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THIS PAPER IS FOR DECISION

SC(21)02

RESTRICTED HANDLING

SCOTTISH CABINET**COVID-19: ADDITIONAL EMERGENCY MEASURES IN LEVEL 4****PAPER BY THE DEPUTY FIRST MINISTER AND
CABINET SECRETARY FOR EDUCATION AND SKILLS****Purpose**

1. Cabinet is invited to consider this paper and its annexes to inform discussion and decisions on immediate emergency measures to strengthen Level 4, in response to spread of the new variant strain of the virus.

Timing

2. This paper will be considered at Cabinet on Monday 4 January, prior to announcement of decisions later that day.

Background

3. On 19 December an emergency Cabinet meeting decided, in response to emerging evidence on transmissibility and spread of the new variant strain of the virus, to move all of mainland Scotland to protection Level 4 from 26 December as a preventative response (*SC(20)49th Conclusions refers*).

4. Following further discussion at Cabinet on 22 December (*SC(20)50th Conclusions refers*), the First Minister told Parliament that the restrictions would be kept under very close review in the light of the data, evidence and modelling; and she warned that further measures might be needed. In particular, she said that we were considering whether the guidance to stay at home should be put into law. Options for further measures were developed on a contingency basis and advice was put to Ministers on these on 31 December.

5. In the light of further data on case numbers across Scotland over the past week and further emerging evidence on the new strain, Ministers met chief clinical advisors and lead policy officials in 'Gold Command' format on 2 January. At that meeting, the First Minister concluded that urgent further action would be required to curb and reverse the strong growth in transmission; that proposals should be put to Cabinet for collective discussion and decision-making on 4 January; and that the Presiding Officer should be asked to recall Parliament to consider them later that day.

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Current state of the epidemic

6. **Annex A** provides a summary of the current situation and recent developments in relation to the new variant strain of the virus, based on PHS data, SAGE, Spi-M and NERVTAG evidence and research by Imperial College London, among others. In sum, it is clear that the new variant strain is much more transmissible than the previous strain (although there is a range of estimates as to exactly how much more so); that it appears to infect young people more easily than the previous strain of the virus (although there is as yet no conclusive evidence that the health effects on young people are more serious); that it is well on the way to becoming the dominant strain in Scotland; and that there is good reason to believe that it may be responsible for the recent strong growth in the number of cases, which comes at a time when the NHS is already under great pressure and is approaching the point of peak seasonal demand.

7. On the basis of this picture, clinicians' view is that without further firm preventative action the NHS in Scotland is likely to be overwhelmed within the coming month, with more local emergencies appearing before then.

Options and recommendations

8. Ministers considered a range of potential options for further strengthening of protective measures in Level 4, to be implemented by both guidance and regulation. Some of these can be implemented almost immediately; others require more work and rapid consultation with affected sectors and groups before they can be put into place. It was concluded that the package of tightenings summarised at **Annex B** should be put to Cabinet. Chief among the new measures are putting the stay at home/work from home guidance into law, combined with a reduction in the number of people from different households who can meet outdoors from 6/2 to 2/2 (excluding children under 12); and reducing the numbers of adults who can meet for organised outdoor exercise and sport. It is proposed that these tightenings should remain in place until at least the end of January, subject to a review after two weeks.

9. Taken together, it is considered that these measures should have a significant impact in suppressing transmission: but it is not clear whether they will reduce the R rate below 1, in part because the effects of the Christmas Day 'bubble' relaxation and the 26 December tightenings have not yet fed fully through into the data.

Education

10. Against that background, and in the light of the emerging evidence on transmissibility of the new variant strain, I have urgently been considering whether to delay further the return of schools beyond 18 January, on the basis of advice from the CMO's Advisory Group, the Sub-group on Education and Children's Issues, and the Education Recovery Group – which meets again immediately before Cabinet – as well as discussions with officials. With great reluctance, I have concluded that it will be necessary for schools to move to a model of remote learning for all children with the exception of provision for vulnerable children and the children of key workers for a further period. It is difficult to predict with any certainty just now the duration of that period, although we might work on the basis of 1 February in the first instance. This should be coupled with a commitment to review this decision on a fortnightly basis to ensure schools do not remain closed for any longer than is absolutely necessary, and

16. The immediate **economic impact** of the restrictions is expected to be relatively limited, given that the additional restrictions are primarily focused on individuals and households: but there may be some indirect effects because of further reductions in footfall, and the continuing closure of schools will undoubtedly impact on the ability of parents and carers to work, whether from home or (for those who cannot work from home) at their place of employment; and where parents work in public services, there may also be a workforce impact on public service provision.

17. The economy remains in a very fragile state. Overall output is down 5.7 per cent from pre-pandemic levels, with some sectors hit particularly hard – accommodation and food services is down by 43.5 per cent. 200,000 workers are now on furlough – an additional 25,000 in accommodation and food service were furloughed in December, on top of 23,000 in retail between October and December. Business resilience is very low, with 28 per cent of businesses reporting either zero or less than three months' cash reserves and 15 per cent reporting severe to moderate risk of insolvency. Under OCEA's central scenario, the economy is not expected to recover to pre-pandemic levels until 2023, with significant downside risks of permanent loss of output and scarring. Unemployment is expected to rise significantly in the second quarter of 2021, again with major downside risks.

18. Overall, it should be acknowledged that the action proposed will have a potentially significant impact on the other three harms, although it can be expected to have some positive impacts on Harm 2 to the extent that it protects non-COVID NHS capacity; but it is concluded that the threat of the new variant strain justifies additional measures; and it is consistent with the Framework for Decision-Making and our expert advice to take preventative action on the precautionary principle, as recently reconfirmed by the judgement of Lord Ericht in the Court of Session – not least because, all other things being equal, taking early action should mean that restrictions can be in place for a shorter period.

Engagement with local government

19. Given the speed with which it has been necessary to develop these measures, there has not been time for much engagement with local government, or with delivery partners, on the substance of the proposed measures: although officials have spoken in broad terms to COSLA, SOLACE and Police Scotland to warn them that changes are being considered.

Public opinion, compliance and enforcement

20. According to the most recent polling, which was before Christmas, overall trust in the Scottish Government and support for our approach remain high; as does self-reported compliance with restrictions, although a quarter of those polled continue to report low compliance and to say that they find it hard to stick to the guidance. Police Scotland continue to enforce the regulations governing the protective measures, with the latest data showing 1,389 COVID-19 interventions (including 1,174 compliance dispersals and 258 FPNs) issued in the seven days prior to 30 December. This included 597 travel restrictions interventions, with 121 FPNs issued.

STATE OF THE EPIDEMIC IN SCOTLAND, 3 JANUARY 2021

A new variant of SARS- CoV-2 has been detected called B.1.1.7 or VUI-202012/01. The latest evidence from Imperial College, published on 31 December presents a consensus that this new variant has a substantial transmission advantage, with an estimated increased rate of transmission between 0.4 and 0.7.¹ The percentage of cases composed of this new variant is increasing rapidly, from 42.7 per cent on 31 December to 47.5 per cent on 3 January. It is very likely that this strain will further increase in dominance in Scotland in a similar way to that already seen in London and SE England.

In the week up to 3 January, we have seen a step change in the incidence and prevalence of the virus, which we anticipate will lead to increased hospital admissions and mortality, even within the context of nationwide Level 4 restrictions which came in to play on the 26 December. Daily case numbers have risen by an average of 75 per cent to around 2,100 confirmed new cases per day over the past week. The percentage of positive tests has risen sharply to around 12 per cent overall from around six per cent the previous week.² On 3 January, 15.2 per cent of new tests for COVID-19 that reported results were positive. At Christmas and New Year it is often difficult to interpret rates of infection due to changes in behaviour that can affect testing. The cumulative seven day incidence per 100,000 of the population by specimen date to 30 December is 225. This has risen by 65 per cent, from 136, the level at the time of the announcement of tighter post-Christmas restrictions.

As of 31 December, East Ayrshire, East Renfrewshire, Glasgow, North Lanarkshire, Renfrewshire, Inverclyde and Dundee City have all increased to over 200 cases per 100,000. Other areas with large increases this week include Angus, Dumfries and Galloway, Highlands and Scottish Borders.

Only the Orkney and Western Isles have case numbers below 20 per 100,000 up to 31 December.

The UK as a whole is experiencing substantial increases in case numbers. Using cumulative seven day incidence per 100,000 for the month of December, Scotland's case rate has consistently remained lower than the rest of the UK despite recent increases. Over the month of December the number of cases per 100,000 has doubled from around 100 to around 200 cases per 100,000. There is a five day lag with specimen data so by using reporting date to 3 January there were around 270 cases per 100,000, which is a 75 per cent increase on the week prior using this metric. In comparison to London and SE England our rates are around four weeks behind the increase in rates that they continue to observe. Over December the case rate per 100,000 in London increased to more than five-fold the rate at the start of the month and in the South East the case rate almost quadrupled. The emergence of the Variant strain (VOC202012/01 also called B.1.1.7) as a dominant strain type with increased transmissibility is thought to largely explain the increased rates of infection in London and South East England. The increase has been despite public health measures introduced to try and curb this spread in England.

¹ [Report 42 - Transmission of SARS-CoV-2 Lineage B.1.1.7 in England: insights from linking epidemiological and genetic data | Faculty of Medicine | Imperial College London](#)

² We should be cautious about data over the festive period, testing dropped by around 20% over the past week. It is likely that fewer people with milder symptoms came forward for testing over the festive period, which may affect test positivity.