

Fire Break Options and Analysis

Summary

The attached paper and annexes provide further analysis to try and begin narrowing down options and identify key issues to resolve for:

1. A time-limited firebreak to attempt to bring R_t below 1 and address capacity constraints in healthcare infrastructure.
2. A subsequent revision of national rules and encouraging behaviour change in order to maintain R_t at around 1.1 over the winter.

This main paper focusses only on the first issue as the immediate priority, though the second is touched on in supporting documents. Further work is underway to develop options for the post-firebreak rules.

Planning phases

There are likely to be broadly three phases of work that all need to be planned simultaneously:

- The firebreak itself – regulations, guidance, financial support, communications, enforcement, etc.
- During the firebreak – communications / public information campaign, intensive engagement with partners and public, engagement with the Senedd and local leadership, how to improve local surveillance and response, TTP and health capacity
- Preparing for after the firebreak – new national rules, guidance, thresholds for further action and what that would be, communications / public information approach, transparency on data, trends and decision-making, plan for Christmas holiday period, clarity on settled rules (e.g. no continuous changes)

Scrutiny and engagement

To support discussion during the firebreak it may be worth considering the merit in publishing something either at the same time as the fire-break or shortly afterwards that sets out a vision for the next 6 months:

- Either draft regulations or a description of the proposed rules that will be in place post-firebreak. Potential for debate in the Senedd.
- Rounds of engagement events with representative bodies and stakeholder groups during firebreak (again based on an initial proposed list of new national measures). This could explain the situation and ask those groups how risks can be mitigated and how they can support behaviour change.

Discussions could usefully be framed around a short and clear narrative about why the current rules haven't worked, what the specific issues are that need to be solved, and ask for help in how their particular sector or area can help address those problems. This would involve being open and clear that current rules and behaviours are not sustainable as they are leading to exponential growth. We need to collectively agree rules to take us through the winter. This means some things may need to be more restricted, and behaviour on household mixing needs to change to limits contacts as much as possible.

Funding support

The scope to support businesses and employees in the event of national restrictions being reintroduced is largely dependent on the financial support from the UK Govt; based on availability of funding and scale of impact, it will not be possible for Welsh Government to offer the scale of financial support HMT are able to provide to those businesses and their employees impacted by national restrictions.

As a result if we are to introduce national restrictions, a key dependency is that Welsh businesses and employees are able to access the enhanced Job Support Scheme (JSS) announced by the Chancellor on Friday (9th October). This provides 67% coverage of wage costs for businesses which are required by law to close, up to a limit per employee of £2,100 per month from 1st November. Our estimate is that the cost to the Treasury of providing this support to eligible businesses in the event of a Wales wide lockdown would be around £100m a week, so it is essential that the UK Government accepts a decision by Welsh Government to close businesses as determining eligibility without any additional conditions being met. HMT officials have indicated that, provided the Welsh Government legally requires businesses in Wales to close, those businesses will be eligible for the enhanced JSS without any further conditions or constraints.

It is the view of officials that accessing the enhanced JSS is the only way sufficient funding can be provided to businesses to enable them to survive a significant period of closure. We will therefore require Welsh Government to take action via regulations to force businesses to close. On this basis, we would then be able to provide additional support to businesses to supplement that from UK Government, as has been our position through the Covid 19 crisis.

We will need to have a financial package in place to complement the UK Govt funding at the point we begin the firebreak. We have the £60m local lockdown fund, which can be adjusted, and there is an option to rerun ERF 1, but that will likely need additional cash. We could support operating costs, but UK Govt would have to meet wage costs. We have initial figures on what an enhanced support package might cost (see below).

Some key decisions and clarifications linked to funding support include:

- The level and duration of support for businesses required to close, and those materially affected.

- Whether we are able to provide funding to plug the gaps in UK Government support for businesses forced to close with the following options:
 - Increase the £60m allocated to the Rapid Reaction (local lockdown) Fund – both quantum and coverage, e.g. increase from current level of £1k to £3k for each three week period. On a national level this would cost an estimated £42m per three-week cycle (£168m for a three month period) to support around 14,000 businesses with properties up to £50k rateable value. This could be administered via the local authorities.
 - Allocate new money to re-run ERF Phase 1 (essentially paying businesses to “hibernate”) to support businesses non-wage operating costs. If eligibility for micro-businesses was restricted to those not able to benefit from the Rapid Reaction Fund, this cost could be halved.
 - Continue with the ERF phase 3 development fund to continue to support businesses which are sustainable (£80m) and which includes a specific tourism and hospitality element (£20m).

Consideration will need to be given to further support for the self-employed: to pressing UK Govt to revise the terms of the next round of SEISS, plus revisiting support mechanisms WG has developed, e.g. for freelancers, and increasing these. Where possible, these conditions and this support should be time bound to provide clarity and certainty to businesses. This will also ensure we do not run out of funding, as based on current assumptions we may only be able to run two rounds of funding for national restrictions, based on a 2-3 week shutdown.

Assumptions

The following assumptions have been applied, which it would be helpful to confirm:

- Any fire-break is strictly time-limited. It must be lifted at a pre-agreed date and not be subject to review. This is vital for public and business confidence.
- The intention is to bring Rt to below 1 and to use the time to refresh the national rules and public messaging for the winter period.
- This will be done in a way that protects lives and livelihoods, recognising the need to minimise longer term social, economic and health harms.
- Shielding advice remains unchanged – the firebreak will apply to all so the risks are reduced in any case

Headline issues to resolve

Annex A sets out the key issues raised to date. Assuming we have a 2 week firebreak with a clear stay at home message, there are a much longer list of detailed questions arising from a rapid consultation with policy departments that will also need to be worked through. Getting agreement on the headlines will help shape that more detailed work. The areas covered in annex A include a discussion on the 2 or 3 weeks and stay and home or stay local issues, and also include:

- Education and childcare settings to stay open and keep closed
- Household mixing – extended households and outdoor activities
- Business closures – broad coverage (stay at home implication) or targeted list (ultimately political decisions on balance of risks)
- Public and support services staying open
- Other settings like community centres, places of worship, or recycling centres
- The list of reasonable excuses to leave home
- Transport

Annexes

- Annex A – Key issues to resolve
- Annex B – Equality impacts
- Annex C – Wider impacts
- Annex D – Legal Advice

Annex A: Key issues to resolve

1. Two or Three weeks fire-break

Scientific advice is that a minimum of two weeks is needed, but three weeks or longer would be preferable. The longer the fire-break the greater the economic, financial, social and wellbeing costs associated with restrictions.

A shorter firebreak might be best supported by more stringent conditions. It is vital the firebreak is effective and does what we need it to. An approach that closes some things but not others, and is then not demonstrably effective, could undermine the sacrifices made by those that had to close in favour of those that don't. A condition of financial support is also that a business has been required to close – so those that will have little business because of travel restrictions (e.g. tourism or accommodation) may need to be legally required to close.

The behavioural change that is required by individuals in how they manage the risk of the virus once the firebreak is lifted is a critical part of the approach. Fostering a sense of solidarity by restrictions that apply to all as far as possible could be more effective at generating this than picking on particular sectors. The perceived severity of restrictions is also likely to have an impact on behaviours as a signal about the degree of current risk.

The balance of contributions to this paper appear to prioritise a shorter firebreak, even if this meant more widespread closures. **This might suggest a 2 week firebreak but with stay at home type messaging (and thus wider economic closure) – see below.**

2. Stay at home or stay local

This will have a material impact on a wide range of other areas, from the economy to private travel. It is also worth noting that the majority of the population are already under travel restrictions to stay within their local health protection area. For some areas (e.g. Bangor and Llanelli) this is a small geographical area.

The most effective from a health perspective is for the stay at home provisions to be reinstated. This is a simple message, conveys the seriousness of the issue, and is easy to regulate and enforce. It also provides the best opportunity to ensure the firebreak is a success in its objectives. This is, however, the most costly in terms of the economy (it effectively closes non-essential retail, leisure, tourism, etc.) and in terms of wellbeing as people are confined to homes except for the reasonable excuses. A more generous set of reasonable excuses could mitigate this a little (e.g. on outdoor activity), but costs will still be high so any stay at home provision should be in place for as short a time as possible.

The alternative approach is a stay local message (reinstating the 5 mile guidance). This could allow for some businesses to remain open to local residents, but requires a more granular selection of which businesses to require to close and which to allow to remain open. Those allowed to remain open may want to close in any case if demand from stay local made it unviable, or simply to reflect the national mood and

public response (in first wave most businesses shut even if not required to). Not having a business as required to close in the regulations may limit the financial support available to them. This will inevitably lead to complex discussions and disagreements about the relative risk associated with different settings.

A stay local message will also represent a relaxation in some areas that have more restrictive travel arrangements in place and could unintentionally lead to greater travel and activity from those people currently constrained by local health protection areas.

In balance, and if linked to a shorter 2 week firebreak, the contributions to this paper leaned more towards a **recommendation for a stay at home message** with appropriate reasonable excuses.

3. Education and childcare

The planning of the firebreak to include the half-term holidays will mitigate the effects on education and childcare to a degree.

The assumption is that **childcare services (including Flying Start childcare) remain open, with children able to attend as normal**. Relevant exceptions will be needed in Regulations. Holiday childcare schemes generally run in school holidays, and often take children from a number of different schools. Some run from school sites or other venues such as community centres. It may be necessary to provide for exceptions for those premises being closed to continue to provide childcare.

Given the lower risk and importance of early years education it is also proposed that **primary schools remain open** and return fully following the half-term break.

There is a higher risk associated with secondary schools, and SAGE has pointed to the significant impact of schools on the rate of transmission. It is therefore proposed that **secondary schools remain closed to pupils for the period of the firebreak**, but teachers are asked to use this time to prepare further online activity for use over the winter period. There are likely to be legal issues to work through to facilitate these closures. Teachers would therefore be asked to stay in touch with learners, using WG guidance and all staff in the school

In terms of HE and FE provision there is a risk of mass migration of students, which could potentially undermine the approach to the firebreak and put universities and others under significant financial pressure if it led to reneging on rent or leaving of courses. A stay at home message and the widespread closure of hospitality and leisure businesses this implies may limit opportunities for social mixing, but this remains a risk within the student population (particularly if teaching is suspended). The timing of the firebreak may coincide with 'reading weeks' for those courses that have them and **HE / FE institutions are asked to provide blended provision where there are plans in place to do so**. There are significant concerns being raised by officials about the unintended consequences or requiring an online only provision during the firebreak or subsequently, not least for uncontrolled mixing of students.

It is also assumed that informal childcare will continue to be permitted. This is closely linked to the rules on households mixing, and may need to be specifically addressed in the Regulations.

4. Household mixing

There is already a restriction provision in place in local health protection areas of **no household mixing indoors at all, with an exception for single adult households or single parent households being able to mix with one other household.** This could be applied on an all-Wales basis under a firebreak.

The simplest approach for a short period is to suspend all extended household arrangements entirely and to have a reasonable excuse to visit someone if there is a concern about their health and wellbeing (e.g. because they are isolated). This would represent a tightening. This is unlikely to be supported given all proposals for a circuit break include maintaining some form of bubble.

In an already confusing set of messages in this area it may be sensible to either apply the LHPA model for the whole of Wales. Moving to two households would be seen as relaxing the rules for those people in LHPAs, and this may be the approach to be adopted for the new set of national regulations post-firebreak.

For outdoors we have always recognised the lower risks associated and this may be one area where some freedom can be maintained during a firebreak. There are likely to be some organised activities that would have been arranged under the current rules for up to 30 people to meet outdoors – such as small remembrance Sunday gatherings or Halloween / fireworks activities. **It is not clear if we need to revise these rules to limit numbers or to suspend all meeting outdoors. If we want to allow for organised activities in the local area a specific reasonable excuse will be required.** A reasonable excuse for outdoor activity in the local area has previously been used and would also facilitate children using playgrounds or other activities that are not necessarily 'exercise'.

5. Business closures

A simple stay and home message linked to the implications for closing businesses is the simplest approach to adopt and would be most easily understood and accepted as it would broadly replicate the original lockdown provisions. It would be the most expensive option as it would likely require significant levels of financial support (even if only over a relatively short period). Such an approach would also not be seen to be picking on or blaming certain sectors for the situation. **This would mean closing all hospitality businesses except for takeaways, for example.**

A more targeted approach would likely target those businesses highlighted by SAGE as most likely to affect transmission rates, such as hospitality (covering pubs, restaurants and cafes), leisure facilities and non-essential retail. Different types of place in each category will have different arguments about the relative safety of their premises, and comparisons will inevitably be made about the scientific evidence for keeping one place open instead of another.

For example there may be a case to keep open indoor play centres as childcare and primary schools will remain open. This could be argued to be less safe than a café or restaurant where there is less movement of people. If we adopt stay at home provisions then these issues do not arise (unless an explicit related reasonable excuse is included), but they will arise in a stay local approach.

There is also an issue of not requiring a place to close in the regulations, but the business suffers a collapse in demand from the announcement and implementation of a firebreak (even under stay local). They may not be able to access the full range of support if they have not been expressly required to close.

6. Public and support services

Public services (including and especially healthcare) should continue and a reasonable excuse be included for accessing them. This includes face to face services but wider support for things like VAWDASV, social services (including not changing care packages) and children's services support and things like Flying Start and even employability support. If we are not explicit about this, some things will close or switch to remote only or staff will be redeployed.

Many support service and public services stopped during the first lockdown and we would want to be clear these should still take place because of the vital role they play in health and wellbeing. For example support groups or access to family support services should be maintained, particularly for families at risk of or in crisis.

Visiting a care home could also be retained in the reasonable excuse given there are strict controls in place by providers that will mitigate risks.

7. Other settings

There are questions about whether the original suite of premises required to close are also included. This would appear to be 'fair' and avoid a comparison of relative risk, but there may be merit in allowing some limited activity where rights are being infringed. For example:

- Community centres to close except for certain activities like providing a public service or for childcare
- Places of worship to remain open. This could potentially be limited to private prayer only for the 2-3 weeks of the firebreak
- Recycling centres to close
- Libraries could be required to be click-and-collect to support children's reading

8. Reasonable excuses

The reasonable excuses also need to be considered as these will provide the exceptions to any travel restrictions or restrictions on gatherings. This might need to include meeting outdoors in the local area (see earlier). The following might be retained:

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- To work or provide charitable services
- Meet a legal obligation
- Access Childcare (including informal childcare)
- Access or receive public services
- Access Education (although other restrictions would likely mean only primary education is provided)
- Attend a place of worship
- Attend a solemnisation of a wedding or attend a funeral
- Continue arrangements for access to children who have more than one home
- Move home
- Avoid injury or harm
- Visit a care home
- Undertake elite sports (Steffan and I have discussed.)

This would exclude the following current reasonable excuses:

- Wedding receptions and wakes would not be allowed
- Activities in connection with the sale / rent of properties to continue i.e. stop estate agent viewings etc
- Supervised children's activities

9. **Transport**

Officials have opened conversations with ferry operators, ports and Cardiff Airport about the impact both of a national circuit breaker and the border restrictions, where there will be an impact but our choices are limited. Officials have also been in contact with rail and bus operators, where Ministers have a choice to make about service levels. Officials are also due to meet with representatives of transport unions and with local authority transport teams. Officials have not yet opened conversations with the Department for Transport about English rail franchises which operate in Wales. Those conversations are due to start tomorrow.

There will be an impact on Cardiff Airport – which may see passenger numbers reduce further and may impact on airlines' long term relationship with the airport, but that is far from certain. Further advice with feedback from port, airport and ferry operators will be provided. Consideration is being given to signage for the road borders from England to Wales.

An area that will need Ministerial consideration is what to do with levels of public transport service provision during any Circuit Breaker. During the March lockdown services were reduced to around 30% to save costs (furlough was available) and to discourage non-essential travel. Schools and other activities which may remain open in some of the circuit breaker scenarios were all closed.

This time around the HMG funding is far less generous (even more so if businesses are not forced to close – and bus operators for example may not be eligible for the full amount if we wanted to maintain a skeleton service for essential journeys). There is also the significant issue of learner travel in the circumstance that any of the Circuit Breaker overlaps with schools/HE/FE remaining open. We

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also know from past experience that turning services off is far easier than restarting them, so a short closure may cause more problems than it solves. Against that we could face the prospect of empty (or near empty) heavily subsidised buses and trains travelling around during certain parts of the day, potentially undermining any Essential Travel Only message.

A compromise might be to reduce bus and train services (perhaps through rolling cancellations) during off-peak hours for the period of the circuit breaker. The objective would be to reinforce the Essential Travel Only/Stay Local/Stay at Home message rather than to save money. Further advice will be provided in the coming days.