

Final Business and Regulatory Impact Assessment

Designation under The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020

Introduction

1. The Scottish Government, along with the UK Government and the other Devolved Administrations, have introduced emergency public health measures at the UK border, designed to reduce the public health risks posed by Coronavirus (Covid-19), by limiting the further spread of the disease.
2. It has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life and the right to health for Scotland's population. However, the unequal impact of the pandemic and the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
3. [The Coronavirus \(Covid-19\): Framework for Decision-Making](#) published in 2020 made clear that Covid-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework identified four main categories of harm: **direct health impacts, non-Covid-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
4. The measures contained within these Regulations have been introduced by emergency public health legislation to reduce the public health risks posed by the spread in Scotland of severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("Coronavirus"), which causes the disease Covid-19, by limiting the further spread of the disease.

Legislative background

5. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 and the Health Protection (Coronavirus, Public Health information for Passengers Travelling to Scotland) Regulations 2020 came into force on 8 June 2020.
6. The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 generally came into force on 15 January (with some specified provisions coming into force on 1 February 2021).
7. The above Regulations were due to expire on 20 September 2021 but were instead revoked and replaced by the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 ("the consolidated International Travel Regulations") on that date. The 2021 Regulations consolidated the provision in the Regulations being replaced.
8. The consolidated International Travel Regulations set out requirements for people arriving into Scotland including:-
 - to provide particular passenger information before or on arrival into Scotland;

- to possess a notification of a negative coronavirus test;
- to possess a testing package for the detection of coronavirus before or upon arrival into Scotland and to undertake such tests;
- to stay in specified premises (e.g. at home) for a specified period upon arrival into Scotland;
- to stay in managed isolation accommodation for a specified period upon arrival into Scotland.

9. The application of these requirements varies depending on which country outside the Common Travel Area a person has arrived from or travelled through, as well as whether any particular exemption is applicable. It is a criminal offence to fail to comply with the requirements in accordance with the Regulations.

10. The Regulations also impose related requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland.”

Purpose and intended effect:

Amendments to the legislation relating to

11. For the purposes of the requirement to stay in Managed Isolation, the Scottish Ministers have designated accommodation at the University of St Andrews and the University of Stirling from 13 August 2021 for the purposes of a managed self-isolation package.

12. This means that students arriving into Scotland from or having travelled through a red list country in the previous 10 days can isolate in accordance with the International Travel Regulations within the designated student accommodation provided for that purpose.

Consultation:

13. Throughout the process, engagement with the higher education sector, trade unions, Purpose Built Student Accommodation providers and student representatives has been continuous including via digital meetings and correspondence.

Options:

This section sets out the range of options that have been explored for the managed isolation of international students coming to Scotland to undertake their studies.

Option 1 – Students isolate in managed isolation hotels

This option is possible, however the Higher Education sector have highlighted a number of issues relating to student welfare and costs. There is also a capacity issue.

The sector highlighted that managed isolation in student accommodation would allow them to provide more targeted support to vulnerable students and that the costs of managed isolation £1750 may be prohibitive to some students. This may result in some students choosing to undertake their studies in a different country resulting in a reduction of income (from international tuition fees) for Scottish Universities. This may also reduce spend within the local economy and reduce the diversity of the cultural experience both on campus and within the immediate community.

The capacity of hotels is also an issue, around 60,000 international students attend universities in Scotland, a large proportion of these will be travelling to Scotland in September and could not be accommodated by the current managed isolation hotel capacity.

Option 2 – Students isolate in university-owned student accommodation that complies to managed isolation hotel standards

This option is possible, however the Higher Education sector has highlighted an issue with their capacity with en-suite facilities, and also that it may be more expensive for them than what quarantine hotels are charging travellers.

In this option, students would isolate in student accommodation that has en-suite facilities and therefore could be managed in a similar way to people staying in hotels with meals and clean linens/cleaning materials provided.

Students could isolate in this accommodation for the required isolation period before moving to their final accommodation if this is shared. However not all student accommodation would be suitable for this option, the amount of en-suite accommodation ranges between universities and in some cases universities would have to use hotel facilities to provide capacity. There are risks with this if international travel increases and there is high demand for hotels. For students planning to live in shared accommodation there is also likely to be an increased cost to staying in an en-suite room.

However this option is supported by medical and clinical advice due to the risk of new variants and potential issues from long COVID-19 if students were to contract COVID-19 in shared accommodation.

Scottish Firms Impact Test:

Will it have an impact on the competitiveness of Scottish companies within the UK, or elsewhere in Europe or the rest of the world?

This policy will have an impact on Scottish universities, approximately 60,000 international students choose to attend Scottish Universities, in addition to providing income to universities they also add to the diversity of university life and support the local economies. In addition, there is also competition within the UK (and internationally), disincentivising international students to study in Scotland risks that they chose to study elsewhere in the UK.

How many businesses and what sectors is it likely to impact on?

Beyond the universities and colleges with student accommodation and Purpose Built Student Accommodation providers it is not possible to quantify.

What is the likely cost or benefit to business?

It is not possible to quantify.

Competition Assessment:

Will the measure directly or indirectly limit the number or range of suppliers?

While the introduction of managed isolation in itself should not have a huge impact on the number or range of suppliers and their ability to compete, this may create more challenging

circumstances for Scottish universities and colleges if the managed isolation rules are stricter than in the rest of the UK.

Will the measure limit the ability of suppliers to compete?

See above

Will the measure limit suppliers' incentives to compete vigorously?

No

Will the measure limit the choices and information available to consumers?

Not directly

Consumer Assessment:

Does the policy affect the quality, availability or price of any goods or services in a market?

Consumers (students) could incur the cost of purchasing a managed isolation package for the duration of their stay in accommodation, should they choose to travel.

Does the policy affect the essential services market, such as energy or water?

No

Does the policy involve storage or increased use of consumer data?

For option 1 - Individuals do need to enter personal data on the Passenger Locator Form and when booking managed isolation packages. This data is not held by the Scottish Government but by the UK Government and is required to ensure effective delivery of the policy.

For option 2 – Individuals will have already provided data to accommodation providers to arrange their student accommodation, and will need to share testing data with their universities in order to end their period of managed isolation.

Does the policy increase opportunities for unscrupulous suppliers to target consumers?

No

Does the policy impact the information available to consumers on either goods or services, or their rights in relation to these?

No

Does the policy affect routes for consumers to seek advice or raise complaints on consumer issues?

No

Test run of business forms:

N/A

Digital Impact Test:

N/A

Legal Aid Impact Test:

N/A

Enforcement, sanctions and monitoring:

Option 1 - Regulations have been put in place to support the implementation of the measures. Monitoring and enforcement will be undertaken by Police Scotland.

Option 2 – Environmental health teams check the hotels – we expect universities to contact the relevant environmental health department and arrange for them to visit the accommodation. In addition universities will monitor compliance.

Implementation and delivery plan and post-implementation review:

Ministers agreed to student accommodations being used for managed isolation as long as universities provide the necessary assurances that this meets equivalent public health protection assurances as hotels used for managed isolation. The Scottish Government has had constructive talks with the sector. Two universities expressed an interest in using student accommodation for managed isolation based on option 2. Medical and clinical advisers support the pilot based on option 2. The Scottish Government will review the need for these Regulations every 28 days.

Summary and recommendations:

Introduction

This BRIA is focused on specifically the managed isolation programme for international students, a range of measures have already been implemented to restrict international travel and minimise the risk of transmission from those arriving from overseas. It is important to view the managed isolation measure as an additional safeguard in the context of this wider package of actions.

Options Appraisal

Scotland's Strategic Framework includes a range of actions designed to suppress virus transmission. In taking action a careful balance needs to be struck between protecting health and minimising the negative impacts on business, jobs and livelihoods.

To fully understand the implications that the Regulations will have on the HE sector within Scotland's economy, a number of scenarios have been considered.

International students using the current hotel managed isolation programme (option 1), international students using student accommodation that would follow the same requirements as hotels, e.g. ensuite facilities (option 2).

The table below summarises the costs and benefits of each option.

Costs and benefits table

Measure	Benefits	Costs
Option 1	Managed isolation in hotels is the current agreed process. Reduces the risk of importation of the virus.	Costs to students to use managed isolation hotels. Potential avoidance behaviour if Scotland has direct restrictions to the rest of the UK, e.g. travel via London Heathrow. Possible issues with hotel capacity.

		Indirect costs to Universities as international students may choose to attend an institution in a different country as a result.
Option 2	<p>Student isolation in en-suite student accommodation would mirror much of the current agreed hotel process, but also allows institutions to support student welfare and reduces the cost of managed isolation for students.</p> <p>Reduces the risk of the importation of the virus and the spread of variants.</p>	<p>Likely to be some additional costs to students to undertake managed isolation in student en-suite facilities.</p> <p>Potential increase in costs to Universities due to increased administration to manage the process. Possible issues with accommodation capacity as not all student accommodation is en-suite.</p>

Conclusion

Based on clinical and medical advice option 2 was deemed to be the most appropriate model.

Declaration and publication

Sign-off for BRIA:

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the measures set out in the regulations and guidance. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Graeme Dey

Date: 29 October 2021

Minister's name: Graeme Dey
Minister's title: Minister for Transport