

COVID-19: Four Harms Group

Terms of Reference

Context

1. 'Scotland's Strategic Framework' (October 2020) set out the Scottish Government's strategic aim ***'to suppress the virus to the lowest possible and keep it there, while striving to return to a normal life for as many people as possible'***; and restates our commitment to the 'four harms' approach described in the 'Framework for Decision-Making' (April 2020), under which we seek to ensure that COVID-19 decisions achieve an appropriate balance between these various inter-related harms so as to minimise overall harm:

- The direct harm to our health caused by the virus
- The harm to health and social care services and our broader health and wellbeing
- The harm to society and our way of life
- The harm to our businesses and our economy as a whole.

2. The 'Framework for Decision-Making' also committed us to a series of underpinning principles, which embrace the legal tests and fundamental human rights:

- **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 and 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.

3. The updated 'Strategic Framework' published in February 2021 reconfirmed our commitment to this approach.

Purpose of the Four Harms Group

4. The purpose of the Four Harms Group is to support the DG CEA in his role supporting the First Minister and Deputy First Minister in leading collective decision-making through cross-government co-ordination:

- Acting as the senior official forum supporting collective Ministerial decision-making in relation to COVID-19;
- Considering proposed tightening, easing and changes of protective measures to support policy recommendations to the First Minister and Deputy First Minister and proposals to Cabinet;
- Ensuring that proposals to Ministers take due account of the public health advice provided by the National Incident Management Team and the views of senior clinicians and senior advisors, and are assessed against the four harms on the basis of the available evidence;
- Ensuring that Ministers receive rounded and well-supported recommendations reflecting the principles in the Framework for Decision-Making ;
- Exercising oversight of the ongoing and forward analytical work programme intended to provide the underpinning evidence base for decisions;
- Taking an overview of activity across the Scottish Government and implementation on the ground of the other elements of the 'Strategic Framework', notably vaccination, testing and adherence in order to promote a fully integrated cross-SG approach;
- Keeping under review the efficiency and effectiveness of the decision-making process, including arrangements for engagement with local authorities and others.

Membership

5. The core membership of the group is formed from the leads (or nominated substitutes) for each of the four harms and those individuals needed to ensure business can be conducted in line with the principles and purpose of the Group, as above. That entails:

Core membership

Director-General for Constitution and External Affairs (Chair)

Harm One

National Incident Commander for the Covid Response
Chief Medical Officer or Chief Nursing Officer

Harm Two

Chief Performance Officer, NHS Scotland
or National Clinical Director

Harm Three

Chief Social Policy Advisor

Harm Four
Chief Economic Advisor

Core team
Head of COVID Analysis
Director of COVID Exit Strategy
Director of COVID Co-ordination
Director of COVID Public Health
Director Constitution and Cabinet
Director for Local Government and Communities
Director of Equalities, Inclusion and Human Rights

External Advisors
Chair of the Directors of Public Health
SOLACE representative
COSLA representative

Harm leads, at the discretion of the Chair, may invite other SG officials to participate and speak or observe. Invited participants might be expected to include:

Any other SG officials, subject matter experts and external advisors judged necessary to the effective running of the meeting, e.g.

Director of Learning
Director of Economic Development
Director of Culture, Tourism and Major Events

As part of supporting the Chair, SGLD may be invited to provide an observer to help ensure any subsequent advice to Ministers is informed by best legal advice.

6. A wider circulation list for meeting notices, papers and minutes will be maintained. This will include Directors General and lead officials for specific policy areas and is attached at Annex A.

Meetings

7. Wherever possible, the group will meet, or its comments will be sought, ahead of all substantive Cabinet discussions and all meetings of Ministers and officials in Gold Command format.

8. The meeting will include a standing agenda item on feedback from local authorities.
9. The secretariat for the group will be provided by Outbreak Management Directorate.
10. Notes will be produced after each meeting. Once approved by the group, they will form part of the official internal record of decision-making.

Annex A:

Distribution list for papers etc.
List to be provided by Policy Areas