

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020

ISLAND COMMUNITIES IMPACT ASSESSMENT

PURPOSE AND INTENDED EFFECT

Background

This Island Communities Impact Assessment (ICIA) is focussed on the policy for temporary adjustments to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 which provide for festive gatherings, and the associated easing of travel controls which allow travel for this purpose.

During the period 23rd December to 27th December inclusive, there will be a limited relaxation of the COVID-19 rules to allow people to travel within the UK to spend Christmas together, in “bubbles” of up to three households if they wish.

This is being done not to encourage people to mix with other households, but because the Scottish Government recognises that isolation and loneliness can hit people particularly hard over the Christmas period and that some may therefore feel it necessary to do so.

This ICIA assesses the temporary adjustments to the measures contained within the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020. Associated guidance is set out at: [Coronavirus \(COVID-19\): guidance for festive period - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-festive-period-2020/pages/1-1-introduction-and-what-is-new-in-the-regulations-2020.aspx)

Regulations

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 (the Regulations) amend the existing Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (SSI 2020/344) (the “Levels regulations”) to provide for a slight relaxation of rules surrounding travel and gatherings over a short period in December to allow those who are at risk of experiencing loneliness and isolation to spend Christmas with others. These Regulations adjust the existing rules during the period from and including 23 December 2020 to 27 December 2020.

The Regulations allow a “holiday gathering” to be added as an exception to the restrictions on gatherings in private dwellings in Level 1, 2, 3 and 4 areas and in outdoor public places in Level 2, 3 and 4 areas. These must consist of no more than 8 people from no more than 3 households – under 12s do not count towards the 8 person limit. The Regulations set out that a person or household may only take part in one holiday gathering to ensure household to household interaction remains limited over this period. These changes ensure that those who chose to take part in a holiday gathering are able to do so legally in small and controlled numbers.

The Regulations also modify the Levels regulations to add gathering as a holiday gathering to the list of examples of a purpose for which a contravention of the travel restrictions in Level 3 or 4 areas, will constitute a reasonable excuse. This ensures individuals or households are able to travel into or out of a Level 3 or 4 area if it is for the purpose of attending a holiday gathering during the specified period. Regulation 3B(2) further modifies the principle

Regulations to make special provision for travel to or from Northern Ireland on 22 December 2020.

SSI 2020/344 make non-compliance an offence and subject to the same regime of Fixed Penalty Notices and fines as other restrictions therein.

The guidance sets out additional details of how the policy applies in different settings, for example in relation to hospitality and leisure premises, care home and hospital visiting, and holiday accommodation.

The guidance also sets out hygiene measures to reduce the risk of Covid spreading between individuals in the bubble.

The guidance provides additional advice on travel and transport, including advice around staying safe whilst travelling, planning and pre-booking public transport, and advice on travel disruption. It also makes clear that those travelling to or from the Scottish Islands should plan to do so within the 5 day period, 23 – 27 December. Overnight journeys e.g. from Shetland should commence on the 27th. There are exceptions to the time limits for travel where an individual is delayed as a result of travel disruption or ill-health, including self-isolating following a positive Covid test or as a contact of someone who has had a positive test.

Objective

The Christmas bubble measures, and temporary relaxation of travel controls are designed to balance the need to suppress the spread of the virus whilst recognising that isolation and loneliness can hit people particularly hard over the Christmas period. That will benefit all sections of society, including those who live on Scotland's islands.

The objective of these restrictions is to allow a limited period of time in which households can interact indoors with other households. The Scottish Government is clear, however, that the safest way to spend Christmas and the festive period is to stay within your own household, in your own home and your own local area.

These measures are applied across all Levels of measures. This means that individuals from any part of the UK can travel to form a Christmas bubble, provided they do so within the specified timeframe.

For a significant number of islands, the same issues remain as at the start of the pandemic: an older population, limited health facilities and resources, and for most islands, a reliance on limited air ambulance transport to a mainland hospital. The consequences of a significant Covid-19 outbreak on an island remain a severe concern.

However, most islands do not have direct mainland access and many have lower levels of visitation than the mainland, and many have consistently low, or no, reported cases of Covid-19. Additionally, the constraints on travel to and from some islands may make it more challenging for individuals to form Christmas bubbles, and/or reduce the amount of time within the permitted time period individuals can spend with their Christmas bubble. It is therefore appropriate that we consider how these restrictions are likely to impact on our island communities and how this will differ from the impact they will have on the mainland.

In designing and implementing the policy on Christmas bubbles it is important to take a proportionate, flexible and pragmatic approach to islands recognising the unique challenges that they face.

GATHERING DATA AND IDENTIFYING STAKEHOLDERS

Data

The Island Communities Impact Assessment prepared for COVID-19 Route Map Phase 3 has been a valuable resource in highlighting not just the current situation in the islands but also potential differences between islands.

Some key issues identified within that ICIA and which remain relevant are:

- Limited capacity on ferries and planes (due to physical distancing requirements) may make it harder for islanders to visit family and friends in other households on the mainland and vice versa. The physical geography and existing constraints of road types across the islands contribute to the complexity of the organisation of services.
- Poor digital connectivity on some islands may continue to make home-working more challenging. The guidance for remote working to be the default position for 'those who can' must take into consideration those who do not have a decent level of digital connectivity to allow them to undertake their work from home.
- Digital connectivity also creates an equalities issue, as those on lowest pay are the least likely to be in a job or a situation where working from home is possible, and this creates particularly acute challenges in remote and rural settings given the costs of commuting and the likelihood of having connectivity challenges.
- There is a disproportionate number of micro/small businesses on islands - many of whom provide essential services for communities even outwith the tourist season. A number of these businesses have been severely financially impacted by the pandemic and some have struggled to secure support funding. Ongoing funding to support these businesses to continue to adapt may be useful.¹
- Island communities rely on local facilities (e.g. community halls, interpretive centres) as spaces for events, to attract visitors, to generate economic activity and to make the area an attractive place to live, work and visit. Continued social distancing and restrictions on gatherings may leave such facilities underused yet still requiring to meet overhead costs. The role of community island anchor organisations and the role of the public sector should continue to be supported to support our island communities
- Island communities have continually expressed concern regarding the fragility of island health services, the lack of resources to deal with an outbreak on islands and the vulnerability of an elderly population.
- Island communities are less affected by some of the cross boundary issues arising from restrictions requiring people to remain in their local authority area, as all Scottish islands are either a single authority, or fall within one single authority.
- For the islands who fall within a single authority, communities risk being disproportionately and/or unjustifiably (in terms of the key metrics if taken at a more local level) affected by the assignment of their local authority to a high level. Again this demonstrates why it is important to take a proportionate approach to islands recognising the unique challenges that they face.

The Christmas measures are supplementary to the restrictions set out at each Level in the Strategic Framework, the determination of which is informed by a range of data through the process set out at <https://www.gov.scot/publications/coronavirus-covid-19-allocation-of-levels-to-local-authorities-17-november-2020/>

Within Government

¹ It is recognised that this issue is not unique to islands.

The Christmas policy measures have been developed in collaboration with a wide range of policy leads across Scottish Government and its agencies. Work has also been undertaken with the other UK administrations to develop a 4 Nations approach.

Public Consultation

In developing the Strategic Framework, the Scottish Government has consulted with stakeholders from across Scotland regarding implementation of the guidance. This engagement has continued as work has progressed to considering the impacts of laying the guidance into regulation through various industry and businesses groups.

Building on this, the Scottish Government has undertaken detailed and intensive consultation and engagement with key partners on the levels that have been assigned. There is also ongoing Parliamentary scrutiny of the Strategic Framework and associated regulation.

To further support this, officials and Ministers have also engaged with relevant island stakeholders throughout the pandemic, including local authorities and Health Boards.

On 23 November, the four governments in the UK announced plans for a limited relaxation of travel controls over the Christmas period. Detailed plans and guidance have been developed in a discussion with the Transport Equalities Network about Christmas travel from an islands and rural perspective, stakeholders sought flexibility where return on the 27th December was beyond an individual's control. Appropriate flexibility is built into the guidance² and will be built into the regulations.

ASSESSMENT

Overview

Restrictions on indoor and outdoor social gatherings, in various forms, have been in place since March 2020. These have, at various points, limited the number of households and persons who can meet in public and private spaces for social purposes. Exemptions to the gatherings rules exist for other types of gatherings, such as for work, education, care, or to escape a risk of harm.

The ability to interact socially with other households is important for Scotland's society and individual wellbeing. Social interaction helps to reduce social isolation and loneliness, which can be of greater benefit for groups e.g. older people who are at greater risk of social isolation. It can also have a positive effect on mental health for a wide range of groups.

COVID-19 virus transmission occurs primarily through close contact between individuals. Evidence continues to indicate that the virus can be transmitted by respiratory droplets and aerosols and direct contact with surfaces contaminated with virus. Close-range transmission is likely to be the most significant and is strongly associated with proximity and duration of contact in indoor environments. A range of social and residential settings have been associated with transmission, which includes crowded indoor settings. Limiting socialisation, particularly indoors, is one of the main interventions adopted to limit the number of individuals meeting up to reduce the risk of transmission.

During the pandemic, this baseline position is altered, as these intrinsic benefits of social interaction are outweighed by risks relating to increasing the risk of virus transmission.

² <https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-festive-period/>

Travel restrictions, in various forms, have been in place in Scotland for several periods since March 2020, in order to reduce travel to/from and within Scotland or parts thereof, and therefore to support a reduction in transmission rates. The guidance (from 2 November 2020) and regulations (from 20 November 2020) uses local authorities as the basic geographical units to which travel restrictions within Scotland apply.

The ability to travel is important for Scotland's economy, society and individual wellbeing. The benefits of unrestricted travel include:

- that travel can enable people to access their places of employment;
- that travel (private or public) enables people to access the services and facilities they need to be able to thrive;
- that travel plays a key role in reducing levels of social isolation as people move around the country to visit family and friends. Evidence shows that social isolation and loneliness are experienced across Scotland³;
- that travel plays a vital part in supporting tourism. Tourism from the UK and beyond is a major contribution factor to our economy with over £10 billion spent in 2018 (Scotland's Tourism Summary Report, Visit Scotland). Before the COVID-19 crisis the majority of tourists to Scotland came from within the UK and they tended to favour to travel by road, and;
- that travel which enables the effective movement of goods is essential for trade. Freight is transported around Scotland by road, rail, air, sea and inland waterways. Long-haul travel makes up the bulk of freight mileage in Scotland.

During the pandemic, this baseline position is altered, as these intrinsic benefits of travel are outweighed by fundamental risks relating to increasing the risk of virus transmission.

The Christmas measures apply equally to all parts of Scotland, and are not affected by the level each Local Authority was assigned to before the measures come in to force.

ANALYSIS

The remainder of this section will examine the differential impact of the policy allowing time limited relaxations of the COVID-19 rules to allow people to travel within the UK to spend Christmas together, in "bubbles", in relation to island communities.

Christmas "bubble"

The Regulations allow households to form a "bubble" of up to 8 people from 3 households. This can include one extended household. The policy applies equally to all areas of Scotland.

This means that those living in island communities are able to form Christmas bubbles on the same basis as those elsewhere in Scotland.

Time limit for the measures

The relaxations on gatherings provisions and travel apply only for the period 23-27th December 2020. This also applies to those travelling to or from the Scottish Islands. This could have an

³ Our Voice Citizen's Panel (2017). Survey on relationships with health and social care professionals, shared decision making, how loneliness affects people in Scotland, and how well services are working locally.

additional impact on island communities, as it may take more time to travel to these areas, and the travel capacity may be limited.

This should, however, be balanced against the factors set out above concerning the limited health facilities and resources, and for most islands, a reliance on limited air ambulance transport to a mainland hospital. This would make an outbreak of Covid-19 in these areas a severe concern.

There is an additional exemption in the Regulations to allow those travelling to and from Northern Ireland to do so from the 22nd of December. This aspect of the policy was agreed as part of 4 Nations discussions on a joint policy as regards travel between the areas of the UK, and reflects that a 4 nations approach was preferable to ensure clarity of message.

In developing the policy for Scotland, Ministers have, however, been clear that the recommended approach is for individuals in all areas of Scotland to spend Christmas with their own household. The measures allowing travel are intended to mitigate against social isolation and loneliness, rather than to encourage all households to travel. On that basis, it was not considered appropriate to extend the time limit for travel to islands.

At the moment, the majority of island communities are currently in levels 1 or 2, with those in the North Ayrshire local authority currently in level 3. In particular, Orkney, Shetland and Na h- Eileanan Siar are in Level 1. This means that those living in these areas have alternative options to socialise with other households from within their local authority within their own homes before and after the Christmas period, mitigating the effects of social isolation.

The Regulations and guidance also provide that individuals will not be penalised if there are disruptions to travel e.g. due to bad weather which prevent them making their return journey within the permitted window. This recognises that the means of transport needed to access island communities may be more vulnerable to changes to scheduled services due to weather conditions.

Transport Scotland is engaging with operators across all modes to understand demand for and availability of Transport provision. This includes a particular focus on ferry services.

Older People

Restrictions on the size of festive bubbles, and on the time within which travel is permitted for this purpose, may result in limitations on families being able to visit older relatives, thereby potentially resulting in increased loneliness for elderly family members. Being unable to travel to meet friends and family is likely to increase feelings of isolation and loneliness throughout the country, and not just on islands. There is the possibility that this will be compounded in our island communities, there is a higher than average number of older couples living alone in scattered settlements, and more critically, single older people living alone.

However, these impacts must be understood in the context of the risk which COVID-19 presents to the health and life of individuals, their families and loved ones. There is clear evidence that COVID-19 poses a higher risk to older (and more vulnerable) people. The Scottish Government's advice is that the safest way to spend Christmas and the festive period is to stay within your own household, in your own home and your own local area. On that basis, those to whom COVID-19 poses a higher risk may decide to keep in touch with relatives using alternative means e.g. technology, or to socialise outdoors.

CONCLUSION

The following conclusions have been reached in the production of this ICIA:

- The regulations take a proportionate approach in relation to Scotland's island communities, allowing those living on islands to form Christmas bubbles and supporting an approach to travel restrictions that recognise the possibility of travel disruption.
- The regulations do not allow additional time for travel to and from island communities. This reflects the balance between the policy aims of reducing social isolation with managing the risks of the transmission of the virus.
- For these reasons, the regulations relating to travel restrictions are not deemed likely to have effects on island communities that are significantly different from their effects on other communities (including other island communities) in Scotland.