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## Post-Firebreak Options: Cabinet, 27 October 2020

The fire-break period will run until 00:01 on 9 November. This paper discusses options for a revision to the national set of rules to limit the growth of the virus, balancing the four harms in the period after the firebreak is over.

### Areas for decision.

Agreement is sought on the general principles set out below. These are based on previous discussions at Cabinet, with individual Ministers and on the detailed advice being brought forward by policy officials across Welsh Government. If agreed, these will be applied when developing detailed measures.

A steer is sought on the options available for the overall model for regulations and the approach to be developed for household mixing and travel in particular.

### General principles

The fire-break was introduced after the introduction of local health protection areas (LPHA) in areas where incidence of virus cases was higher than 50 per 100,000 people. These "local lockdowns" had some impact on reducing rates of increases, but were not effective enough to prevent the need to introduce a firebreak across the whole of Wales. After the fire-break is over Ministers have signalled there will be a return to a simplified and less strict (than the firebreak and local lockdown) regime which will apply everywhere in Wales. In considering the type of post-firebreak regime, the following principles are proposed.

- New rules should be based on a strong positive government narrative about a shared national mission, trusting in the Welsh people.
- This means our approach should be more communications led. Communications should focus on explaining safe behaviours rather than explaining rules and prohibitions. This requires supportive, rather than prescriptive, regulations.
- There should be a noticeable relaxation of restrictions both compared to the Fire-break period and also to LHPAs. However they will be stricter for areas which were not under LHPAs before the fire-break.
- It needs to be clear that the rules and behaviours pre fire-break were not sufficient and we need to see a change in behaviour to reduce transmission.
- We need to be clear about what we will need to do, and when we would do it, should behaviour change not happen.
- We should prioritise mitigating negative equality and human rights impacts in the design of the post-firebreak rules and the design of support measures
- The rules should aim for simplicity and to be coherent so they are seen as acceptable, fair and proportionate by the majority and to aid communication and promote compliance.

**Commented [JS(-D-PH1):** No – businesses requires regulation, the restrictions reg requirements and the process of enforcement – notices/FPNs works well. The Regs make it clear to businesses what is required this supports a level playing field. The guidance on enforcement includes proportionality and enforcement as a last option. If you remove this compliance will be lost. Businesses want to know what to do our regs provide this

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- As far as possible new rules should apply across sectors and across settings – for example treating education and business locations in the same way as regulated settings. Uncontrolled settings such as households or university accommodation should also have a common set of rules applied.
- All LHPAs will lapse and be replaced by the new national rules. The aim is the new rules should be simple and stable, in order to last until Easter. Keeping the regime predictable and stable will help maximise adherence to key messages.
- Regulations and enforcement should underpin the measures but in a supportive and enabling role rather than as a primary tool. They should be a safeguard against egregious breaches of the rules.

**Ministers are asked to consider and agree these general principles**

### Models for degree of regulation

TAC Advice suggests that the  $R_t$  in Wales is currently in the range 1.1 to 1.5. The fire-break, is intended to break transmission chains and reduce  $R_t$  temporarily but we will not know how successful it has been for some time after 8 November. However we know if the general behaviours of people does not change after the fire-break, exponential growth in cases will start again. There is a limit to how much can be achieved by regulations, and an overly prescriptive approach may be counter-productive. Without a change in behaviour so people practice social distancing we will see further pressure on the NHS and conditions where a further firebreak becomes necessary. If  $R_t$  can be brought below 1 no further interventions will be needed, and if it can be maintained at around 1 after the firebreak ends we may be able to get to Easter without the need to impose stricter national restrictions.

There is a range of non-pharmaceutical interventions available. To maintain  $R_t$  at or below 1, we need measures which make a significant difference to  $R$  while doing as little as possible to increase the other harms. We also need to strike a balance between creating rules which people can comply with but which carry a risk of increased transmission against tighter rules which theoretically reduce virus transmission but carry a higher fatigue and non-compliance risk. While we can consider individual measures in more detail, it may be helpful to consider model groups of options together that would have the desired effect.

#### Model 1 – A simple but restrictive set of measures, with regulation the principal tool

In this model, communications through a range of channels combined with detailed guidance and underpinned with regulation would set out a relatively demanding set of actions, focussed on individual behaviours rather than action by organisations businesses. Experience of this approach to date is that it leads to a focus on what is and is not allowed in law, rather than what should be done and how to minimise risks in different situations. There is some evidence compliance is poor where such rules are not considered rational or fair (e.g. pubs versus homes, young people versus

**Commented [JS(-D-PH2)]:** Enforcement has never been the primary tool in this Pandemic and the data collated in the 3 week review on enforcement reflects this but it needs to be there to address the small proportion of society – businesses and individuals who don't comply

**Commented [JS(-D-PH3)]:** Not in the commercial sector when used as a last resort

**Commented [JS(-D-PH4)]:** In the business sector/EHOs there is a fatigue with the confused messages

**Commented [JS(-D-PH5)]:** I do not recognise any of these models in the proposal we submitted

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parents). Communications and enforcement effort tends to be focussed on the regulations.

Model 2 – Very clear advice and guidance to people on how to assess risk coupled to a simple and limited set of regulations that focus on most serious issues only

In this model the rules would again be straightforward but would allow greater freedom for individuals, businesses and organisations to manage risk and order their lives through the winter period. This model could secure high level of compliance with the basic rules, since they would be relatively easier to comply with. Greater compliance and the overall success of this model would hinge on trust and education. Behavioural insights suggest trust is important in generating change, and rules must be seen to be fair, rational and proportionate. This means rules must work for all groups – especially those being asked to change their behaviour the most (e.g. young people). This implies a degree of flexibility to allow for adaptations for different groups – this would also reduce the need for extensive exceptions.

Model 3 – Complex rules similar to those in place pre-firebreak which use regulations as principal means to alter behaviour.

In this model a set of advice, guidance and underpinning rules similar in nature and complexity to those in force pre-firebreak could be applied. These would be fine-tuned to ensure they sought a better balance in approach (e.g. household mixing) to reflect different groups and the way they live their lives. This is likely to result in even more complex rules or new exceptions to rules, which would not address the concerns about the complexity of current rules. Existing challenges of confusion and lack of compliance are likely to persist. Fatigue is already evident and there would be a lower chance of sustaining this approach through till Easter.

Within these models there would be scope for placing greater emphasis on action by a range of different sectors and settings. However if Ministers agree the principles above, these would aid in the choices made.

**Ministers are asked to consider and provide a steer on these suggested models**

### **Gaining acceptance for the new approach.**

Whichever provisions are adopted, there is a major task in transitioning from the position before the fire-break to a new approach. This will mean gaining acceptance for the new approach recognising that people are experiencing fatigue and frustration with constraints on their lives. That fatigue will continue but we can mitigate it with careful design.

As we move into the post-firebreak period, there is an opportunity to move our communications focus from the detail of the regulations to a much broader behavioural change campaign, using more positive and empowering messages which resonate more strongly with people than negative ones around compliance.

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Focus group findings, behavioural insight, and SAGE papers all indicate that people are far more anxious, frustrated and disempowered than during the early months of the outbreak. The WHO has identified 'pandemic fatigue' as a significant and growing barrier to people maintaining the kind of preventative behaviours necessary to slow the spread of the virus.

A single, simple, and stable set of national regulations would aid public understanding, but would also mean that we could focus much more of our communications resources on a campaign aimed at creating a more sustainable everyday behaviours. People need to better understand the different risks of different activities, and positively avoid those with the greatest risk of spreading the virus, principally socialising with multiple different people indoors. This may also require wider regulatory, policy and funding changes to support people to change their behaviours.

The key aim in re-focusing our communications would be to move away from the current mind-set of 'what I can and can't do' to 'what I should and shouldn't do'.

However, we will need the greatest possible consistency between our behaviour change messages and the regulations in place. So if we are encouraging people to avoid mixing with others outside their households, then the regulations should reflect this as much as possible. If there is a perceived divergence, or over-complex rules, then it risks weakening both compliance with the regulations and compromising the kind of behaviours we want to see.

We now have a significant budget to deliver a wide-ranging, high impact behaviour change campaign during this winter and spring. We will have the capacity to target particular demographics, audiences through a wide variety of channels. This will include the broad spread of behaviours, TTP, mental health and economic support, and NHS access as an integrated whole.

The more we can focus on promoting behaviours rather than understanding of regulations then the greater impact this is likely to have. It is important to note that communicating a number of different local variations to rules to deal with spikes in infection would also use up budget, resources and public attention, based on the experience of working with local partners on the LHPA system.

We would propose retaining *Keep Wales Safe* as our overarching brand for the campaign, as it continues to poll very well and has widespread recognition and resonance.

Based on insight papers from SAGE, the principles underpinning the campaign are below:

1. Provide positive feedback about a) the great efforts people are making to control the virus and b) the success these efforts are having in reducing infection rates
2. Emphasise that everyone has an important part to play in keeping infection levels low and avoid singling out particular activities, settings or people

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3. Promote and support positive alternatives whenever activities that people value must be restricted
4. Help people change their environments and form new social customs to prompt and sustain habits that will reduce the spread of infection
5. Help members of the public to identify situations where they find it difficult to avoid risky behaviour and work with them to create acceptable solutions
6. Focus on whether and how people are trying to reduce infection risk, rather than assessing 'compliance' with 'rules'
7. Target more intensive information and practical support for adherence to the specific behaviours, settings and populations that need it

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### Summary of post firebreak measures

Measure	Options.	Potential Impact on Rt <sup>1</sup> for context only
<b>Policy &amp; Regulatory Environment</b>		
Household mixing	<p>Four options on household mixing are suggested.</p> <ul style="list-style-type: none"> <li>- Option A – only meet with a defined extended household (e.g. same two households).</li> <li>- Option B – set a cap for meeting with people not in the same household (e.g. 6) with guidance on limiting contacts</li> <li>- Option C – hybrid of A and B (existing approach and considered too complex)</li> <li>- Option D – only set limits on larger gatherings (house parties etc.) and rely on guidance and communications to change behaviour.</li> </ul> <p>Other options for mixing include:</p> <ul style="list-style-type: none"> <li>- Outdoors: align with limits indoors (simple) or have separate regime (complex)</li> <li>- Organised activities outdoors or in regulated settings: up to 15 people (or other number)</li> </ul>	<p>Restriction of indoors mixing could Reduce Rt by ~0.1 to 0.2</p> <p>Restricting outdoor mixing reduce by &lt;0.05</p>
Travel	<p>Stay at home and total freedom are not recommended as options.</p> <p>Consider one of the following, with general exceptions for essential travel:</p> <ul style="list-style-type: none"> <li>• Adopt a stay-local or 5 mile rule.</li> <li>• Adopt a general travel restriction at a national level (e.g. 25 miles or within a county).</li> <li>• Freedom to travel, but not to and from hotspot areas in other parts of the UK.</li> </ul> <p>Consider the position on international travel.</p>	<p>Preventing seeding from high prevalence areas.</p>
NPIs	<p>Working from home should continue for all those who are able to do so. Employers could be required or given guidance that they must enable this.</p> <p>Continue the current guidance on hand and face hygiene, face coverings and the 2.0m rule.</p> <p>Reconsider whether curfews are helpful.</p>	<p>Working from home reduce Rt by ~0.2 – 0.4</p> <p>Close bars cafes pubs – 0.1 – 0.2</p> <p>Indoor gyms leisure centres p to 0.1</p>

<sup>1</sup> [https://gov.wales/sites/default/files/publications/2020-10/technical-advisory-group-fire-breaks\\_2.pdf](https://gov.wales/sites/default/files/publications/2020-10/technical-advisory-group-fire-breaks_2.pdf)

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		Worship/community centres close reduces Rt by up to 0.1
HE	Recognise the HE sector encompasses both regulated and unregulated settings. Align the regulated (teaching and working spaces) HE settings more with businesses. This could imply 'work from home where possible' applies to teachers and students equally as to employers and employees. Align accommodation and shared spaces with the unregulated and household settings. Apply the appropriate rule-sets to each. Adopt an approach consistent with the selected Model.	Reduce Rt by ~0.3
FE	Treat FE consistently with secondary schools as a regulated setting. Adopt an approach consistent with the selected Model	Little data on impact. Tends to have largely local impacts.
Schools	Treat secondary schools consistently with FE and both as a regulated setting. Adopt an approach consistent with the selected model.	Reduces Rt by 0.2 to ~0.5 Reduces R by ~0.35
Businesses	Recognise and reward good practice by business, apply consistent approaches and avoid penalising business for poor behaviours by their customers. Adopt an approach consistent with the Model selected.	Closing non-essential retail has very minimal impact on Rt Closing close contact services reduce by up to 0.05
Tourism, Culture and Sport	Align to business where this takes place in regulated settings. Adopt an approach consistent with the selected Model.	
<b>Cross-Cutting considerations</b>		
Communications	Adopt a communications led approach to post-firebreak underpinned by strong consistent regulation and other measures.	TAC endorses strong comms approach.
Behavioural Response	Introduce the £500 self-isolation support payment. And consider other behavioural approaches.	
Equalities	Establish as a key principle, equalities are considered in all decision making with appropriate formal assessments carried out to the fullest extent consistent with the emergency.	
Enforcement	In general enforcement measures are considered to be working satisfactorily.	
Fixed Penalty Regime & Offences	Moving away from FPNs (with the exception of for face coverings where they appear to be working best). Less serious behaviours would remain criminal but not	

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	routinely enforced except where particularly egregious, in which case police could seek prosecution. Serious behaviours would move straight to prosecution.	
Social Partnership	Continue engagement with social partners and exchange best practice.	
<b>Enablers</b>		
Response to Local Outbreaks	Local response would be led by local authorities, incident management teams, and PHW and would focus on dealing with issues at specific premises or settings rather than re-introduction of local lockdowns.	
TTP	A range of measures to improve engagement with TTP, and to speed up the process of getting results.  General guidance would focus on the need to: Self-isolate immediately if you have symptoms and stay isolated except to get a test. Start contacting your close contacts immediately because if you are infected, they are likely to be as well.	
Covid Security	Build on the good practice established by businesses, extend this to other regulated environments and work for a consistent approach across all regulated settings.	
Public Health Response	Established policies and protocols for dealing with communicable disease control, including the national communicable outbreak plan, remain appropriate for managing Covid-19 outbreaks and incidents.	

## Cross Cutting Issues

### Force majeure and the need for a further fire-break.

While the aim is to produce a set of simple rules which provide stability and predictability for all through to Easter, we must recognise the unpredictability of the disease. There should be a clear message from Government that clarifies in which circumstances a more restrictive regime would be considered. Action would be taken as necessary at local level, for example to close specific premises but more national level intervention would only be in exceptional circumstances.

As well as a clear National level message about the circumstances in which Government would step in, consideration could be given to the introduction of locally agreed local restrictions. This could allow local incident management teams to request bespoke restrictions be made in exceptional circumstances if there was a very localised flare-up which could not be handled in any other way.

### Exceptions to the rules

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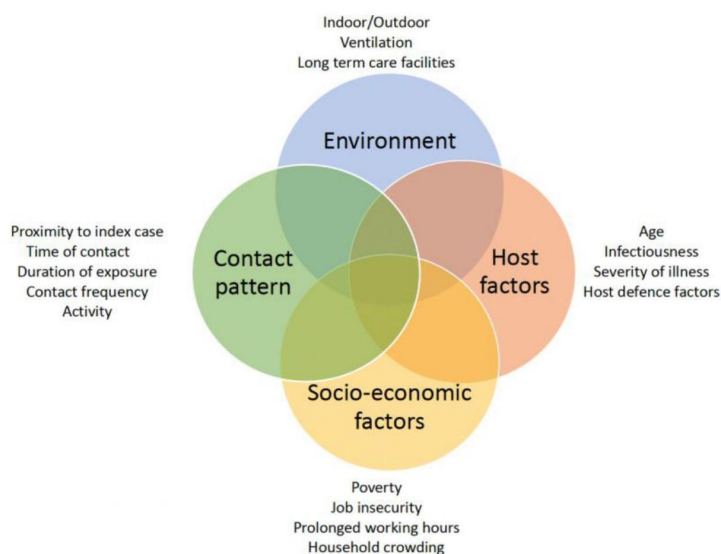
These should be kept to a minimum and as far as possible should be nationwide and sector neutral. An exception is not needed where something is already permitted under the rules – a greater reliance on guidance to explain what is safe and what is risky activity will allow for judgements to be made by individuals rather than having to include each circumstance in an ever expanding set of exemptions.

### Equalities

Coronavirus itself has disproportionate equality impacts. It has more serious health impacts and a greater likelihood of death for older people; men; people living in more deprived areas and BAME people. Controlling the virus and reducing transmission will have positive equality impacts for these groups.

It is also clear, as set out in the SAGE SARS-COV-2 Transmission routes and environments paper, that “the COVID19 pandemic is strongly shaped by structural inequalities that drive household and occupational risks, such as prolonged working hours in close proximity to others and / or in high risk occupations, use of public transport, and household crowding. It is essential to tailor effective control and recovery measures to the greater needs and vulnerabilities of disadvantaged communities (high confidence).”

Risk from COVID19 is increased where multiple risk factors are in play:



We aim to control transmission of the virus through a range of non-pharmaceutical interventions (NPIs). To have that effect, these necessarily disrupt daily life and people’s normal habits of social interaction, work and leisure to make it more difficult

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for the virus to be transmitted and reduce the number of people it can be transmitted to.

The nature of NPIs means it is inevitable there will be equality impacts and impacts on children's and other human rights. There is scope to mitigate the most significant impacts in the selection of measures and the package of support offered but it will not be possible to address all of the disproportionate and negative impacts. Some of those impacts are short term but many will have long run effects and exacerbate disadvantage.

We tolerate these negative impacts on the basis of the risk to public health and the need control transmission of the virus but having NPIs in place over time – and as they are periodically made more restrictive and then lessened – negative impacts will compound negative impacts.

In principle, in determining the shape and priorities for what comes after the firebreak, we should prioritise relaxations and implement new control measures and support which mitigate the negative equality and children's and other human rights impacts.

As proposals for the new regime are firmed up, the specific proposed approach will be an equality impact assessment and a children's rights impact assessment to enable the proposals to be refined and to minimise negative impacts.

### **Enforcement and Fixed Penalties**

Local authorities adopt a risk based approach to enforcement, based on risk of transmission:

- Focus enforcement into the settings where there is some evidence of transmission e.g. wet pubs and clubs
- Focus enforcement proactively in built up areas where there are rising rates of infection

The current enforcement approach relies on; premises closure and premises improvement notices, and fixed penalty notices, the process is simple for management of non-compliance in businesses.

The LA powers to serve 'directions' are used less [but] have been welcomed as a means of prevention.

Enforcement issues reported by Environmental Health Officers and LAs relate to non-compliance of individuals with rules on household mixing, self-isolation either as a contact or a case (the Police are the enforcing authority for this). Non-compliance is expected to continue unless there is a consequence or there is an incentive to comply. Non-compliance with isolation has resulted in clusters in residential care home, transmission associated with schools as examples.

### **Fixed Penalties**

The fixed penalty regime was developed to provide alignment with other UK nations, to emphasise the seriousness of regulations, and in light of the fact that courts were

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not operating. Compliance was initially strong. However, over time alignment has decreased, and other concerns have arisen, including:

- real grounds for questioning whether many of the fixed penalties have been (and indeed can be) applied correctly within the law, particularly where they involve enforcement officers making judgements about whether individuals have "reasonable excuses";
- significant grounds for concern about the equality implications (for example 10% of FPNs have been issued to people identifying as Asian or Chinese, as opposed to around 2% of the population;
- some offences which no agency has taken responsibility for enforcing, including (for the most part) gatherings in private homes;
- little evidence that the level of fixed penalties has a deterrent effect unless they are set very high; and
- little obvious link between the seriousness of the potential impact of behaviour and the level of penalty for that behaviour.

Options that have been identified for responding to this:

1. largely retain existing regime, tolerate much of the above, and address the most egregious outliers such as by reducing or replacing the very high penalties for unlicensed music events and relating to international travel
2. restructure FPNs regime. One example of how this might be done is:
  - a. c.£100 FPN for breaches of face coverings rules, participation in smaller illegal gatherings, breaking quarantine (international travel)
  - b. c. £300 FPN for participating in large indoor gatherings, organising house parties, recklessly endangering others (eg going to a pub despite being told to self-isolate)
3. moving away from FPNs (perhaps with the exception of for face coverings where they appear to be working best). Less serious behaviours would remain criminal but not routinely enforced except where particularly egregious, in which case police could seek prosecution. Serious behaviours would move straight to prosecution.

Option 3 offers the best chance of addressing fairness and equality issues but could send wrong messages if not carefully handled, and would have implications for the justice system that would need exploring (with police in first instance).

### **Behavioural Response**

Clear and straightforward communications with to build acceptance for and confidence in the new approach will be key to this. Ministers have decided to offer a

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self-isolation support payment of £500 to people who are required to self-isolate with a positive test or a close contact of someone who has a positive test, who cannot work as and will lose income and suffer hardship as a result. This is a payment designed to remove barriers to self-isolation. It will be administered by local authorities.

There may be other barriers to compliance with the rules which we can remove by cross-cutting action or incentives which could be provided to encourage behaviour change. For example reinforcing the self-isolation payment by placing a duty on employers not to knowingly enable or encourage people to work when they should be self-isolating, this could go further and encourage employers to enable more homeworking. This could include reducing the period for self-isolation as a close contact to 10 or 7 days rather than 14. We could also consider offering support payments in a wider range of circumstances and adopting a broader definition of hardship – for example to include people who have to self-isolate but are not close contacts such as supply teachers.

Some of these options would have financial implications, in which case detailed advice will be necessary for the relevant Minister to consider.

### **Social Partnership**

Local government partners have led on local incident management and have developed good practices such as helplines to support people in the community with self-isolation requirements. These good local practices can be more widely shared.

There is recognition that the key professional support available in local authorities, health boards and PHW, is limited and partners are now in dialogue to agree how this can be strengthened and utilised for maximum efficiency. IMTs have been providing frequent updates to WG on the effectiveness of interventions at local level. The frequency of the IMTs and the reporting requirements are being reviewed and new arrangements will come into effect after the firebreak.

## **Enablers**

### **Test Trace and Protect**

TTP went live on 1<sup>st</sup> June, has operated for 5 months, the last 2 at significant scale. The local, regional model and partnership working has enabled common purpose and integration with other measures to contain the disease. Contact tracing teams are highly motivated. The testing infrastructure has been deployed dynamically to target areas of concern and performance overall has been at a high level. Experience confirms Covid 19 is highly contagious, transmission occurs quickly at the start of the infective period, around 44% of transmission before symptoms begin. This means that to be effective TTP action has to be within 48 hours from positive test to contacts being isolated. TTP is more effective when case numbers are lower and there are fewer contacts per case. At high prevalence, TTP alone cannot contain transmission.

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For TTP to have maximum effect the following are required:

The public's willing engagement

- We need to do more to support people to get a test
- We need to promote protect element of TTP more.
- Introduce self-isolation support payments for people suffering hardship
- Recruit more BAME engagement teams.

Speed through the process.

- We need rapid improvements in the lighthouse labs.
- Availability of a surge team to deploy in mutual aid.

Overall effectiveness

- We need to do more backward contact tracing to establish sources of transmission and identify super-spreading events or people.
- We know more about the virus. Research indicates 90% of contacts will be symptomatic by day 7 post exposure which may allow self-isolation for contacts to be reduced. A higher level of compliance with a shorter period of self-isolation could reduce transmission compared to current levels.
- If testing capacity allows, we could allow people to exit self-isolation early with a negative test. This would be helpful in the case of schools where multiple instances of prolonged self-isolation requirements have been reported.
- Pursue mass screening
- Adopt new technology to reduce turnaround times or adopt daily tests for contacts rather than self-isolation.

### **Covid Secure**

A review of Covid-secure measures will be undertaken and incorporated into any fresh advice. This will focus on the latest science and knowledge about the virus and its patterns and modes of transmission.

### **Public Health Response**

Established policies and protocols for dealing with communicable disease control, including the national communicable outbreak plan, remain appropriate for managing Covid-19 outbreaks and incidents. Should outbreaks occur in any closed setting including workplaces, they should continue to be managed in accordance with the plan.

Care homes, hospitals, universities and similar such enclosed settings, should be considered a priority for active outbreak management. For other settings, active involvement should be done on a case-by-case basis as indicated by the incident management team (IMT). Prevention would be the priority.

There are powers currently in place to require the improvement or closure of commercial premises and the enforcement process is simple and well used throughout Wales. LAs are also able to serve directions on premises and land etc, as a means of prevention; this is a relatively new power but has been used to prevent gatherings and events taking place, the power has been welcomed by the

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LAs. Police have the powers to enforce the household and self-isolation rules, but limited enforcement has taken place to date. Enforcement should be targeted in the sectors of low compliance and those most commonly associated with infection transmission, informed by local intelligence.

Post firebreak, there will be a need to balance the regulatory approach with an approach which focuses on ensuring the public know how to keep themselves safe from Covid-19 in all settings.

### **Financial Impact**

There are no immediate direct costs from the decisions sought in this paper however there will be indirect financial impacts in two areas:

- Ongoing direct cost to Welsh Government in continuing to manage the Covid-19 outbreak and implement.
- The continuation in some form of restrictions on economic activity will have an impact on the Welsh economy, including on Welsh Government revenues via taxation.

### **Legal Advice**

To be provided

## **Annex A – Principal Measures Proposed**

### **Household mixing**

#### **“stopping all contact between households might reduce R by ~0.1 to 0.2”**

The current rules are criticised by a wide range of stakeholders as being confusing. It has not been clearly understood that the ‘extended household’ arrangement is meant to be an exclusive arrangement nor that meeting others is prohibited even when visiting regulated environments such as pubs or restaurants. Extended households, despite the specificity in the regulations, are unenforceable.

The ‘rule of six’ sought to try and enable greater enforceability in hospitality settings; this has helped, but has also added to the confusion. Enforceability is provided for by the size of group rather than its composition. We will not reach a point where we will be able to enforce composition of groups in any setting without extremely intrusive checks that risk undermining support for restrictions. Given this fact, the emphasis on putting group composition in regulations may not be the most appropriate mechanism – particularly when rules are not seen by many as rational or proportionate (e.g. compared to people going to work or school or opening pubs).

An alternative approach would be to recognise the reality that rules on household mixing are not being followed. As any such rules on different households mixing are unenforceable it may be better to place an emphasis on education and communication about risk and what good behaviour looks like.

Extended households may work well for traditional family groups, but do little for students, young people or others who may have a network of acquaintances or friends but do not socialise with their family. People moving into a new area (e.g. for a new job, moving house, as a migrant or refugee, as a student, etc.) are instantly isolated by these rules. Children living with parents are instantly isolated from their friends, yet are mixing in school (so rules do not seem rational to them).

Children under 11 are not considered to be either very susceptible to the virus, nor to be significant transmitters of it. Provided this position does not change they might be excluded from some restrictions on social mixing.

- Option A – only meet within a defined extended household. For example allowing two households to form an exclusive arrangement.

This is simple and was well understood when first introduced. It is, however, very restrictive and is not suitable for significant parts of society. It generally assists mature adults living in traditional family units. Such an approach discriminates against young people, migrants into a new area, single people, and others. It also re-creates the grandparent problem given the severity of limits on meeting others.

This degree of restriction is unlikely to be widely accepted and breaches are generally unenforceable. Without significant adaptation / augmentation this is not likely to be sustainable over any significant period of time.



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Adaptations could include allowing people from different households to mix in limited ways in addition to or to add a series of exemptions. All of this adds complexity and takes us back to where we were pre-firebreak.

Any approach that includes extended households will need to ensure they can be broken up and new ones reformed (e.g. after a 7 day break). This will reflect the realities of life for some, but does not solve the problems of different individuals with different social networks living in the same 'household'.

- Option B – set a cap for meeting with people not in the same household (e.g. 6) with guidance on limiting contacts

This approach would set a general rule of no more than 6 people at any one time meeting anywhere indoors. This reflects the enforceable element of restrictions. Guidance and communications would however focus on how such meetings can be done safely and how risk can be minimised. This would be part of the social contract with the public, whereby their behaviour needs to change to keep infection rates low but government will focus on punishing the most dangerous activities. **Annex B** sets out how this (and Option D) might be presented with a set of expectations on individuals and a commitment from Government in supporting them.

A more flexible regulatory regime would also allow for adaptations to be made by people without those regulations needing to define a long series of exemptions and complex rules to reflect the different permutations of when people might need to meet each other. This might aid compliance as it would be broadly equivalent to the approach in England (Tier 1).

- Option C – hybrid of A and B

This is essentially the existing approach, which is considered too complex and confusing. Communications and stability might help, but public discourse may well return to what is and isn't 'allowed' rather than the risks associated with different activities and the behaviours needed to minimise those risks.

- Option D – only set limits on larger gatherings (house parties etc.) and rely on guidance and communications to change behaviour.

This option is similar to Option B, but the cap at which enforcement takes place is much higher and focusses only on larger gatherings, such as house parties. This reduces again the number of exceptions that would be required for different group activities, but places an even greater burden on guidance and communications. Without a smaller number in regulations it is not clear what the response from hospitality or other settings might be and whether this may lead to significantly larger gatherings in those places.

Other complementary options for mixing include:

- Outdoors: align with limits indoors (simple) or have separate regime (complex)

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- Organised activities outdoors or in regulated settings: up to 15 people (or other number). This will provide a safe space for people to come together, with a responsible body ensuring risks are carefully managed and minimised

## Travel

**“depends on the level of seeding of the epidemic. If the epidemic is already widespread, then internal travel restrictions will have little benefit.”**

The current travel restrictions are a function of Local Health Protection Areas being established across most of Wales and travel limited within each area. Moving to a national set of rules therefore creates significant new opportunities for travel when coming out of the firebreak. Options at a national level might include (noting all are very difficult to enforce):

1. Stay at home – this would not be consistent with the principles set out above.
2. Adopt a stay-local or 5 mile rule. Local means different things in different areas – a 5 mile rule may isolate people in rural areas but be very generous for people in Cardiff and other population centres. [Fits Models 1 and 3]
3. Include a general travel restriction at a national level (e.g. 25 miles or within a county). While it would avoid some problems of ‘stay local’ it is likely to generate new anomalies, such for those close to a border or the coast. It would prevent the majority of other parts of the UK entering Wales even if low prevalence areas, thus preventing any tourism. Likely to need complex reasonable excuses. [Fits Model 1 and Model 3]
4. Revert to freedom to travel, but retain the restrictions on travelling to and from hotspot areas in other parts of the UK. A future approach to managing hotspots in Wales would also need to consider re-imposing equivalent travel restrictions for consistency (though thresholds for travel restrictions might be different). [Fits model 2]
5. Total freedom to travel – would carry risk of seeding new virus from high prevalence areas into low infection areas undermining other control measures

Any restriction on travel would require exemptions for essential or critical functions. This would include travel by essential transport and delivery workers, maintenance workers, engineers, technical staff, regulatory checks and overseas investors/owners and provision of accommodation for these. There would need to be provision for cross-border movement for such essential workers, including potentially those coming from high prevalence areas to avoid disadvantaging Welsh business reliant on service provision from outside Wales.

The first three options have the greatest negative economic and social impact and would likely require an intervention from the Welsh Government to support the tourism industry if applied for the medium term. The requirement to stay within the local authority boundaries in particular has also drawn criticism for failing to recognise the ‘real’ connections between places.

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SAGE have stated that the impact of internal travel restrictions “depends on the level of seeding of the epidemic. If the epidemic is already widespread, then internal travel restrictions will have little benefit.”

It is likely that by the end of the firebreak, the seeding of the virus in Wales will already be relatively widespread, so following reasoning set out above from SAGE the difference between the health impacts of the three options may not be proportionate to the difference in social and economic cost.

There would need to be [separate] consideration of our approach to international travel if that is permitted by wider UK regulation. This would have an outward bound and inward bound angle.

This suggests that the option of unrestricted travel, with restrictions on visitors to and from high prevalence areas of the UK *listed in legislation* might be the preferred option.

### **Schools**

**“Closing all schools associated with a reduction in R of 0.2~0.5. Closure of secondary schools may be more effective (reduction in R of ~0.35)”**

The current working assumption is that post firebreak all schools will return to full operations from 9 November i.e. all learners are able to attend school to receive face to face teaching and learning in the classroom.

Schools have been provided with guidance on alternative arrangements for classes/bubbles who are unable to attend school due to periods of self-isolation. Blending learning as an alternative to face to face is not regarded as a comparable substitute for face to face teaching, a move to blended learning will impact disproportionately on more vulnerable and disadvantaged learners.

If restrictions are placed on attendance onsite, priority will need to be given to vulnerable children and consideration given to the children of critical workers.

A blended learning solution is a relatively new educational model which requires additional support for both learners and teachers. There will be different capabilities to adjust across different groups of both. There will be digital exclusion issues to overcome as well.

Current SAGE assessment is that children of secondary school age do not represent a major source of transmission risk. However emerging evidence contradicting this view being evaluated. For seasonal flu, children are a significant source of viral transmission.

Options available which are set out more fully in Annex B are as follows

**Option 1** – All learners return fully to school under Covid-safe conditions with blended learning provided to those required to self-isolate [Fit with model 1, 2 and 3]

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**Option 2** – All schools operate on a reduced basis at 50% capacity with learners attending one week in every two and online teaching and learning provided in the intervening weeks. [Model 3]

**Option 3** – Some year groups given priority i.e. all primary R-6 plus year 7&8 or exam years. [Model 3]

**Option 4** – All year groups taught remotely. [Model 1 or 3]

Current evidence on known health risks from school attendance balanced to known long term harms suggests that Option 1 is the best fit with the principles outlined above. However the possible gain in the R rating from closing schools is significant so it is sensible to explore and prepare for the eventuality that this becomes necessary. There is read-across to more general location neutral/home working across many sectors. For any option, consideration of impacts and appropriate mitigations will be required. There may for example be digital exclusion and skills implications in Option 1 which if successfully addressed may facilitate use of the other options as required.

### Further Education

Further Education institutions draw their learners mainly from the local area, there is a high degree of connection with schools, particularly at sixth form level and for vocational courses for GCSE students and above. The pupils in these institutions include older learners and transmission may be greater than in secondary schools but less data is available for FE settings than for schools.

FE also provides a route to qualifications for learners who did not obtain qualifications at school, who are returning to education after a break, who are retraining or reskilling after losing their job. So there will be greater equality impacts if these institutions need to close. There is generally less scope for distance or online learning since many courses have a high level of practical content. It would not be safe or appropriate to allow students to complete a qualification without practical training and assessment, for example in areas such as plumbing, electrical engineering or childcare.

These settings have adapted to provide socially distanced teaching environments in classroom and practical rooms, workshops and laboratories. An element of blended learning is already in place to allow for periods of self-isolation.

**Option 1** – Continue with existing blended learning, well-understood but does not reduce Rt from current level. [Model 1 and 3]

**Option 2** – move to online delivery only. Could not deliver vocational learning learners would not be able to complete qualifications in 2020/21 academic year and

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would need to complete in Summer 2022. Large equality impacts. Unknown benefit to Rt [Model 1 or 3]

**Option 3** – tighter restrictions on face to face delivery and mandate social distancing at all times. Likely to reduce transmission but not all sites could deliver and cannot be delivered for all learners. May not be consistent with schools – creates complexity. Would need to be aligned with wider community social mixing rules. [Model 3]

**Option 4** – Limit numbers on-site by operating week-on-week-off. Would reduce Rt by an unknown amount but would also have impacts on learners. In particular the arrangements should be aligned to those for sixth form/A level students in school to ensure there was comparable treatment. [Model 1 or 3]

Subject to further advice, policy officials believe that Option 1 is preferred although note that Option 4 may have only limited detriment to some learners and their learning. Options 2 and 3 could not be implemented without a detriment approach to many learners and their learning.

### Higher Education

Universities draw learners from further afield than FE institutions. The start of each term normally involves migration of large numbers of young people from some distance away. The end of each term involves a similar mass migration. These movements of people create a risk of virus seeding into new areas and if those have a low current prevalence, this will increase the level of Rt. However universities also involve a high degree of social mixing between students, staff and to some extent local populations where students come into contact with local people in cafés, pubs and clubs. TAC estimates closing Universities could achieve a reduction of up to 0.3. This would be moderated to an unknown extent by the effect of sending students home.

Between now and Easter there would normally be at least 3 mass migrations of students; at the start of the Christmas break when students return home, at the end of the Christmas break when they return to University and at the start of the Easter break when they return home again.

Ministers and the FM have made commitments students will not be treated differently to the rest of the population and that measures will not be more punitive of students specifically. While students living in halls and houses in multiple occupation may find it harder to be socially distanced, a simplified set of rules for the population as a whole would help them to comply and mitigate the effect of social interactions on campus or in University towns. Treating students as just another part of the local population would also simplify communications messages.

HE policy officials have indicated a preference to focus on reducing the spread in accommodation and social interactions rather than in the teaching and learning environment. However in line with treating students in a way comparable to the rest of society, a further simplification could be to extend the working from home message to apply to students. This would encourage them to work from their

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university accommodation unless there was an overriding need or reason they could not do so. Three options below could be applied in Model 1, 2 or 3

Option 1 - could focus on a recognition that HE is not a single setting, it is a blend of regulated learning settings and less regulated domestic settings. There would be more that HE could do to adopt practices widely established in business, and to enable greater homeworking for those learners who are able to do so.

Option 2 – would focus on accommodations and social interactions and ask/require students to change behaviour more in those settings. In this scenario, university accommodation would be treated in a similar way to household accommodation and asked to accept greater restriction.

### **Economy**

**“Very minimal impact on  $R_t$  – closure of non-essential retail may reduce by up to 0.05”**

In this paper, reference to the economy means restrictions on and impacts on business. The definition of business overlaps with travel, culture, sport and tourism to a significant extent but these are considered separately in this paper. The modest impact on  $R_t$  refers to TAC advice on the closure of non-essential retail only. It is assumed essential retail business services would need to remain open in any scenario.

Post firebreak, businesses will be looking for:

- Clarity on the nature of the regime, their responsibilities, on the criteria and terminology used such as essential or critical activity.
- Certainty on the duration of the regime and any further restrictions being introduced. This should include a period of advance notice that would enable businesses to comply with further shutdowns [link to force majeure criteria here]
- Transparency on the reasons for decisions being taken and the regime being agreed. The evidence for the firebreak was not considered sufficiently clear. Businesses operate regulated environments and within those environments consider they are designed to be Covid-safe.
- Clear communications, including advice and guidance
- Recognition and promotion of good behaviour linked to a positive communications approach. Businesses consider this is more effective as a persuasive tool to aid compliance than focussing only on bad behaviour.

Non-essential retail businesses including pubs, café's and restaurants are expecting to re-open on broadly the same terms as before the fire-break. Continued closure of non-essential retail would not be consistent with the principles set out above and would not fit any of the above Models.

Options for improving regulated settings: significant adaptations have been made by businesses and the enforcement regime (around reasonable measures) is generally thought to be working well. There are some further low cost but potentially high

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impact actions that could be put in place in regulations to support the approach to changing behaviours and managing risk:

- Requiring premises to display specified information such as the level of coronavirus risk and specific risk factors associated with their premises in a prominent place. This could describe how those risks can be mitigated and what people need to do to do so (similar to health and safety regimes).
- Specific Fixed Penalty Notice regime linked to the enforcement of Regulation 12 for businesses required to take reasonable measures to prevent people contracting or spreading coronavirus.
- Expanding on the statutory guidance for what is considered as a 'reasonable measure' for different settings to drive behaviours and be able to enforce them.

### **Working from home**

As a NPI, working from home has a significant impact on  $R_t$  ( up to ~0.3 potentially making up half of the reduction required to bring  $R_t$  below 1) and it will likely form a significant component of the post-firebreak rules. Businesses have pointed out that it is not possible for all employees and there may also be mental-health harms from extended working in isolation. Within the "stay local" or limited travel options, there will be a role for business hubs combined which enable remote, rather than exclusively at home working. This could have a positive impact on local town centres, and urban villages but would reduce city centre footfall and impact negatively on businesses located there. WG has adopted a long term goal of maintaining home-working or remote working at the current level of 30%.

Option 1 – continue the advisory approach where working from home is enabled towards the WG long term goal of 30%.

Option 2 – place greater emphasis on working from home or working remotely and encourage employers to do more to enable this, Welsh Government can devote more resources to enabling it in the short term, [Both options consistent with Model 1, Model 2 and Model 3]

### **Culture Sport and Tourism**

Like the business and economy sector there is a desire for clarity and sufficient time to plan. In introducing new measures post-firebreak they need to know by Friday 30 October. The approach needs to be clearly understood by business and the public. It is assumed sports and exercise would revert to the pre-firebreak regime as there is clear evidence these regulated environments are covid safe, pose little risk and their closure would have minimum impact on  $R_t$ .

There is a clear desire to review the rules around larger gatherings where the rule of 30 constrains team sports activities. There is also a desire as winter approaches to allow more use of indoor venues and events where outdoor events are no longer practical. This could be linked to revision of the definition of group gatherings to



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allow staggered starts for groups of 30 who do not interact but attend a single event at different times. The sector would also like to see the rule of 30 be allowed for business meetings. [This would be consistent with Model 2]

In the hospitality sector there is a view that the 10pm curfew is not supported by evidence and may have little impact on the circulation of the disease. However there is countervailing evidence from TAC that alcohol lowers compliance with social distancing. Consistency cross-border with England will need to be considered as a way to maintain confidence and avoid triggering unwanted behaviours as people seek to exploit rules and may be less likely to follow guidance.

Preventing households from mixing in hospitality venues has proved impossible to enforce and there would be support from this sector for setting a cap on numbers under the household mixing section. [Consistent with Model 2 and possibly 3]

Post fire-break measures should ensure the hospitality sector can be open at Christmas. This would be consistent with the general principles suggested above and cuts across all 3 proposed models.

Travel restrictions should permit tourist activity, including coach/tour group activity where possible. Businesses in city centres, close to borders and "destination" venues are particularly disadvantaged by travel restrictions. [This would be consistent with Model 2 and possibly 3]

### **Community Facilities**

Community facilities include venues such as town halls, leisure centres and community centres where people gather both indoors and outdoors. These facilities were allowed to open before the fire-break but there was tension between elements of regulation which restricted types of activities that could take place. For example a yoga class but not a mindfulness class (unless requested by a public body). Likewise, slimming clubs could not take place in community centres but were allowed to go ahead in pubs or restaurants.

Resolving this tension could be achieved by treating these settings as broadly regulated settings under a common ruleset.

Closure of community centres had wide ranging impacts, especially on children, older people and women. There is an impact on mental health where access to community centres staves off isolation or loneliness.

As winter begins, and outdoor activity becomes less feasible, many organised activities such as scouts, guides, sports clubs will need access to indoor spaces if they are to continue to meet.

The following options are proposed for consideration.

Option 1 (preferred) - Allow community facilities to open for all activities (except celebrations & activities involving singing) up to a maximum capacity (e.g. 15 people). This would remove anomalies in previous regulations. Strict social distancing measures and case by case risk assessment and management would

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continue. This would alleviate physical and mental health and equality impacts from closure. [This is consistent with treating these as regulated settings under Model 2]

Option 2 - Allow community facilities to open but with limitations on activities similar to the pre-firebreak restrictions but with better definition of terms to reduce confusion. This would provide more clarity on what is allowed, consistent with the principles above, would address some mental health and equalities concern but would favour some groups over others based on the range of allowed activity and some anomalies would remain. [This is consistent with Model 2 and possibly 3]