

FOR DISCUSSION

PAPER CIRCULATED BY THE DEPUTY FIRST MINISTER IN CORRESPONDENCE
IN ADVANCE OF THE CABINET MEETING HELD ON 28 APRIL 2020
(SC(20)16th MEETING)

From: Deputy First Minister
27 April 2020

Cabinet Secretaries

Copy to: First Minister
Permanent Secretary
Executive ukTeam
Chief Medical Officer
Chief Social Policy Adviser
Chief Economic Adviser
Chief Scientific Adviser
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COVID-19: UPDATE TO SG'S FRAMEWORK FOR DECISION-MAKING

As you know, we published last Thursday our framework for decision-making on the restrictions currently in place to suppress the virus, recognising the need to mitigate the harms caused by the virus to health, society and the economy.

The First Minister asked me to lead work to develop that framework towards a route-map for changes to the restrictions currently in place, when and if it is safe to do so.

At my request, officials have prepared over the weekend an initial draft of an update to our framework. This is attached. The update restates our approach and principles from the framework; assesses evidence on the spread of the virus; summarises the restrictions currently in place; assesses the harms caused by the virus; sets out options under consideration as we prepare to review the restrictions, which must by law do by 7 May; and sets out the first steps in develop a route-map for these changes, consistent with our approach and principles.

This is an early draft, and the drafting team is developing it rapidly to take account of comments from policy leads and expert advisers. The First Minister agreed that I should minute Cabinet colleagues to invite you to consider the current draft, to inform discussion at Cabinet tomorrow. Our discussion might usefully cover:

- **the options under consideration:** these reflect emerging scientific advice that changes affecting outdoor activity and schools are likely to pose the smallest risk of increased transmission, and also include options which are live in public debate; though (as the draft says) it may not be safe to make any changes at this stage;

1.

Paper circulated for discussion at Cabinet on 28 April 2020: SC(20)16th Meeting

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- **other aspects of the content of the update**, and the drafting team is in touch with policy leads and chief advisers across government, who will support you in commenting whether at Cabinet or separately;
- **whether and when to publish an update**: it may be desirable to do so this week, in order to follow up last week's publication and to inform the approach to the the "Four Nations" process ahead of decisions on 7 May; or a later publication date may allow us to develop the options and our assessment of them to a more complete and robust first route-map.

I look forward to the discussion at Cabinet tomorrow. Since this work continues at a necessarily fast pace, I should be grateful for any further comments by close of play tomorrow, Tuesday 28 April.

JS

27 April 2020

CORONAVIRUS (COVID-19): UPDATE ON DECISION-MAKING [Version of 27/4/2020 13:00]

The Scottish Government published on 23 April 2020 its *Coronavirus (COVID-19): framework for decision making*.

This update was published on [30 April] 2020. It sets out:

- our approach and principles, as published on 23 April;
- evidence on the spread of the virus in Scotland, and the indicators and estimates we are taking into account in judging whether the current restrictions can be safely eased;
- a summary of the guidance and restrictions currently in place in order to suppress the virus;
- evidence on the harms being caused by the virus to Scotland's health, society and economy;
- options the Scottish Government is considering as it prepares to review the emergency regulations currently in force;
- the first steps in developing a route map for these changes, consistent with our approach and decision-taking principles,

The Scottish Government is currently reviewing options for varying the restrictions and guidance currently in place. We have set out a number of options here as a contribution to discussion, scrutiny and understanding within Scotland, in the rest of the UK, and beyond, including discussion as part of the Four Nations process within the UK, and with delivery partners and stakeholders in Scotland, as we plan our approach. [DN: It may be possible or desirable to say more about this process of engagement.]

We will reach conclusions on the options set out here as part of our review of the restrictions currently in place. That review must be completed no later than 7 May. We retain current restrictions while they remain justified, necessary and proportionate, and will not remove or vary them unless and until it is safe to do so. Indeed it is not certain at this stage that we will be able to lift any of the current restrictions at the next review date of 07 May.

Our approach and principles

Our approach is that we will:

- **Suppress** the virus through compliance with physical distancing and hygiene measures, ensuring that the reproduction number remains below 1 and that our NHS remains within capacity
- **Care** for those who need it, whether infected by the virus or not
- **Support** people, business and organisations affected by the crisis
- **Recover** to a new normal, carefully easing restrictions when safe to do so while maintaining necessary measures and ensuring that transmission remains controlled, supported by developments in medicine and technology
- **Protect** against this and future pandemics, including through effective testing, contact tracing and isolation
- **Renew** our country, building a fairer and more sustainable economy and society.

Our approach is set out graphically in Annex A.

These are the principles by which we will make our decisions:

Safe	We will ensure that transmission of the virus remains suppressed and that our NHS and care services are not overwhelmed.
Lawful	We will respect the rule of law which will include ensuring that any restrictions are justified, necessary and proportionate.
Evidence-based	We will use the best available evidence and analysis.
Fair & Ethical	We will uphold the principles of human dignity, autonomy, respect and equality.
Clear	We will provide clarity to the public to enable compliance, engagement and accountability.
Realistic	We will consider the viability and effectiveness of options.
Collective	We will work with our partners and stakeholders, including the UK Government and other Devolved Nations, ensuring that we meet the specific needs of Scotland.

The restrictions and guidance currently in place

In order to bring the virus under control in Scotland, we have asked people here to protect themselves and others by observing these measures:

- stay at home
- only go outside for essential food, health and work reasons
- stay 2 metres (6 feet) away from other people
- wash your hands regularly
- wash your hands as soon as you get home

Annex B describes these measures in more detail. Further detailed guidance is available online.¹ These measures are supported by legislation.²

The spread of the virus in Scotland

As of [30th] April, [X] people in Scotland have been confirmed to have been infected with the virus, and as of [date], [X] people have been recorded as having sadly lost their lives.

The Scottish Government will not ease restrictions until it is safe to do so. We will not risk a second surge in infection, causing huge harm to Scotland's health, society and economy, and overwhelming our NHS.

To judge whether and when restrictions can be eased, we look at data on the prevalence of the virus in the community, the number of people in our hospitals with COVID-19, the number of those who are in intensive care, and the number of deaths. Annex C contains charts showing these numbers. Information from community surveillance of the prevalence of the virus will be available shortly. The charts and the numbers are available online, and are regularly updated.³

¹ <https://www.gov.scot/collections/coronavirus-covid-19-guidance/>

² The Coronavirus (Scotland) Act 2020 and the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

³ <https://www.gov.scot/publications/trends-in-number-of-people-in-hospital-with-confirmed-or-suspected-covid-19/>

Our advisers estimate, from these and other data, the total number of people in Scotland currently likely to have the virus, whether or not showing symptoms, and the current reproduction rate, or R, of the virus: the number of people, on average, who are catching the virus from each person who already has it. R must be well below 1 in order to suppress the virus.

Like the UK Government, before we ease any of the restrictions currently in place, we shall want to see a sustained and consistent fall in the daily death rate from coronavirus, so we can be confident that we have moved beyond the peak, and we shall want reliable data showing that the rate of infection in the community is decreasing and the number of new cases is low. We shall also want to be confident that the public are aware that, whatever measures change, there will still be a need for physical distancing, stringent hygiene and high vigilance for the symptoms of the virus. We will also ensure that we have in place the equipment, testing capacity and the arrangements necessary to contain the virus and care for those infected by it.

[DN: This paragraph to be completed and strengthened with input from CMO's Advisory Group.] Our advisers' current estimates are that about [XX,000] people in Scotland currently have the virus, and that the reproduction rate is between [0.X and 0.X]. [Our advisers do not consider it would be safe to ease restrictions until the estimated number of people with the virus is significantly below [X,000], and the reproduction rate, R, is sufficiently below 1 to give confidence that easing the current restrictions will not increase it beyond 1. An increase beyond 1 would risk exponential growth in the number of cases, hospitalisations and deaths, causing very significant harm to Scotland's health, society and economy. Some restrictions and guidance are therefore likely to remain in place for the foreseeable future – indeed there is no certainty at this stage that we will be able to lift any of them at the next review date of 07 May – and any signs of a resurgence in the number of cases, whenever it occurs, may necessitate the introduction or reintroduction of further restrictions.]

The data so far show encouraging signs of progress, but it is too early to say that it is safe to ease restrictions. We shall continue to monitor and publish the data and our assessment of what it shows. We expect to publish a further assessment before completing our review of the current restrictions, which we must do by 7 May.

Harms caused by the virus

Our framework for decision-making described how COVID-19 causes harm in at least four ways:

- direct and tragic harm to people's health, as evidenced in the data described above
- through its wider impact on our health and social care services, how our people are using those services, and how this impacts on non-COVID health harms;
- the restrictions which Scotland, together with the other UK nations, has necessarily put in place to slow the spread of the virus can in turn cause harm to our broader way of living and society;
- along with the wider negative impacts of the global pandemic, the lockdown has had an enormous impact on our economy, with a potential fall of 33% in GDP during the period of

lockdown, causing deep uncertainty and hardship for many businesses, individuals and households, and with potentially profound effects on poverty and inequality.

Annex D contains a selection of data quantifying these wider harms. In reaching its judgments on whether the current restrictions are justified, necessary and proportionate, the Scottish Government draws on these data as well as data on the direct harm caused by the virus.

Options the Scottish Government is considering

Although we do not yet consider it safe to ease current restrictions, we are considering options for changes when it is safe to introduce them.

It is unlikely that all of these options could be introduced at once – it may not be possible to introduce any of them at the next review date of 07 May – and it is possible that some or all of these changes would have to be reversed if that is necessary to suppress the virus and prevent a resurgence of cases.

The options currently being considered by the Scottish Government as possible initial steps are in five categories. All of these options remain under consideration at this stage; none has been decided upon, and we may conclude that it is not yet safe to proceed with any of them.

A. Changes to advice about staying at home.

We are considering changing current guidance so that people can leave their home more than once a day and for as long as they want in order to exercise, provided they use active travel only, stay in their local area, stay within their own household group (or any extension of this that may be permitted in future), maintain physical distancing from those not part of their own household, and maintain good handwashing and cough hygiene at all times.

B. Changes to advice about visiting other households.

We are considering changing current guidance so that people can meet up with a small number of others (the number is under consideration) outside their own household in a “bubble” that acts as a single unit and doesn’t connect to others. If anyone in the bubble develops Covid symptoms, those people would need to self-isolate immediately for 7 days, and the remainder of the bubble for 14 days

C. Changes affecting businesses that have been subject to restrictions or closure.

[DN This section needs to be strengthened (i) to reflect the fact that some businesses have been required to close, while others have *chosen* to close, and (ii) if possible, to set out general principles applying to categories of business, as well as the specific examples highlighted below.]

We are considering changing current guidance to businesses to allow some non-essential businesses to open, provided they put in place strict physical distancing and hygiene arrangements similar to those in place in supermarkets. The categories of business we are considering for re-opening in Scotland are:

- i. garden centres;
- ii. small, non-essential retail premises; and
- iii. firms providing construction services outdoors.

D. Options for allowing pupils to return to school.

We are considering changing current guidance to education authorities so that pupils can return to school through a phased approach, but we do not consider it likely that schools will reopen fully in the foreseeable future. Indeed, we are not yet certain that they can re-open at all in the immediate future.

An Education Recovery Group (ERG) has been established, chaired by the Deputy First Minister. The group first met on Friday 24 April and is meeting weekly. The ERG includes key stakeholders such as local government, teacher unions and parent representatives. The first main task for the group is to model what a phased approach to school re-opening will look like. The ERG has been asked to consider the 'what' and 'how' of phased re-opening, not the 'when' as this will be a Ministerial decision guided by the science. Eleven workstreams have been established with partners (reporting to the ERG) to consider the wide range of policy, practical and operational issues related to re-opening schools.

Subject to that work the options we are examining for return to school are:

- i. Developing a chronological list of priority groups who would return to school in an agreed order (for example vulnerable pupils and pupils who are in transition, eg from P7 to S1 or those about to commence national qualification courses in S3-6).
- ii. Modelling a new approach to schooling for the foreseeable future. To enable ongoing physical distancing, most pupils are likely to have a blend of in-school and in-home learning. This would include attending school part-time in blocks of a few days or even a week at a time, to enable deep cleaning of schools between groups. Learning at home will be supported by consistent, high-quality online materials which will be developed to support the curriculum.

E. Options for resuming certain NHS Scotland elective procedures and screening services.

We are considering whether we can resume certain services currently suspended, provided this can be done safely and without risk to patients.

Our assessments also take account of the interactions between these options, to the extent these can be estimated. For example, it is possible that some increase in the number of pupils attending school and businesses opening will result in increased use of public transport, resulting in the need to assess whether and how that can be achieved with physical distancing and safe working.

A route-map for changes

We are currently preparing more detailed reviews of the options set out here, and expect to publish these in a further update before we conclude the present review of existing restrictions. These more detailed reviews include:

- **assessments** of each of these options in terms of their impact on the risk of infection and the their potential to reduce harm to Scotland's health, society and economy, in a fair and ethical way;
- **descriptions** of each of the options and how it would be communicated to enable compliance, engagement and accountability;

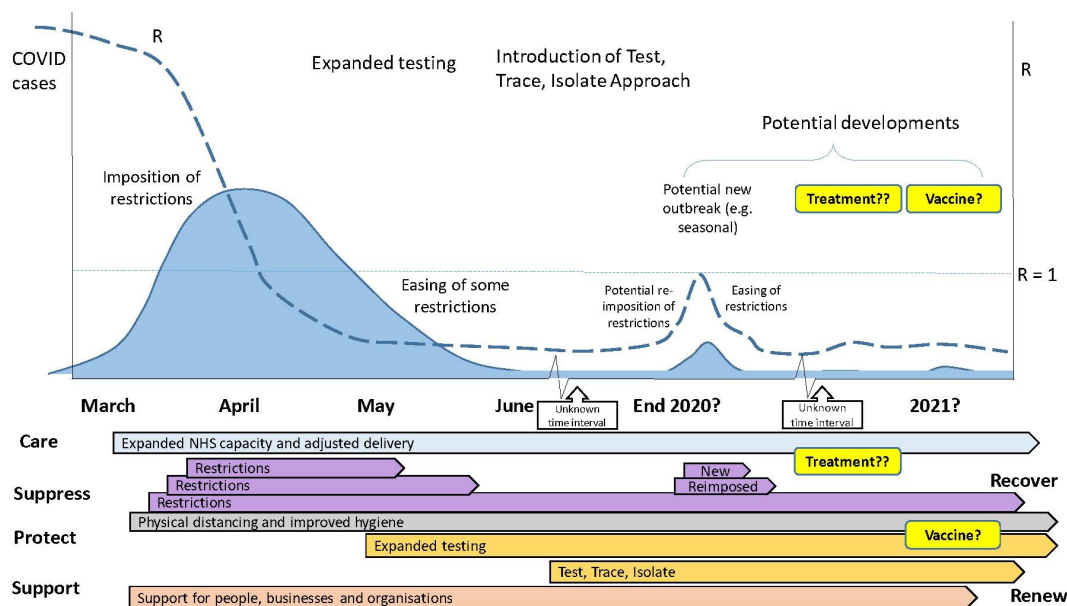
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- the **changes to regulations and guidance** that would be made to introduce each option in a lawful way;
- **outline plans** for implementing each option in a realistic and collective way, indicating the work required to ensure the change is managed in a viable and effective way, the likely timescale between a decision to implement and the change being made, who is responsible and accountable for that work, and who needs to contribute to it and be kept informed about it;
- assessments of **the steps needed to reverse each option**, should that prove justified, necessary and proportionate.

We intend to publish a further update on or before 7 May.

The Scottish Government
[30 April] 2020

Annex A: Our Approach to transitioning through and exiting from the COVID crisis



The diagram above depicts **our approach** to transitioning through and exiting from the crisis. The future is uncertain and the diagram shows just one potential scenario, with key timings unknown.

Our initial priority, and the essential for all our future decisions, is to **suppress** the virus. That means both reducing the number of cases to very low levels and controlling the spread of the virus (keeping R below 1). We do this by introducing a range of physical distancing restrictions and hygiene requirements. If people do not comply with these restrictions and requirements then we will not achieve the desired suppression of the virus and would need to keep restrictions in place for longer or introduce new ones.

People suffering from COVID-19 in Scotland must receive the **care** they need. To ensure this, we have increased NHS capacity, necessarily delayed non-essential health interventions and adjusted the delivery of some health services. People must still receive the emergency healthcare they need and our health services remain open to support and care for them.

To **protect** our people from the virus, both now and in the future, we are expanding our testing capacity. Once the virus is suppressed, we will implement a test-trace-isolate approach to ensure that the virus remains controlled to very low numbers of cases.

This, along with continued hygiene and necessary distancing measures, will enable us to cautiously **recover** our way of life to a new normal, re-opening our schools and workplaces when it is safe to do so and we can be confident that the virus is suppressed. If we have further outbreaks of the crisis in the future, we will re-impose necessary restrictions to suppress it once more.

In the interim, we know how difficult the restrictions and broader impacts of the crisis are: no-one will be unaffected the crisis. Consequently, working with partners in the public and third sector, we have put in place an unprecedented range of **support** for people, businesses and organisations.

When the virus is suppressed, and with continued necessary protections and restrictions in place, we will move to a 'new normal' way of living. With that comes the potential to harness the best of our society and our public services that has been demonstrated amid the suffering of the crisis, and to **renew** our country, looking towards a fairer and more sustainable future beyond the crisis.

ANNEX B: DESCRIPTIONS OF RESTRICTIONS AND GUIDANCE CURRENTLY IN PLACE

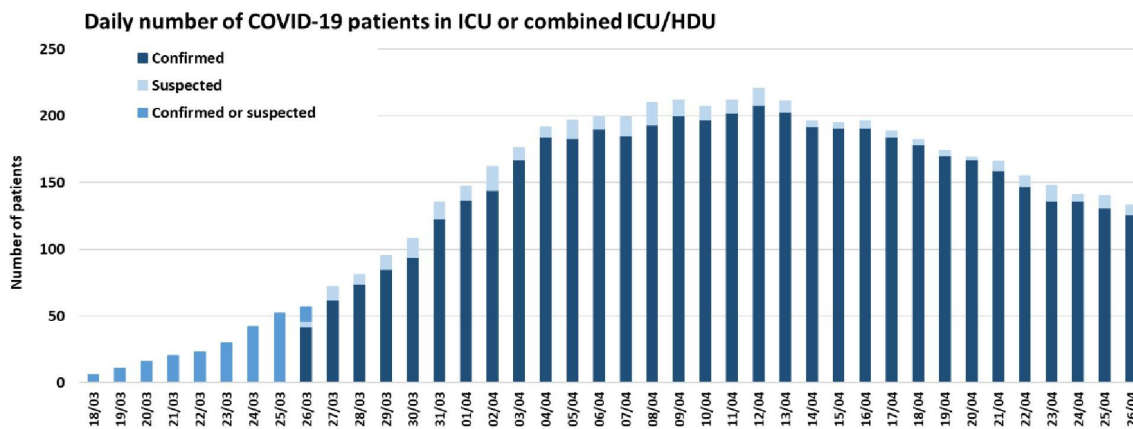
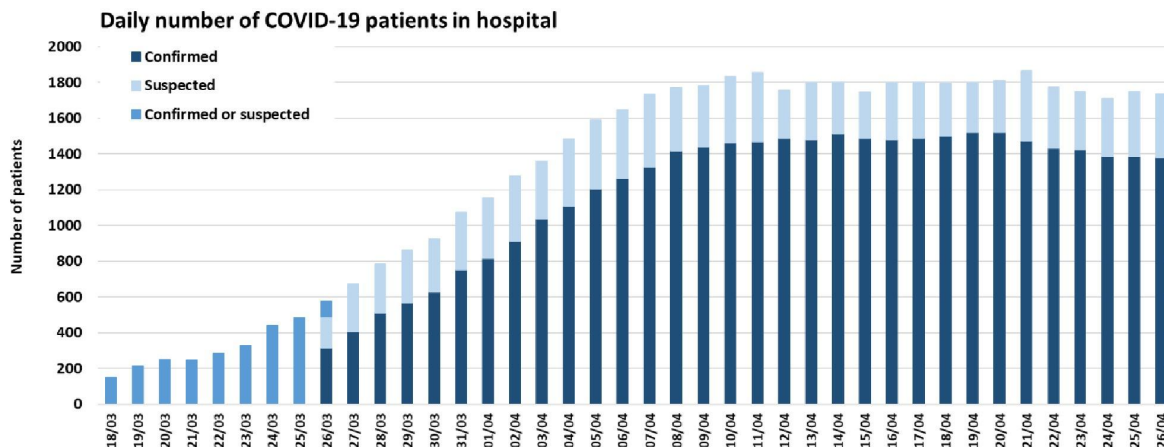
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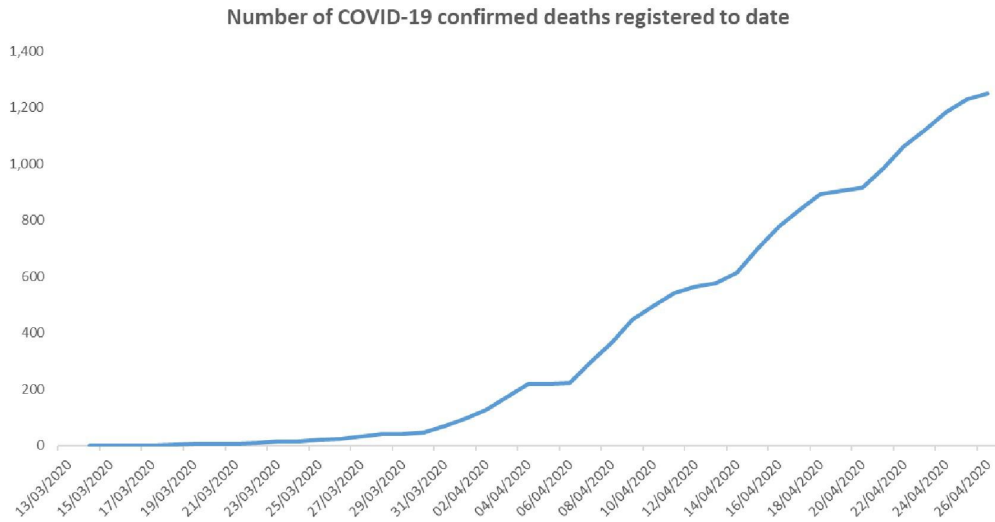
RESTRICTED HANDLING

ANNEX C: DAILY NUMBERS OF COVID-19 PATIENTS IN HOSPITAL, IN ICU, AND OF DEATHS

[Annex to be developed to include, if possible, material on:

- community prevalence of the virus
- institutional prevalence, and the “three epidemics” point
- charts, including up-to-date versions of these from the published data.]





ANNEX D: THE HARMS CAUSED BY THE VIRUS

[In development by analysts and advisers: material describing and quantifying the range of harms – to health, both directly and indirectly, to society and to the economy – caused by the virus.]

RESTRICTED HANDLING