indoors. This may be mitigated to some extent by places of worship being open in Tier 2. In addition, the restrictions may make it more difficult for some people to attend service, where they relied on another household for transport to service.
158. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on certain religious groups, as volunteers are often able to respond more effectively, than local authorities or government, to needs which are specific to religious groups.
159. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### ***Business Restrictions***

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<sup>48</sup><https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/ethnicitypaygapsingreatbritain/2019>

<sup>49</sup><https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/whichjobscanbedonefromhome/2020-07-21>



160. The consideration of the impacts of Tier 1: Medium Alert business restrictions remain relevant, except where the restriction is superseded by restrictions in Tier 2: High Alert.

### **Age**

161. The closing of venues that do not serve a table meal alongside alcohol coupled with limitations to meeting with people from outside of your household or support bubble, may exacerbate feelings of social isolation for customers from different age groups who rely on some businesses and services for the mental and physical health benefits they offer.
162. Increased restrictions on businesses increases the risk of unemployment or staff being furloughed in these sectors; this is particularly a risk for those who work in the hospitality sector in venues that do not serve a table meal alongside alcohol. Prior to the change in national restrictions in November, the return to work benefitted younger workers with the re-opening of the hospitality sector. Before reopening in July, 80% of employees in the accommodation and food service sectors were furloughed. As of the 30th November – 13rd December, 33% of the workforce in the sector were on partial or furlough leave. Young people are twice as likely to be working in an impacted sector compared to older workers aged 45-64<sup>50</sup> and are most likely to be furloughed, be assigned reduced hours of work, or to be taking obligatory temporary leave (35%).<sup>51</sup>
163. Based on previous local restrictions of practices, suggests this could have a significant impact on revenue for hospitality venues, in particular on late night bars, including nightclubs that have repurposed to late night bars as the sector has remained closed. Given restrictions placed on the hospitality sector, including the additional restrictions imposed earlier this year and in November, it may prove difficult for some businesses to continue. As a significant number of hospitality workers are young people, the failure of businesses in the hospitality sector will disproportionately impact younger workers. In previous periods of restrictions, including closure, 1.7% of the workforce in the accommodation and food service sector facing the prospect of redundancy. This is in part because the impact on labour was mitigated by the Coronavirus Job Retention Scheme (CJRS).<sup>52</sup> The extension of the CRJS to March 2021 will help to mitigate the risk of unemployment for people in this sector.
164. In previous periods of restrictions, including closure, the impact of restrictions on employment has been subdued, with 1.7% of the workforce in the accommodation and food service sector facing the prospect of redundancy. This is in part because the impact on labour has so far been mitigated by the Coronavirus Job Retention Scheme (CJRS), where over 800,000 people employed in hospitality including weddings and nightclubs, remain furloughed<sup>53</sup>. In addition, wedding receptions operating under an

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<sup>50</sup> Living costs and food survey, ONS.

<sup>51</sup> Table 54 <https://britainthinks.com/pdfs/Covid19-Diaries-Data-Tables-April-2020.pdf> .

<sup>52</sup> ONS Business Impacts of Coronavirus Survey

<sup>53</sup> ONS Business Impacts of Coronavirus Survey



exemption are likely to limit some of this impact by protecting the demand from wedding parties. However, as these restrictions are expected to continue beyond the end of the CJRS at the end of March, we may see more impacts on employment materialise.

165. These employment impacts have had a knock-on effect on those living in rented accommodation, especially people aged between 25-35 who in 2017 made up 35% of those in rented accommodation, the largest of any age group in the UK. Those renting their home from a landlord spent 61% of their usual weekly budget on essentials, compared with 52% for households which owned their home outright or with a mortgage. This means that they have more pressure on their pay and less opportunity to build savings.
166. Allowing spectators at sport events in Tiers 2 with 50% capacity / 2,000 spectators to attend will benefit people (16-24) and the elderly (over 65) as they account for approximately a third of attendants between them.
167. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **Disability**

168. The proposed business restrictions may have an impact on individuals experiencing anxiety or depression, particularly if they work in the affected hospitality sector. While disabled employees are this group are only slightly over-represented in this sector, greater restrictions on businesses may have a disproportionate impact on their employment and high unemployment may have a negative impact on employment prospects for disabled people more widely.
169. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **Marriage and Civil Partnership**

170. We have no identified any impacts in respect of the protected characteristic of marriage and civil partnership.

#### **Pregnancy and maternity**

171. BEIS research in 2017 found that 1 in 9 women said they had been fired, treated badly so they would resign or made redundant when they returned to work after having a baby. Further Government consultation estimated that up to 54,000 women a year felt they had to leave their jobs due to pregnancy or maternity discrimination.<sup>54</sup>

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<sup>54</sup> BEIS press release: Pregnant women and new parents to get enhanced redundancy protections (22 July 2019)

172. Following this, pregnant women who work in sectors at risk of closure may be more likely to bear the brunt of reduced demand for labour.
173. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sex**

174. One-third of single parents and just over one-fifth of coupled parents work in sectors affected by business restrictions, and 90% of single parents are women.<sup>55</sup> Lone parent families, who are predominantly female, are also most financially vulnerable to an economic shock.<sup>56</sup>
175. 56% of workers in hospitality are female, compared to 48% of workers across the UK economy.<sup>57</sup>
176. Further impacts may result for women with children working in affected sectors and to those from lower income groups as women constitute 86% of single-parent families,<sup>58</sup> carry out an average of 60% more unpaid work in the home than men<sup>59</sup> and form a higher proportion of lower income groups relative to men. Women are more likely to be on insecure or zero-hours contracts, more likely to be dependent on social security and are more likely to be in an insecure housing situation than men, exacerbating the impact of any loss of wages.
177. There is, therefore, a risk of gender disparities becoming further entrenched. The extension to the furlough scheme to March 2021 is likely to mitigate some of these impacts.
178. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sexual orientation**

179. Based on data from the National LGBT Survey 2018, 10% of LGBT respondents were working in hotels, restaurants, cafes and bars. A comparison of data from the Labour Force Survey, the National LGBT Survey 2017 and the Business Impact of Covid-19 Survey (BICS) published by ONS found that LGBT people are over-represented in the sectors that have seen the highest proportions of short-term staff lay-offs during the

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<sup>55</sup> Resolution Foundation

<sup>56</sup> ["ONS report"](#).

<sup>57</sup> BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Hospitality defined as SIC code I.

<sup>58</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2019#links-to-related-statistics>

<sup>59</sup> <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/article/s/womenshoulderttheresponsibilityofunpaidwork/2016-11-10>

pandemic, including the 'Arts, entertainment, and recreation' sector. This could suggest that increased business restrictions on these sectors may negatively impact LGBT.

180. There is limited evidence available on numbers of people who identify as lesbian, gay or bisexual, due to a reluctance to disclose in some circumstances, given concerns around discrimination or bullying. A report by Stonewall in 2018, based on YouGov research with 3,213 LGBT employees found that 35% of LGBT people had hidden their sexuality for fear of discrimination, whilst 18% of LGBT people looking for work reported that they were discriminated against due to their sexual orientation/gender identity. This highlights a risk that if employment levels are negatively affected by these restrictions, there is a higher likelihood that LGBT people may be disproportionately affected.
181. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **Gender reassignment**

182. The impacts identified for sexual orientation remain pertinent for gender reassignment.
183. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **Race**

184. Ethnic minorities make up a significantly larger share of the hospitality workforce than on average across the UK, further restrictions affecting this sector are likely to increase the impacts on this group. The extension of the CJRS to March 2021 may help to mitigate any disproportionate impacts.
185. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **Religion or belief**

186. There do not appear to be any disproportionate impacts in relation to religion or belief.

#### **Less Advantaged Socio-Economic Groups**

187. Although not a requirement under PSED, impacts on less advantaged socio-economic groups have also been considered, as any impacts on the groups with protected characteristics will be exacerbated if they also fall into a lower socio-economic group.
188. Those from a less advantaged socio-economic background account for approximately 43% of jobs in sport, amusement and recreation activities. The restrictions on these sectors in Tier 2 could therefore negatively impact those from a lower socio-economic background if their jobs become at risk.



189. In addition, those from a less advantaged socio-economic background account for almost half (46.4%) of jobs in tourism. If Tier 2 restrictions lead to jobs becoming vulnerable in these sectors, this could have a disproportionate impact on those from a less advantaged socio-economic background.
190. Hospitality roles in multiple sectors are at risk of scale-back due to restrictions at Tier 2, this could have an impact on employment for those from a less advantaged socio-economic background.
191. We consider any disproportionate impacts of an area being in Tier 2 are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.
192. Conclusion

We have reviewed Tier 2: High/Medium Alert measures and provisions and are content that the equality analysis has considered disproportionate impacts and are justified on the basis that the policy aims, and intent continues to reduce transmission, and therefore protect the health of individuals. The review will note, that no areas are currently in Tier 2: High Alert

## **TIER 3: VERY HIGH ALERT**

### **SUMMARY:**

193. The equality analysis notes that Tier 3 will have some important impacts on groups with protected characteristics, particularly those in the hospitality sector who are more likely to be young people, those from lower socioeconomic backgrounds and from minority ethnic populations (who may also be disproportionately affected if restrictions lead to increased levels of furlough or redundancies). In addition, there is evidence to suggest that restrictions on the hospitality sector may have negative impacts on women with children who work in hospitality. Women are also more likely to be on insecure or zero-hours contracts, to be dependent on social security and to be in insecure housing than men, exacerbating the impact of any loss of wages.
194. To note, that there are currently no areas in England in Tier 3:Very High.

### ***Social Contact Restrictions***

#### **Age**

195. Younger people (17-24-year olds) are more likely to spend time socialising than people from older generations,<sup>60</sup> so extending the gathering restrictions to single households in outdoor places, except for certain public outdoor places, with further restrictions on the ways and places where they can meet friends and extended family will disproportionately impact this group.
196. Restrictions on spectators at elite sport within tier 3 could have a disproportionate impact on young people (aged 16-24), as these account for approximately 14% of attendants at live sport events.
197. Similarly, further social contact restrictions will exacerbate the impacts on young people living in shared rented accommodation, who may not be living with friends or may experience difficult relations with those they live with. Vulnerable young people living with abusive families are similarly disproportionately impacted.
198. However, the additional impact is likely to be marginal, considering that the gathering limit indoors in Tier 2 already restricts social contact indoors to single household groups. The impacts are partly mitigated as people can still gather in groups in certain outdoor settings, e.g., playgrounds, parks, or while playing sport. However, this will be less of a benefit during Winter and early Spring, as it will become more difficult for certain groups of people to be outside for long periods of time.
199. Those who are aged 18-25 and do not meet the definition of vulnerable, may be negatively impacted compared to those under 18, in being unable to access youth services other than on a 1:1 basis indoors or subject to the group limit of up to six in certain outdoor public spaces.
200. People living alone, who are more likely to be older people,<sup>61</sup> will also be disproportionately impacted, as the measures will place further restrictions on their ability to socialise indoors and outdoors. However, as noted above, people still can meet people outdoors in public spaces in groups of six which helps mitigate the impact a little. In addition, people living alone or can continue to establish a 'linked household' (support bubble), and the ability to switch bubbles, if appropriate precautions are taken, may benefit elderly people living alone as it allow them to continue to socialise in all settings with another linked household.
201. As in other tiers, these restrictions apply across activities specific to older people too, such as arts or sports groups, in Tier 3 it is more likely that many of these activities will not go ahead.
202. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal'

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<sup>60</sup> Verbrugge, L. M., Gruber-Baldini, A. L., & Fozard, J. L. (1996). Age differences and age changes in activities: Baltimore Longitudinal Study of Aging. *The Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, 51(1), S30-S41.

<sup>61</sup> 59% of those aged 85 and over and 38% of those aged 75 to 84 live alone (ONS, Census 2014).

volunteering. This exemption may have a disproportionately positive impact on volunteering participation rates amongst older people:

- i. Findings from the most recent Community Life Survey (2019/20) show that the age group 65-74 years old had the highest participation in informal volunteering (36% at least once a month, 61% at least once in the last year) compared to most other age groups. Over 75s also participated more in the last month (33%) than age groups below 65 years old (24-30%).
203. However, it is worth noting that, while legislation permits all people to volunteer, clinically vulnerable people (including those aged over 70) have been advised at various points throughout the pandemic to take extra precautions when volunteering outside the home. This may have had the effect of lowering volunteering participation rates, outside the home, amongst this group.
204. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Disability**

205. As disabled groups have been disproportionately impacted by Covid-19 restrictions, further social gatherings restrictions are likely to impact negatively on mental health. As in other tiers, these restrictions apply across activities specific to disabled groups, too, such as arts or sports groups, in Tier 3 it is more likely that many of these activities will not go ahead.
206. Online cultural consumption has increased in people identifying as having a limiting disability or condition. Of people identifying as having a limiting disability or condition, 19% had watched a streamed play, compared to 16% of those who do not. The switch towards online under higher tiered restrictions may be making culture more accessible to disabled people.
207. Restricting disabled groups to household contact in additional settings may have disproportionate impacts compared to non-disabled groups. Disabled people are more likely to live in a care setting or with carers and will, therefore, be more restricted by the inability to meet people from outside their households. This is mitigated in part by the exemption of care provision from indoor restrictions on household groups. This allows carers to visit or spend time with a disabled person and they would not count as part of the household group. Furthermore, a disabled person in care can be visited by someone from outside the care home. However, this will not apply to all disabled people and many will be frustrated by their inability to socialise with others outside their household in certain settings.



208. However, the Government has consistently sought to accommodate the needs of disabled people in its regulations to mitigate negative impacts. For instance, disabled people benefit from an exemption for the participation in disabled indoor sports, which may have positive impacts on physical and mental well-being. Furthermore, any disabled person living with a sole carer can form a support bubble with another household and this would still count as a single household.
209. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. This is especially relevant for disabled people who are more vulnerable to Covid-19.<sup>62</sup>

### **Marriage and civil partnership**

210. The prohibition of wedding receptions will impact people getting married and those entering a civil partnership. However, this is considered justified on account of the inherently social nature of these events and the high risk of the transmission of Coronavirus in such settings. This is mitigated to an extent by the exemption for wedding ceremonies.
211. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Pregnancy and maternity**

212. The restrictions may have negative impacts on new mothers, including lone parents, by restricting some childcare activities, such as clubs or babysitters taking children on visits to outdoor attractions. However, there are a range of exemptions to support new parents, such as childcare bubbles and support bubbles for parents with children under the age of one or disabled children under the age of 5 who need continuous care. Also, formal childcare and 'supervised childcare activities' are exempt from the gathering restrictions.
213. The restrictions may nonetheless disproportionately impact new mothers owing to the reduced opportunities for them to socialise outside the household. Postnatal depression affects more than 1 in every 10 women within a year of giving birth.<sup>63</sup> Social isolation after birth is likely to exacerbate postnatal depression, whereas support from friends and family members can be significant protective factors against postnatal depression. The introduction of a new parent support bubble and the exemption of

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<sup>62</sup> Whilst disabled people made up 18% of the population of England and Wales at the time of the 2011 Census, between 2 March 2020 and 15 May 2020, 59% of people who died due to COVID-19 were disabled (22,447 out of 37,956 deaths)

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronaviruscovid19relateddeathsbydisabilitystatusenglandandwales/2marchto14july2020>

<sup>63</sup> <https://www.nhs.uk/conditions/post-natal-depression/>

support groups of up to 15 people from the gathering restrictions may mitigate some of the negative impacts of social restrictions.

214. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sex**

215. Further restrictions that limit gatherings to single households in more circumstances are likely to adversely impact women, who are believed to be at greater risk of domestic violence on account of restrictions to social contact as it may escalate the circumstances and reduce the opportunities that they have to engage with their support network. However, there are exemptions allowing victims of domestic violence to continue to seek support from others outside their home.
216. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sexual orientation**

217. Further restrictions on social gatherings are likely to have a negative impact on mental health. As adults who identified as LGBT were twice as likely as heterosexual adults to experience symptoms of common mental disorder, further restrictions are likely to have a disproportionate impact on LGBT people. In order to mitigate this risk, DHSC and the LGBT National Health Adviser are working to identify and support the health needs of LGBT people throughout the pandemic.
218. As explained above, people living alone will continue to be disproportionately impacted, as the measures will place further restrictions on their ability to socialise in certain outdoor spaces. Provisional results from a survey by the LGBT Foundation found that, as of 23 April 2020, 30% of LGBT respondents reported that they were living alone during the lockdown period, including 46% of respondents aged 50+. This may mean that additional restrictions may disproportionately impact LGBT people. However, people can still meet people outdoors in certain outdoor public spaces, and, any person living alone can form a support bubble, which may help to mitigate loneliness.
219. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Gender reassignment**

220. The considerations and mitigations set out in relation to the protected characteristic of sexual orientation apply to individuals going through gender reassignment.
221. We consider any disproportionate impacts are justified on the basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

## **Race**

222. People from Black and mixed ethnicities are more likely to be sole parents than White, Asian or other groups.<sup>64</sup> Lone parents may struggle more on account of the household limit on activities, including activities outdoors. However, this should be mitigated to some extent by the exemptions for childcare and the option for single adult households to form a support bubble with another household.
223. Cultural engagement differs across race and ethnicities. Individuals identifying as Black or Asian are engaging with online culture relatively more than at physical venues. For example, 21% of Asian and 20% of Black respondents had watched a streamed play. The switch towards online under higher tiered restrictions may be making culture more accessible to ethnic minorities.
224. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on people from certain BAME backgrounds:
- i. Findings from the Community Life Recontact Survey (2020) showed that ethnic minorities (excluding White minorities) were more likely to have started formal volunteering since the start of the coronavirus pandemic, compared with those from a white background (12% vs 8%).
  - ii. White (23%) and Black (24%) respondents showed higher participation in formal volunteering in the last month than Asian respondents (15%).
  - iii. Findings from the Community Life Survey (2019/20) showed that Black respondents participated in informal volunteering at least once a month (37%), more than White and Asian respondents (27-28%).
  - iv. Volunteers are often able to respond more effectively than local authorities or government, to needs which are specific to particular ethnic minority communities.
225. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. In addition, recent analysis from ONS has shown that ethnic minority groups are at a greater risk of mortality and morbidity from COVID-19.<sup>65</sup> Therefore, policies that

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<sup>64</sup><https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/families-and-households/latest#household-types-by-ethnicity>

<sup>65</sup> After taking account of age and other socio-demographic characteristics and measures of self-reported health and disability at the 2011 Census, the risk of a COVID-19-related death for males and females of Black ethnicity was 1.9 times more likely than those of White ethnicity.



reduce the incidence of COVID-19 in the UK will likely have a positive impact on ethnic minorities in terms of coronavirus related health issues.

### **Religion or belief**

226. The Government continues to make special provisions to ensure that people of faith are not disproportionately impacted by these restrictions. Places of worship will not be closed under the All Tiers Regulations. In addition, the Government has ensured that weddings of up to 15, funerals of up to 30, and funeral commemorative events of up to 15 can continue, which preserves some of the practices of people of faith.
227. Prohibiting wedding receptions is considered justified on account of the inherently social nature of these events and the high risk of the transmission of Coronavirus in such settings but it is acknowledged will have a negative impact on those who wish to get married or enter into a civil partnership, which may indirectly impact on people of certain faiths more than others.
228. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on certain religious groups, as volunteers are often able to respond more effectively, than local authorities or government, to needs which are specific to particular religious groups.
229. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### ***Business restrictions<sup>66</sup>***

#### **Age**

230. Greater restrictions on hospitality, leisure and entertainment venues may increase feelings of social isolation. This may affect customers from a range of age groups who rely on certain business services for mental and physical health benefits.
231. Through its impact on labour, the restrictions and closures imposed by Tier 3: Very High Alert could disproportionately impact young people as we know they are twice as likely to be working in an impacted sector compared to older workers aged 45-64<sup>67</sup> and are most likely to be furloughed, be assigned reduced hours of work, or to be taking obligatory temporary leave (35%).<sup>68</sup>
232. Although under Tier 3: Very High Alert elite sport can continue, spectators will not be permitted. Young people (16-24) and the elderly (over 65) account for approximately

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<sup>66</sup> Unless otherwise indicated, we present analysis for the hospitality sector as defined by standard industrial classification (SIC) 56: food and beverage services. The analysis is also drawn from national statistics, although we assume these are broadly applicable to smaller geographical areas.

<sup>67</sup> Living costs and food survey, ONS.

<sup>68</sup> Table 54 <https://britainthinks.com/pdfs/Covid19-Diaries-Data-Tables-April-2020.pdf>.

a third of attendants between then (13.6% and 19.1%, respectively) and so would be disproportionately impacted by this.

233. Restrictions on sports activities are likely to have a disproportionate impact on young people aged 16-24, who account for 31% of workers in the sector (compared to 11% across the UK).<sup>69</sup>
234. No audiences for performing arts venues will result in reduced demand for labour. As well as performing arts staff, this will negatively impact hospitality staff at these venues, who are likely to be disproportionately from lower social economic backgrounds, ethnic minorities and young people.
235. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Disability**

236. There are lower employment rates among disabled people in general,<sup>70</sup> which may mean that there will be disproportionate negative impacts on disabled peoples' employment and employment prospects with increased closures and restrictions across different sectors.
237. The Government has sought to address employment risks for disabled people with a range of measures, including the 'Access to Work' scheme, which offers advice and discretionary grants to disabled people. It also takes steps to help disabled people work more flexibly during the pandemic, for example, by advising on the transfer of specialist equipment to the disabled person's home.
238. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. This is especially relevant for disabled people who are more vulnerable to Covid-19.<sup>71</sup>

### **Marriage and Civil Partnership**

239. We have no identified any impacts in respect of the protected characteristic of marriage and civil partnership.

### **Pregnancy and maternity**

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<sup>69</sup> BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Sports activities defined as SIC code 93.1.

<sup>70</sup> DWP (2020). The employment of disabled people. <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2019> x

<sup>71</sup> Whilst disabled people made up 18% of the population of England and Wales at the time of the 2011 Census, between 2 March 2020 and 15 May 2020, 59% of people who died due to COVID-19 were disabled (22,447 out of 37,956 deaths) <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronaviruscovid19relateddeathsbydisabilitystatusenglandandwales/2marchto14july2020>

240. We do not have specific analysis on the number of employed pregnant women. However, pregnant women are more vulnerable to changes in employment status as they are less able to seek new employment. Therefore, increased restrictions and closures across different sectors is likely to have a disproportionate impact on pregnant women impacted on account of an increased risk of discrimination against pregnant women if businesses must make difficult decisions about which staff to retain. The Equality Advisory and Support Service (EASS) received a significant number of calls regarding workplace pregnancy and maternity discrimination associated with lockdown, and the risk is ongoing with continued business restrictions.<sup>72</sup>
241. In areas of tier 3 restrictions clinically extremely vulnerable individuals are advised to work from home where possible in accordance with government guidance. To mitigate risks of pregnant women's employment being impacted by this, the Government has issued guidance to employers on working flexibly and providing workplace adjustments to ensure pregnant employees could work from home. Employers also have a legal obligation to assess and review the risks at work for pregnant women and breastfeeding mothers who have returned from maternity leave, and to put in place appropriate mitigation measures.
242. The extension of the Coronavirus Job Retention Scheme until March 2021 may mitigate some of the negative financial impacts for pregnant women. Although the Government has now taken steps to prevent furlough impacting maternity pay and allowance calculations, some women will have started maternity leave before 25 April 2020 when these adjustments were made and so may be disadvantaged. We have amended Regulations to ensure entitlement to Statutory Maternity Pay (SMP) and Maternity Allowance (MA) will be calculated based on full earnings rather than furlough pay, ensuring that individuals are paid what they would have received if they had not been furloughed. This will apply for those whose pay period for SMP/MA started on or after 25 April 2020.
243. Legal protections also continue to exist for all protected characteristics but are reliant on an individual choosing to take a case to an Employment Tribunal, which can be a stressful and costly process. Mitigations include clear guidance on expectations of employers, and the continuation of discrimination and redundancy protections.
244. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

## **Sex**

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<sup>72</sup> EASS internal records



245. ONS data on death rates in England and Wales suggests that men represent higher numbers of deaths involving COVID-19 than women. Therefore, men stand to benefit more from greater restrictions that limit the transmission of Covid-19.
246. Business closures and restrictions may disproportionately impact victims of domestic abuse, who are predominantly women, through having less recourse to go out to visit businesses or leisure premises and therefore having to remain at home with their abuser. As of 27 April 2020, calls to the National Domestic Abuse Helpline, run by Refuge, had spiked significantly during the first lockdown; they saw on average an increase of around 50% in calls since those lockdown measures began.
247. Further business restrictions on the hospitality sector may have further impacts on women with children working in hospitality and those from lower income groups. Women constitute 86% of single-parent families,<sup>73</sup> carry out an average of 60% more unpaid work in the home than men<sup>74</sup> and form a higher proportion of lower income groups relative to men. Women are more likely to be on insecure or zero-hours contracts, to be dependent on social security and to be in insecure housing than men, exacerbating the impact of any loss of wages.
248. Almost one quarter (23.8%) of jobs within TV film and video fall into areas with tier 3 restrictions (e.g., cinemas must close). This could put jobs at risk in these sectors, which would disproportionately impact males who account for approximately 63% of jobs.
249. Figures for 2018 supplied by the gambling sector show that for the major operators, who provide the majority of employment in the sector, 56% of staff were part time.
250. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Sexual orientation**

251. Increased business restrictions and closures will exacerbate any disproportionate impacts on LGBT groups resulting from business restrictions in Tiers 1 and 2.
252. The Business Impact of Covid-19 Survey (BICS) published by ONS found that across all industries, the highest proportion of short-term staff lay-offs to cope with the impact of Covid-19 on their workforce were reported by the 'Arts, entertainment, and recreation' industries and the 'Administrative and support service activities' industry (39% reported this in each industry). Data from the National LGBT Survey 2017 suggests that LGBT people are over-represented in these particular industries, which

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<sup>73</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2019#links-to-related-statistics>

<sup>74</sup><https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/article/s/womenshoulderttheresponsibilityofunpaidwork/2016-11-10>

may suggest that LGBT people will be disproportionately impacted by these short term lay-offs.

253. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Gender reassignment**

254. The considerations of the impacts on the protected characteristic of sexual orientation remain pertinent for gender reassignment.
255. The proposed business restrictions may have an impact on individuals experiencing anxiety or depression, particularly if they work in the affected hospitality or leisure sectors. This may include those undergoing gender change or worries, who might benefit from support in social environments.
256. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

### **Race**

257. The increased restrictions and business closures across numerous sectors will have a negative impact on labour demand. The negative impact on ethnic minorities in relation to employment in hospitality sectors in Tiers 1 and 2 are likely to be exacerbated in a disproportionate manner by the additional restrictions and closures in Tier 3.
258. The Institute for Fiscal Studies reports that, compared with White British men, Bangladeshi men were four times more likely to have jobs in industries forced to close during lockdown. Pakistani men were almost three times as likely and Black men were 50% more likely. The report suggests that this is partially due to a high concentration of workers from Asian backgrounds in certain occupations, such as the restaurant sector and taxi driving.<sup>75</sup>
259. No audiences at performing arts and entertainment venues will mean an increase in the number of employees not able to currently work, largely hospitality staff at these venues. This may have a disproportionate effect on those from lower social economic backgrounds, ethnic minorities and young people.
260. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals. The health impacts to be gained from restrictions in high incidence areas are considered

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<sup>75</sup> Impact of Covid-19 on different ethnic minority groups. Post, UK Parliament. October 2020.

to outweigh the costs of the measures and this is particularly true for BAME people who are more vulnerable to Covid-19.

### **Religion or belief**

261. There do not appear to be any disproportionate impacts on religion or belief.

### **Less Advantaged Socio-Economic Groups**

262. Although not a requirement under PSED, impacts on less advantaged socio-economic groups have also been considered, as any impacts on the groups with protected characteristics will be exacerbated if they also fall into a lower socio-economic group.
263. Those from a less advantaged socio-economic background account for 43% of jobs in sport, amusement and recreation activities. Restrictions on these activities and sectors could therefore have a disproportionate impact on those from a less advantaged socio-economic background.
264. No audiences at performing arts and entertainment venues will mean an increase in the number of employees not able to currently work, including hospitality staff at these venues.
265. Drive-in events, such as drive-in cinemas, can only be attended by those with access to a car, and therefore may have a disproportionate effect on those from less advantaged socio-economic backgrounds or who are unable to drive (e.g. some people with disabilities).

### **Conclusion**

266. We have reviewed Tier 3: Very High Alert measures and provisions and are content the equality analysis has considered disproportionate impacts and are justified on the basis that the policy aims, and intent continues to reduce transmission, and therefore protect the health of individuals. The review will note, that no areas are currently in Tier 3: Very High.

## **TIER 4: Stay at Home**

### **Summary:**

267. The equality analysis notes that Tier 4 will have significant impacts on groups with protected characteristics, particularly those in the non-essential retail sector who are more likely to be young people, those from lower socioeconomic backgrounds and from minority ethnic populations (who may also be disproportionately affected if restrictions lead to increased levels of



furlough or redundancies). In addition, there is evidence to suggest that restrictions on the non-essential retail sector may have negative impacts on women with children who work in hospitality. Women are also more likely to be on insecure or zero-hours contracts, to be dependent on social security and to be in insecure housing than men, exacerbating the impact of any loss of wages.

268. To note, that the government strengthened Tier 4 measures as a result of the national lockdown and the rising upsurge of cases caused by the new variant. These strengthened measures have been updated in this review.
269. For the purpose of this review, it is important to note that due to all areas of England remaining in Tier 4, the outcome of this analysis is specifically relevant in considering these measures in real time and how they impact protected characteristics of individuals within this Tier. With the review focusing on all tiers, there is a greater emphasis and focus on Tier 4 due to the fact that all areas of England are currently in Tier 4 measures, thus greater consideration has been given in the PSED review as a result.
270. As a result of the new strain and high case rates rapidly rising, it is deemed necessary that Tier 4 measures (the strongest of the tier system) is in place across England to stem the spread of the virus. It would not be sufficient to place areas into different categories as overall case rates have risen across England. Consequently, placing the entirety of England in Tier 4 should decrease case rates in the long term, as it should ultimately save lives.
271. Under national restrictions, gyms, personal care, entertainment venues, tourist attractions, library buildings, community centres, town and village halls and all non-essential retail are closed. There are some exemptions and delivery and click and collect will be allowed where possible without entering the premises. Elite sport is still allowed to take place 'behind closed doors', including training and competition without an audience. Takeaway and drive-thru for hospitality is also allowed to continue (though no longer for alcohol sales which will further impact the industry). There are also a series of exemptions for businesses and venues which offer accommodation to allow them to offer accommodation in a limited number of circumstances. These include, but are not limited to: providing accommodation/ support services to: those in the process of moving to a new house; individuals attending a funeral; the homeless; individuals who reasonably require accommodation is for work purposes/to provide voluntary services; children requiring accommodation for school and women's refuges / vulnerable person's refuges. Performing Arts restrictions are strengthened and no performing arts events with audiences are allowed, including outdoor events and drive-ins. Non-professional activity is not permitted, but professional activity including

performance for streaming and broadcast and training activities can continue. Personal care services can also continue for people with essential health/medical needs that cannot be deferred

272. Modelling suggests the impacts of proposed restrictions on business closures, job losses and insolvencies this year, without further mitigations, to be substantial. Close contact services are likely to be one of the most affected sectors, along with hospitality, in this respect. To mitigate these impacts, the Government has support in place via the Coronavirus Job Retention Scheme, which prevents employees from being made redundant in affected sectors.
273. The social contact restrictions will have a potentially negative impact on those with protected characteristics, such as younger people who tend to socialise more outside their household and BAME people who are likely to have larger households and may be less able to spend time with their support network or wider family as a result of the inability to meet outdoors. The negative impacts are mitigated to some extent by the ability to meet one other person from outside your household for the purposes of exercise. However, the removal of an exemption from the stay at home rule for outdoor recreation will negatively impact individuals who cannot partake in exercise or cannot partake in exercise for a long period of time, such as older people and people with certain disabilities.

### ***Social Contact Restrictions***

#### **Age**

274. Younger people (17-24-year olds) are more likely to spend time socialising than people from older generations, so tightening restrictions to require people to stay at home unless exemptions apply will disproportionately impact this group.
275. The Office for National Statistics (ONS) has also found that lockdown and COVID-19 restrictions have had increased young people's levels of anxiety and loneliness. In November 2020, 68% of young people reported feeling lonely or stressed and 53% reported feeling lonely. These negative impacts may be worsened by restrictions affecting their ability to play indoor team sports and access outdoor sports venues and facilities. This may impact young people's wellbeing, physical and mental health, which may have impacts that extend into their later years, including on their education and career prospects.
276. Limiting supervised activities for only vulnerable children and young people and children of critical workers may negatively impact on the wellbeing of under 18s as they will not have access to their usual social and support networks, or to organised co-curricular activities which have been shown to have positive impacts on mental health (e.g. in reducing anxiety, and emotional distress); and will also have relatively less access to sports activities.

277. Support groups (including 1-2-1 support) are only permitted to be provided for young people assessed as vulnerable, which could negatively impact on the wellbeing of under 25s who may not have access to their usual support provision. Permitting services to make their own assessment of vulnerability rather than the definition of vulnerability being set within legislation may lessen this negative impact, as those deemed in need of support by youth services can receive it.
278. The closure of indoor gyms under tier 4 restrictions could disproportionately impact younger people (aged 16-24), as an estimated 14% of participants in physical activity belong to this age group. There are a number of groups petitioning Parliament to debate the health benefits of reopening gyms.
279. Further social contact restrictions will exacerbate the impacts on young people living in shared rented accommodation, who may not be living with friends or may experience difficult relations with those they live with. Vulnerable young people living with abusive families are similarly disproportionately impacted.
280. The impacts of Tier 4 social contact restrictions are partly mitigated as people can still meet one person they do not live with, in certain outdoor settings (e.g. parks) for exercise. However, this exemption will be less of a benefit during winter, it will become more difficult for certain groups of people, to be outside for long periods of time. This is likely to be more of an issue for older people. This impact on older people is exacerbated by the requirement to be partaking in exercise in order to meet another person from outside your household as older people may be less mobile.
281. Library buildings must close in Tiers 4 (except to provide certain services), which may negatively impact the over 65 age group, who account for almost a quarter of library visits. This may also especially negatively impact young people who will be unable to use library study space which was available previously (although academic study is not limited to one particular age group). This is especially the case for many young people from deprived background, many of whom are from the BAME community, who do not have access to internet or suitable study space at home, and who normally rely on libraries for this purpose. This may have an impact on their education, which has already been significantly disrupted, and have consequences for their life and career prospects.
282. People living alone, who are more likely to be older people, will also be disproportionately impacted, as the measures will restrict their ability to socialise indoors and outdoors. Older people or those with dementia might see negative impacts on their well-being on account of changes to their routine or social contacts. In November 2020, the ONS found that 50% of people over the age of 70 reported feeling bored. Such feelings can only be exacerbated by the restrictions to social gathering, which are likely to affect the way that they usually interact with friends and family. For instance, those living alone may be unable to interact with friends or family



members as frequently, which may increase loneliness and worsen mental health issues.

283. As noted above, people still can meet with one other person they do not live with or are in a support bubble with outdoors in certain public spaces for exercise. However, as was noted above, this is more difficult for older people during the Winter. In addition, people living alone can continue to establish a 'linked household' (support bubble), this may benefit elderly people living alone as it allows them to continue to socialise in all settings with one other household.
284. Currently, all volunteering is exempt from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on volunteering participation rates amongst older people. Findings from the most recent Community Life Survey (2019/20) show that the age group 65-74 years old had the highest participation in informal volunteering (36% at least once a month, 61% at least once in the last year) compared to most other age groups. Over 75s also participated more in the last month (33%) than age groups below 65 years old (24-30%).
285. However, it is worth noting that, while legislation permits all people to volunteer, clinically vulnerable people (including those aged over 70) have been advised at various points throughout the pandemic to take extra precautions when volunteering outside the home. This may have had the effect of lowering volunteering participation rates, outside the home, amongst this group.
286. Whilst the measures will have negative impacts, it will also protect people that are at higher risk from the virus. Of people with a positive test, those aged 80+, when compared to those under 40, were seventy times more likely to die. As a result, tightening the measures may have a positive health impact for older people. Whilst the health risk for younger people is lower, the health impacts of COVID-19, including 'long COVID-19', can have a significant impact on younger age groups.
287. The restrictions on performing arts activities, may have a disproportionate impact on older populations, 60+, who we know anecdotally are more likely to attend performing arts activities in normal time, which could have a positive impact on mental and physical health and general wellbeing.
288. Outdoor public playgrounds can remain open, but outdoor gyms are closed. Keeping playgrounds open positively impacts children and particularly children from lower-socio economic backgrounds who don't have access to private space. The closure of gyms can negatively impact those from lower socio- economic backgrounds as the equipment are aimed at adults who can look to exercise through other means.
289. We consider that any unfavourable limb 1 and 2 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore,

protect the health of individuals. This is especially relevant for older people who are more vulnerable to COVID-19.

### **Disability**

290. As disabled groups have been disproportionately impacted by COVID-19 restrictions, further social gatherings restrictions are likely to impact negatively on both physical and mental health.
291. Requiring people to stay at home and limit meetings for outdoors exercise to one other person when meeting someone from a different household will disproportionality impact people with disabilities. The potential loss of access to support networks and/or disruption to previous support mechanisms can reduce people's ability to cope effectively. This can include increases in stress and anxiety in the short term, or increase the risk of longer-term problems, for example increasing risk that people use negative coping strategies during this period, such as alcohol and drugs.
292. Disabled people are more likely to live in a care setting or with carers and will, therefore, be more restricted by the inability to meet people from outside their households. This is mitigated in part by the exemption of carers from the gathering restrictions both indoors and outdoors. This allows carers to visit or spend time with a disabled person and enable people that need support to meet others to not be isolated from friends and family. Furthermore, a disabled person in care can be visited by someone from outside the care home. However, this will not apply to all disabled people and many will be frustrated by their inability to socialise with others outside their household indoors or outdoors.
293. In Tier 4 there is an exemption to allow disabled people to take part in Indoor and outdoor sport and exercise classes. The rule of 2 may make it more difficult to meet with other people that have a disability. However, this is partially mitigated by including an exemption from the limit for 2 carers for each person, where they are reasonably required.
294. The Government has consistently sought to accommodate the needs of disabled people in its regulations to mitigate negative impacts. For a disabled person living with a sole carer can form a support bubble with another household and this would still count as a single household.
295. Some disabled people will be classified as clinically extremely vulnerable due to their disability. People in this group will be disproportionately negatively impacted by the advice that they should not attend work or volunteering outside their home during the national lockdown from January 2021 onwards.
296. We consider that any unfavourable limb 1 and 2 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. This is especially relevant for disabled people who are more vulnerable to COVID-19.

### **Marriage and civil partnership**

297. Weddings and civil partnership ceremonies can take place but there should be a maximum of 6 people attending, which will result in a number of people needing to postpone their ceremony. However, this limit is considered justified on account of the inherently social nature of a wedding and therefore the associated transmission risks.
298. There is an exemption to allow ceremonies to take place in private dwellings if one of the people being at end of life. This provides added flexibility for people who would otherwise be unable to hold a ceremony and may not be able to postpone.
299. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Pregnancy and maternity**

300. The tier 4 restrictions, in particular, the requirement to stay at home and only meet with one other person outdoors for the purposes of exercise may have additional negative impacts on new mothers. Postnatal depression affects more than 1 in every 10 women within a year of giving birth. Social isolation after birth is likely to exacerbate postnatal depression, whereas support from friends and family members can be significant protective factors against postnatal depression. Library events such as rhyme-time also have a positive impact on maternal mental health, as do support groups which include new parents, and childcare/supervised activities for children for critical workers.
301. There are a range of exemptions to support new parents, such as childcare bubbles and support bubbles for parents with children under the age of one or disabled children under the age of 5 who need continuous care. In addition, children under 5 are not counted as part of the rule of 2 for meeting with another person outdoors for recreation or exercise.
302. Permitting supervised activities for children in line with registered childcare and school closures will be limited to vulnerable children and children of critical workers. This will likely have a negative impact on parents but will ensure provision still continues to be available to support those parents most acutely impacted by these restrictions, specifically those that rely on this provision to work or to support vulnerable children. Informal childcare bubble also remain available for all parents with children under the age of 14.
303. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Sex**



304. The requirement to stay at home is likely to adversely impact women, who are believed to be at greater risk of domestic violence on account of restrictions to social contact as it may escalate the circumstances in which the violence occurs and reduce the opportunities that they have to engage with their support network. To mitigate this, there are exemptions allowing victims of domestic violence to continue to seek support from others outside their home.
305. We consider that any unfavourable limb 1 and 3 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Sexual orientation**

306. The requirement to stay at home are likely to have a negative impact on mental health. As adults who identified as LGBT were twice as likely as heterosexual adults to experience symptoms of common mental disorder, further restrictions are likely to have a disproportionate impact on LGBT people. In order to mitigate this risk, DHSC and the LGBT National Health Adviser are working to identify and support the health needs of LGBT people throughout the pandemic.
307. People living alone will continue to be disproportionately impacted, as the measures will place further restrictions on their ability to meet people outside their household in certain outdoor spaces. Provisional results from a survey by the LGBT Foundation found that, as of 23 April 2020, 30% of LGBT respondents reported that they were living alone during the lockdown period, including 46% of respondents aged 50+. This may mean that additional restrictions may disproportionately impact LGBT people. However, any person living alone can form a support bubble and also attend support groups, which may help to mitigate loneliness. In addition, people can meet with one other person that they do not live with outdoors for exercise.
308. In addition, LGBT people that are not living with friends may experience difficult relationships with people that they live with. The requirement to stay at home may exacerbate the impacts of vulnerable LGBT people to abuse by escalating disagreement and abuse and reduce the opportunities that they must engage with their support network. There are exemptions allowing victims of domestic violence to continue to seek support from others outside their home.
309. We consider that any unfavourable limb 1, 2 and 3 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Gender reassignment**

310. The considerations and mitigations set out in relation to the protected characteristic of sexual orientation apply to individuals going through gender reassignment.

311. Those going through gender reassignment who are not being supported by their household are likely to be disproportionately negatively impacted by reduced opportunities to engage with their support network on account of the gathering restrictions. However, this may be mitigated by the exemption for support bubbles and attend support groups for those who identify as LGBT, if applicable
312. We consider that any unfavourable limb 3 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. This is especially relevant for those people who are more vulnerable to COVID-19.

### **Race**

313. People from BAME communities are more likely to be sole parents than White, Asian or other groups. Lone parents may struggle more on account of the requirement to stay home and the limit on only meeting one other person outside household for exercise. However, this should be mitigated to some extent by the exemptions for childcare and the option for single adult households to form a support bubble with another household. In addition, children under 5 do not count towards the two person limit for outdoor exercise.
314. As BAME families tend to be bigger, they may also be disproportionately impacted by the inability to meet other people from your household indoors or outdoors (unless an exemption applies). This is because people in larger households may now be unable to socialise with their support network (not support bubble, which will be exempt from the policy) or wider family together. This may increase family tensions, particularly at a time in which there may be other pressures due to the coronavirus crisis. BAME families may also be disproportionately affected by the restriction on weddings and belief or religious lifecycle events.
315. Library buildings must close in Tier 4 (except to provide certain services). Libraries appear to attract a more ethnically diverse population i.e. a smaller proportion of those who self-classify as white but larger proportions of black, Asian and mixed ethnic groups. As was noted above, this may also especially negatively impact young people from BAME backgrounds who will be unable to use library study space which was available previously (although academic study is not limited to one particular age group).
316. However, the tighter restrictions in Tier 4 are seeking to reduce disease transmission to those persons from larger households, and those most at risk from the virus. Recent analysis from ONS has shown that ethnic minority groups are at a greater risk of mortality and morbidity from COVID-19. After taking account of age and other socio-demographic characteristics and measures of self-reported health and disability at the 2011 Census, the risk of a COVID-19-related death for males and females of Black ethnicity was 1.9 times more likely than those of White ethnicity. Therefore, the restrictions have a positive health impact on these groups.

317. The closure of indoor gyms under Tier 4 restrictions could disproportionately impact people with a mixed ethnicity, as people from this group are the most likely to be physically active out of all ethnic groups (68%) and who (like the rest of the population) rely on this for physical and mental health reasons
318. Tier 4 will continue to have an exemption from coronavirus restrictions for volunteering; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on people from certain BAME backgrounds:
- i. Findings from the Community Life Recontact Survey (2020) showed that ethnic minorities (excluding White minorities) were more likely to have started formal volunteering since the start of the coronavirus pandemic, compared with those from a white background (12% vs 8%);
  - ii. Black (24%) and White (23%) respondents showed higher participation in formal volunteering in the last month than Asian respondents (15%);
  - iii. Findings from the Community Life Survey (2019/20) showed that Black respondents participated in informal volunteering at least once a month (37%), more than White and Asian respondents (27-28%); and
  - iv. Volunteers are often able to respond more effectively than local authorities or government, to needs which are specific to ethnic minority communities.
319. We consider that any unfavourable limb 1 and 2 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

#### **Religion or belief**

320. The Government continues to make special provisions to ensure that people of faith are not disproportionately impacted by these restrictions. Places of worship will not be closed in tier 4. In addition, funerals of up to 30, and wakes and other funeral commemorative events of up to 6 can continue, which preserves some of the practices of people of faith. We expect this will have a positive impact on individuals that are religious, given the importance of funerals in many religions. We also expect to see a positive impact on those with larger family sizes, including those from BAME groups who are more likely to have larger families.



321. While places of worship are allowed to open, some venues used by faith and belief groups to meet for worship (such as community centres and libraries) cannot open under Tier 4 restrictions. This will have a disproportionate impact on those (often smaller) groups who use these spaces and cannot easily find an alternative. There may also be a disproportionate impact on BAME and lower socio-economic groups who are less likely to have their own worship space and more likely to rely on community assets for this purpose.
322. Limiting wedding ceremonies to 6 attendees is considered justified on account of the inherently social nature of these events but it is acknowledged will have a negative impact on those who wish to get married or enter into a civil partnership, which may indirectly impact on people of certain faiths more than others.
323. A funeral commemorative event (FCEs), such as a wake, is a meeting primarily for the purpose of gathering socially with friends and family to celebrate the life of the person who has died. These will be limited to no more than 6 people. FCEs are not conceptualised the same way by all communities. In some faiths (such as many Christian faiths), this is an integral post-funeral social gathering. In other groups, a wake is held the night before. They can be religious but are primarily a social adjunct to a funeral which is often not religious. Allowing an exception to the gathering restrictions for FCEs will apply to everyone who has lost a loved one so will be beneficial for people of all faiths and none.
324. The 6-person limit on commemorative events may disproportionately impact on certain religious communities where ceremonies require a certain number of attendees, for example Orthodox Jewish Ceremonies.
325. However, evidence is growing to suggest that Covid-related death rates are not evenly spread amongst groups in the UK and some groups are seeing disproportionate deaths in their communities and, therefore, these groups are more likely to suffer the consequences of not being allowed a wake of larger than 6 people but equally will benefit from this exemption allowing wakes and FCEs in some form. Enabling FCEs to take place will, therefore, have a positive benefit to both religious groups and those without religion as it is a crucial part of the bereavement process.
326. Limiting supervised activities to only vulnerable children and young people, and children of critical workers could also negatively impact on those belonging to this group, where restrictions on these activities would extend to cover religious settings, such as supplementary schools, which offer education in their own faith. With the exception of vulnerable children, and children of critical workers, this could impact negatively on children's ability to receive tuition in their own faith. However, we believe this is justified based on the public health benefits from limiting contacts, and where children receiving other forms of supplementary education provision (such as private tuition) will similarly be impacted. We also understand in response to previous

restrictions a number of these settings have moved their provision online, which should help to mitigate some of the potential impact to this group.

327. Tier 4 continues to exempt volunteering from coronavirus restrictions; this encompasses volunteering in its broadest sense, which includes both 'formal' and 'informal' volunteering. This exemption may have a disproportionately positive impact on certain religious groups, as volunteers are often able to respond more effectively than local authorities or government, to needs which are specific to particular religious groups.
328. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

#### **Lower Socio-Economic Groups**

329. The reported frequency of abuse, self-harm and thoughts of suicide/self-harm was higher among people experiencing socioeconomic disadvantage and unemployment. Psychiatric medications were the most common type of support being used, but fewer than half of those affected were accessing formal or informal support.
330. UK evidence shows that people most at risk of using avoidant coping strategies included those of lower socioeconomic position and having poorer mental health experiences across this period, suggesting that one's coping strategies could play an important role in how effectively individuals manage to cognitively and behaviourally manage stress during the pandemic.
331. Libraries can offer certain services in Tier 4 if safe to do so. The offer of free public computer access and WIFI in libraries will benefit those on lower incomes who may not have access at home. This could be particularly beneficial for accessing government support e.g. applying for Universal Credit.
332. Additionally, the stay at home order could have a disproportionate impact on this group due to their living conditions. Lower Socio-Economic groups tend to reside in small accommodation with limited access to private outdoor space (i.e. gardens) This could be further impact a person's mental well-being and health. To mitigate this, those within Tier 4 areas are able to, and are encouraged, to exercise, with their house, support bubble or with 1 person from another household.
333. We consider any disproportionate impacts are justified on basis that the policy aims to reduce disease transmission and, therefore, protect the health of individuals.

#### **334. Business Restrictions**

335. Further restrictions to performing arts events in Tier 4 will see a further reduction of the workforce currently needed, namely in hospitality and front of house roles. This may disproportionately affect young people, BAME communities, and those from lower

socioeconomic backgrounds. Alongside hospitality, NER and Personal Care which are currently closed 82% of personal care businesses are owned by females and 89% of employees are female which will impact women as a result of closures.

### **Age**

- 336. 29% of workers employed in non-essential retail are aged 16-24 (compared to 11% across the UK economy). As well, the negative impacts on young people as a result of restrictions on hospitality may be exacerbated by the prohibition of take-away alcohol if this leads to further strains on the sector.<sup>[1]</sup>
- 337. 37% of workers employed in hospitality are aged 16-24, compared to 11% across the UK economy, and 20% of workers employed in personal care are aged 16-24.<sup>76</sup>
- 338. According to Labour Force Survey data from the ONS, an estimated 55,000 jobs within music, performing and visual arts have been lost (30% loss, significantly higher than previous years). This could disproportionately impact over 60's who account for 16% of employees within the arts.
- 339. Young people are most likely to report being furloughed, on reduced hours or taking obligatory temporary leave (35%).<sup>77</sup>
- 340. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. This is especially relevant for older people who are more vulnerable to COVID-19.

### **Disability**

- 341. Employers are legally obliged to make reasonable adjustments to make sure workers with disabilities aren't substantially disadvantaged when doing their jobs. The Government has sought to address employment risks for disabled people with a range of measures, including the 'Access to Work' scheme, which offers advice and discretionary grants to disabled people. It also took steps to help disabled people work more flexibly during the pandemic, for example, by advising on the transfer of specialist equipment to the disabled person's home.
- 342. Further restrictions on activities undertaken by disabled people, for example performing arts, will continue to impact daily lives, and this is likely to increase with the further restriction of outdoor events and drive-in performances, and the restrictions of non-professional activity.

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<sup>76</sup> (Source: ONS Labour Force Survey, June-August 2020. Covers workers in the sector. A 3pp/50% difference from the UK)

<sup>77</sup> <https://britainthinks.com/pdfs/Covid19-Diaries-Data-Tables-April-2020.pdf>



343. Based on the definition by the Equality Act 2010, 16.8% of workers in the non-food retail sector are classified as disabled, compared to 14% across all UK sectors. This means this group is slightly overrepresented in these sectors and may be more impacted. There are lower employment rates among disabled people in general, which may mean that there will be disproportionate negative impacts on disabled peoples' employment and employment prospects.<sup>78</sup>
344. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. This is especially relevant for disabled people who are more vulnerable to COVID-19.
345. However, there are also opportunities for some disabled people which have been provided due to the change of working patterns during the pandemic. Many disabled people are likely to have faced difficulties in securing some jobs or felt deterred from applying for jobs where a physical presence in a workplace was expected, and where they may have been limited in their ability to do so. The shift of many sectors, including the Civil Service, to default at-home-working presents the opportunities for some disabled people who can more ably work from home, with the necessary support in place, and therefore have increased access to job opportunities which they may not have had access to prior to this pandemic.

### **Pregnancy and maternity**

346. Pregnant women are more vulnerable to changes in employment status as they are less able to seek new employment. Therefore, pregnant women impacted by the closure of retail premises, pubs and bars may be disproportionately impacted. We do not have specific analysis on the number of employed pregnant women. There is also a risk of increased discrimination against pregnant women if businesses have to make difficult decisions about which staff to keep on; the Equality Advisory and Support Service has received a significant number of calls regarding workplace pregnancy and maternity discrimination since the start of the national lockdown.<sup>79</sup>
347. The restriction on indoor play areas and centres and supervised activities for children may have negative impacts on new mothers by restricting these childcare activities and presented challenges to seeking employment. However, the Government has introduced a range of exemptions to facilitate childcare.
348. To mitigate risks of pregnant women's employment, the Government has issued guidance to employers on working flexibly and providing workplace adjustments to ensure pregnant employees could work from home. Employers also have a legal

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<sup>78</sup> Source: BEIS calculations based on ONS Annual Population Survey data Jan 2019 – Dec 2019

<sup>79</sup> Source: EASS internal records)

obligation to assess and review the risks at work for pregnant women and breastfeeding mothers who have returned from maternity leave, and to put in place appropriate mitigation measures.

349. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Race**

350. The Office for National Statistics (ONS) has produced data showing that people from BAME communities are at greater risk of severe adverse health outcomes from COVID-19. This means that BAME people also stand to benefit more from restrictions to halt the spread of COVID-19.
351. In the hospitality sector there is a high number of ethnic minorities, one in twelve in twelve (8%) workers from BAME backgrounds are employed in the hospitality sector, compared with about one in 20 (5%) white British workers. In retail approximately 13.5% of workers in the wholesale and retail sector are BAME compared to the national average of 12.4%. BAME groups working in non-essential retail tend to be older, especially those of Pakistani and Bangladeshi origin. Only 14% of White British 30-44 year olds work in this sector compared to 40% of Bangladeshi 30-44 year olds.<sup>80</sup>
352. Employers have the responsibility to communicate appropriately with those workers whose protected characteristics, such as race, may expose them to a higher degree of risk. They should consider whether any particular measures of adjustments are needed to take account of their duties under the equality's legislation.
353. BAME workers disproportionately make up some of the sectors which have experienced some of the greatest impacts from the lockdown, especially the retail and hospitality sectors. Within the hospitality sector, people of a BAME background comprise around 15% of the workforce, compared to 12% of the total UK workforce. More specifically, BAME groups account for 20% of the restaurant and café sector workforce.
354. Restrictions will likely disproportionately affect the self-employed. We know that 20.4% of workers in the combined Pakistani and Bangladeshi ethnic group were self-employed, the highest percentage out of all ethnic groups. A high proportion of the Black, Pakistani, and Bangladeshi groups are employed in sectors where businesses have been required to close and are therefore more likely to be negatively impacted. For example, the combined Pakistani and Bangladeshi ethnic group had a higher percentage of workers in the distribution, hotels and restaurants sector (30.7%) which are currently closed.

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<sup>80</sup> (Resolution Foundation)

355. People from ethnic minority groups tend to work in occupations that make it harder to work from home, so may be less able to take up future new working methods. For those who are in low income groups, the ability to work from home may be more difficult due to more limited access to IT resources, less space in the home and more caring responsibilities for children or the vulnerable within the home and this could lead to reduced income or loss of work. For example, we know that 18.9% of Black households were made up of a single parent with dependent children the highest percentage out of all ethnic groups for this type of household.
356. Conversely a positive economic impact is expected for lower income groups that work in those businesses that remain open, such as supermarkets.
357. The closure of indoor sports and other leisure facilities may impact the mental and physical health of the majority of ethnic minority groups who live in urban areas with fewer open spaces. The Government has published free ways to improve mental and physical health through using online resources.
358. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. The health impacts to be gained from restrictions in high incidence areas are considered to outweigh the costs of the measures and this is particularly true for BAME people who are more vulnerable to COVIDd-19.

#### **Religion or belief**

359. The closure of certain businesses (such as theatres, cinemas) which are also used as venues for faith and belief groups to meet for worship will have a negative impact on these groups and may affect their mental health.
360. There is a lack of data regarding the religious beliefs of workers within the sector.

#### **Sexual orientation and gender reassignment**

361. We have identified anecdotal evidence that there has been a detrimental impact on LGBT people due to restrictions imposed in the night-time economy, such as the closure of nightclubs and the early closure of bars. Gay and Lesbian bars and clubs may represent a focal point of LGBT culture in a way that is more pronounced than in the heterosexual community. Based on data from the National LGBT Survey 2018, 10% of LGBT respondents were working in hotels, restaurants, cafes and bars. Therefore, the closure of bars may have a disproportionate impact on this community.
362. The Business Impact of COVID-19 Survey (BICS) published by ONS found that across all industries, the highest proportions of furloughs were reported by the 'Arts, entertainment, and recreation' industry and the 'Accommodation and food service activities' industry (42% and 33%, respectively).



363. It should be noted that as sexual orientation monitoring is not generally collected by major employment surveys, that there may be issues that LGBT groups are adversely affected but that we are currently unable to capture.
364. We consider that any unfavourable limb 1 and limb 2 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals.

### **Sex**

365. ONS data on death rates in England and Wales suggests that men represent 58% of deaths involving COVID-19 so far. It is unclear whether this has any correlation with occupation or other risks related with sectors that remain open. In the health sector, a BMA council member has stated that 7 out of 10 women don't have appropriately fitting PPE and are therefore at increased risk in frontline roles.<sup>81</sup> However, women may have a heightened risk of exposure to COVID-19 as they are over-represented in key worker roles such as in healthcare; for example, as of September 2019 women represented approximately 78% of frontline staff. General guidance for workplaces has been put in place by the Government to mitigate health risk, there could be particular impacts from some business closures disproportionately affecting people based on their sex. Women tend to dominate employment within leisure industries occupations and close contact services, making up to 78% of the work force. As such, women may be disproportionately affected by, for example, hair salon closures. The Government has support in place via the Coronavirus Job Retention Scheme, which prevents employees from being made redundant in affected sectors.
366. Women are disproportionately represented in lower income occupations such as close contact services (80%), non-essential retail (61%) and hospitality (56%) of all which are impacted by increased COVID-19 business closures and restrictions. Across the UK economy, 48% of workers are women.<sup>82</sup> A recent beauty sector publication also estimates that 82% of businesses in the sector are women owned.<sup>83</sup>
367. It is likely that Tier 4 business closures will have a permanent impact in relation to the role online sales plays in retail. Online had already seen significant growth between 2007 and 2019 from 3% of total retail sales to 19% of total retail sales. In November 2020, online increased to record level of 36.2%, a level some predicted would be reached in 2030. Consequently, we are likely to see less physical footprint of retail, a

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<sup>81</sup> Source: <https://canvas.vuelio.co.uk/britishmedicalassociation/bma-in-the-news-thursday-23rd-april-2020/view/covid-19-dr-helen-fidler-on-bbc-radio-4/item>

<sup>82</sup> : BEIS calculations based on ONS Labour Force Survey data, June 2020 – August 2020. Close contact services and hospitality defined as SIC codes 96 and I, respectively. Non-essential retail defined as SIC codes 47.19, 47.25, 47.26, 47.4, 47.51, 47.53, 47.54, 47.6, 47.71, 47.72, 47.75, 47.76, 47.77, 47.78, 47.79, 47.82, and 47.89.

<sup>83</sup> NHBF Industry Statistics 2020.

trend that was already underway before COVID-19 but likely now to have accelerated. It is therefore likely there may be fewer jobs in the retail sector, potentially replaced by jobs in warehouses and distribution. This could negatively affect women who are mostly employed in retail while men are mostly represented in warehousing and distribution jobs. Already, job vacancies in retail have declined by 28% in the three months to April 2020 compared to the same period the previous year bringing it down to levels last seen in 2011/2012.

368. Overall, the impacts on employment for different sexes are mixed. There is some indication of marginally higher rates of men being furloughed or working fewer hours than for women (24% of men reporting vs 21% of women reporting), however, the IFS analysis of the Labour Force Survey data suggests that one in six (17%) of female employees work in closed sectors compared to one in seven (13%) of male employees.
369. Further impacts relating to children and to those from lower income groups may also impact women who constitute 86% of single-parent families, carry out an average of 60% more unpaid work in the home than men, and form a higher proportion of lower income groups relative to men. As stated previously, HM Treasury has introduced a number of mitigating measures to offset economic impacts.
370. Business closures may disproportionately impact victims of domestic abuse, who are predominantly women, through having less recourse to go out to visit businesses or leisure premises and therefore having to remain at home with their abuser. As of 27 April 2020, calls to the National Domestic Abuse Helpline, run by Refuge, had spiked significantly during the lockdown – seeing an on average increase of around 50% in calls since lockdown measures began.
371. ONS data on death rates in England and Wales suggests that men represent higher numbers of deaths involving COVID-19 than women. Therefore, men stand to benefit more from new restrictions that limit the transmission of COVID-19.
372. We consider that any unfavourable limb 1 consequences are justified on the basis that the policy aims to reduce the transmission of Coronavirus and, therefore, protect the health of individuals. We have not identified any impacts for this protected characteristic under limbs 2 and 3.

### **Lower Socio-Economic Groups**

373. The closure of non-essential retail will have economic impacts for those it employs, which are in the large part lower-paid workers. We know that lower-paid and lower-skilled workers have been worse affected by the crisis and are losing their jobs in greater numbers than high earners. Wages in the hospitality sector are £11,000 below the UK median wage; £9,000 below the UK median wage in the Personal Care sector,

where over half of employees are part-time; and £7,000 below the UK median wage in Non-Essential Retail.<sup>84</sup>

### **Marriage and Civil partnership**

We have not identified any impacts for this protected characteristic under any limbs.

### **Financial**

Applicable to all geographical areas currently in England under the Tier 4: Stay at Home, National Lockdown.

374. In order to support individuals, businesses and Local Authorities to deal with the impacts of Tier 4: Stay at Home National Lockdown, the Government has implemented several initiatives which mitigate the negative impacts for all groups, including those with protected characteristics. These initiatives include:

- The Furlough scheme has been extended to end of April 2021 to support people and businesses that are impacted by lockdown measures.
- All business premises which are closed as a result of the national lockdown will receive cash grants of up to £3,000 per month.
- Borrowers who have been impacted by Covid-19 and have not yet had a mortgage payment holiday will be entitled to a 6 month holiday and those that have already started a mortgage payment holiday will be able to top up to 6 months without this being recorded on their credit file

375. The aim of the above measures is to cushion the negative economic impact on affected businesses and their employees both in the short and long term, by allowing affected businesses to continue to operate and retain staff. This will be particularly important for reducing the long-term impacts on workers that may result from prolonged unemployment because of these necessary measures.

376. Although the equalities impact of these support measures is not assessed here, their implementation is relevant as a mitigating factor against the negative equalities impacts of the additional restrictions applied.

### **Conclusion**

377. We have reviewed Tier 4: Stay at Home measures and provisions and are content that the equality analysis has considered disproportionate impacts and are justified on the basis that the policy aims, and intent continues to

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<sup>84</sup> (Source: ONS annual survey of hours and earnings 2020)



reduce transmission, and therefore protect the health of individuals. To note, that all geographical areas in England are in Tier 4.

### **Review Conclusion**

378. The PSED is prepared to enable Ministers to consider any potential equality impacts associated with the measures outlined in each Tier, in order to prevent the spread of the virus and ensure that any measures are necessary and proportionate. The PSED is made up of the following three elements; requiring the Minister to have due regard to the need to:
- i. **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the 2010 Act.
  - ii. **Advance equality of opportunity** between people who share a particular protected characteristic and people who do not share it.
  - iii. **Foster good relations** between people who share a particular protected characteristic and people who do not share it.
379. This equality analysis for the PSED has reviewed all measures, provisions and restrictions in Tier 1, Tier 2, Tier 3 and Tier 4, with a stronger emphasis on Tier 4 as all areas within England are placed here, with measures akin to a national lockdown.
380. Based on the review completed 16 February 2021 our assessment is that the restrictions and the impact they have on the protected characteristics are considered to be justified on the basis that the policy aims to reduce Covid-19 transmission and protect the health of people. The Secretary of State for Health and Social Care may introduce further restrictive measures, if needed to reduce transmission in the event the rate increases.
381. This review was commissioned on the 12 January 2021 and the 9 February 2021 in which a formal assessment was completed by other government departments, this has been incorporated into the review.
382. Throughout each regulatory change the government have submitting PSED's in line with any measures, provisions or restrictions that may impact the equality analysis and will continue to do so.
383. The Government is committed to keeping policies under review, and that the Secretary of State for Health and Social Care has a legal duty to review geographies places in their respective tiers every 14 days, and review the need for restrictions and requirements imposed by the regulations at least once every 28 days for which this review covers.

384. Of all the Tiers, the measures in the revised Tier 4 are considered to be the most effective in controlling the transmission of the virus. As all of England is currently placed in Tier 4, the measures will disproportionately benefit those most likely to experience a severe form of Covid-19, or mortality resulting directly from Covid-19. The analysis shows that ethnic minorities, older people and people with certain disabilities will disproportionately benefit from the measures.

### **Decision**

385. The review of the geographical areas and the measures in the All-Tier Regulations will have an impact on protected characteristics as the restrictions within Tier 4 are designed to rapidly reduce the risk of COVID-19 infections through the implementation of tougher measures. As all of England remains in Tier 4, individuals may experience negative impacts, however these are limited through mitigations and are deemed necessary and proportionate. As part of the review, we have concluded that the decision to leave all areas in Tier 4 has been assessed and is deemed necessary.
386. The Secretary of State for Health and Social Care was aware that the restrictions across all Tiers (and in Tier 3 and 4 in particular) have the potential to result in greater negative impacts on all groups with protected characteristics. However, these restrictions are justified because they have been designed to reflect the very high risk of transmission of disease in the settings in which the restrictions apply.