

INFORMATION

SOCIAL DISTANCING REVIEW - PAPER FOR QUAD MEETING

Date: 15-04-2020

From: Mark Sweeney

SUMMARY

1. This note sets out the headlines from the social distancing review, including proposals for next steps. Ministers need to decide whether the restrictions contained in the Regulations remain necessary to achieve the public health aims, based on the available information on the development of the crisis and the effectiveness and impact of the measures. In light of SAGE's advice received yesterday, we recommend maintaining the substance of the measures and the current public messaging. There will be a discussion at Cabinet tomorrow followed by a COBR(M).

DETAIL

2. As you know, the restrictions are an unprecedented interference with people's ability to carry out their normal lives. The law is clear that each measure should only remain in force for a limited period, where necessary to protect people's lives.
3. SAGE met yesterday to consider the impacts of the social distancing measures introduced in the period up to 23 March, and have provided formal written advice, attached. In summary, they have a high degree of confidence that the transmission rate, R, is now below 1 in the community, but cannot yet say where it sits in a range between 0.5 and just below 1 (and it may be above 1 in some hospital trusts). They say that, based on current observed behaviours, they cannot be sure that any change now to the measures or messaging about them would not risk pushing the overall rate above 1, and a return to exponential growth. In parallel, Departments have been reviewing levels of compliance, and the impact that the measures are having on wider public health, the economy and society, to inform the decision on extending the measures. The headlines from this review are set out below.
4. Overall **compliance is high**, with people going beyond what the measures require in some instances. Telecoms data suggests 90% of people are spending all day near their home, up from 55%¹. 31% of businesses in the construction sector and 27% of manufacturing firms report closing or pausing trading². Only 4% of vulnerable children are currently attending school despite guidance being that they should do so³.

¹Company A, anonymous due to legal agreement, 12/04/2020

²ONS survey, 05/04/2020

³DfE polling

5. There has been a general upward trend in the number of **enforcement notices** issued by the police each day - 3,178 in England up to 13 April - though this is not a good indicator of the level of enforcement activity or compliance. We are scrutinising the approach of enforcement bodies, and taking action (such as encouraging changes in police guidance) to address issues that may undermine the effectiveness of the policy.
6. The impacts of the measures on the economy, society and non-Covid 19 related health issues are mounting, and although data is limited in some areas it is likely they will become more serious over time:
 - a. **on health**, A&E attendance and both emergency and non-emergency admissions have decreased sharply, as have urgent cancer referrals. The longer term indirect health implications are currently unknown;
 - b. **the impact on UK economic activity is significant**, with output, consumer spending and confidence significantly down. 27% of businesses temporarily closed or paused trading between 23 March and 5 April, and 53% of firms that continue to trade say turnover was lower than the normal range in the same period⁴. There have been 1.3 million Universal Credit claims since 16 March.
 - c. **The social distancing measures are also having a negative effect on a range of social outcomes**. Only 1% of pupils remain in school in England (and only 4% of vulnerable children attended school on 6 April)⁵. There has been a 34% increase in calls to the National Domestic Abuse Helpline in w/c 6 April compared to the previous week.
 - d. **The measures are having a disproportionate impact on certain groups**, with women, those on lower incomes and other vulnerable groups more exposed. We are conducting an equalities assessment to ensure we have properly considered these impacts and to help mitigate legal risks in this area.

Approach

7. Given SAGE's clear advice, we recommend you should maintain the full set of current measures and clear messaging. A series of other changes were proposed by Departments e.g. change to messaging on outdoor activities: in light of SAGE's advice we recommend against these (these are also shown in the attached list).

8.

LPP/LAP

⁴ ONS survey, 23/03/2020 - 05/04/2020

⁵ DfE polling

ANNEX: IMPLEMENTATION CHANGES PROPOSED BY DEPARTMENTS

We **do not recommend** the following proposals that have been made by Departments for change of emphasis on the guidance:

1. **Changing messaging on schools** to encourage the children of key workers and vulnerable children to attend (only 4% of vulnerable children trend, though guidance is that they can)
2. **Reopening outdoor spaces:** SAGE advise that relaxing restrictions on the use of outdoor spaces is very likely to have no more than a negligible direct impact on transmission, but note that changing such measures could have negative behavioural implications (it could send mixed messages).
3. **Reopening burial spaces:** this would have a positive impact on wellbeing. However, families can attend funerals and this could create mixed messaging.
4. **Reopening garden centres:** polling suggests only 31% of individuals would visit garden centres if reopened and this could confuse wider messaging.

MINOR AND TECHNICAL AMENDMENTS OUTSIDE OF THE REVIEW PROCESS

We **recommend** these small amendments to the existing guidance and regulations are undertaken in a low key way, subject to Ministerial consideration of each, over the weeks following (but not linked to) the review in order to provide greater clarity and reduce the risk of successful legal challenge:

Changes to the regulations:

- i. technical amendments to the enforcement provisions that are necessary to ensure effective collection of Fixed Penalty Notices;
- ii. ensuring Money Service Businesses (such as Western Union) are permitted;
- iii. ensuring that livestock auctions & markets are permitted; and
- iv. confirming that zoos should close (to enable them to claim against insurance);

Changes to the guidance/FAQs:

- v. Better aligning guidance with regulations to minimise legal risk, eg the guidance does not explicitly state that you can leave the house to fulfil a legal obligation but the law does specify this (this could lead to people missing, for example, bail hearings);
- vi. consolidating the guidance on conducting a safe funeral to provide clarity;
- vii. clarifying that broadcasters are allowed to create new content (as existing pre-recorded content will run out soon);
- viii. clarifying that a shop can only remain open where the shop's primary or predominant offer is on the list of permitted exemptions (e.g. Marks and Spencer stores that sell food, but have a clothing section);
- ix. confirming that commercial stables should be closed to the public;
- x. clarifying guidance on cash handling i.e. avoid cash wherever possible and wash hands after handling; and
- xi. confirming that driving instructors/assessors are permitted to operate in order to assess key workers.