

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020

ISLAND COMMUNITIES IMPACT ASSESSMENT

PURPOSE AND INTENDED EFFECT

Background

This Island Communities Impact Assessment (ICIA) is focused on the policy for amendments to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) which provide for indoor gatherings to be permitted in private dwellings on any island without a road connection to the mainland in the Highland (Level 1) local government area.

In-home gatherings in dwellings are permitted up to a maximum of 6 people from two households. Those aged under 12 do not count to the number of individuals meeting, although they count towards the number of households.

There are existing exemptions to allow other forms of gatherings in a private home e.g. for care, or for work.

This ICIA assesses the amendments made to the measures contained within the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (“the Regulations”). Associated guidance is set out at: [Coronavirus \(COVID-19\): local protection levels - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19/local-protection-levels/pages/12.aspx)

Regulations

The Regulations amend the principal Regulations and set out changes to the levels that apply to 16 local government areas of Scotland, as well as amendments to the common travel area and other restrictions in relation to travel.

Most of these changes will come into effect at 6 pm on 11 December, with the exception of retail, close contact services and betting shops in Level 4 areas which will be able to open from 6 am on that day.

The Regulations also allow for in-home socialising on islands in the Highland (Level 1) local government area, which are not connected to the mainland by a road bridge. The Isle of Skye is expressly excluded by virtue of having a road bridge. This amendment will be the focus of this ICIA.

Objective

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 the 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 in order to reduce the risk of transmission.

While the Scottish Government is of the view that restrictions on socialising are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, thereby safeguarding the right to life, it is also recognised that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

The Regulations are intended to reduce the impact of the virus spreading while enabling households and people to still meet, to maintain essential social networks.

The measures allow people to connect, with variable restrictions, to groups of family and friends. They may be of particular benefit to mental health and wellbeing, allowing some social activities.

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.

In designing and implementing the policy on in-home socialising 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

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:

- Island communities have experienced considerable challenges due to the downturn in tourism. Given the challenges already in place for these communities, further regulations need to be considerate in not imposing additional issues.
- 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 transportation of pupils to and from school by bus will be more difficult in an island environment due to the remote rural nature of individual communities and the distances covered connecting sparsely populated areas with the school estate. 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
- Rural island economies have a high proportion of businesses reliant on footfall and contact – e.g. hospitality and tourism – which will potentially be those which have the most challenging route out of lockdown and a return to pre-COVID trading conditions. This is particularly acute due to the extreme seasonality of trading for tourism businesses in particular, who faced a truncated season with substantially reduced demand and challenges around reopening. Further support, or the extension of existing support, may be necessary to ensure that businesses remain viable and able to provide employment opportunities and economic activity.
- 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 physical 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.

As part of the suite of measures set out in the Strategic Framework, the travel restrictions for an areas are established by its level, 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/>

ASSESSMENT

Overview

The principal regulations, as amended, already allow social gatherings to take place in private dwellings for those living on certain Scottish islands (Orkney, Shetland and Comhairle nan Eilean Siar) and the Regulations extend that further to Islands in the Highland (Level 1) local government area which have no road links to the mainland. Existing limits on the number of people and households attending indoor social gatherings still apply.

It is worth noting that the Regulations only extend the social gathering policy to those islands within the Highlands local government area (except the Isle of Skye).

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

Analysis

The remainder of this section will examine the differential impact of the policy of allowing in-house socialising on islands which are in the Highland (Level 1) local government area and have no road links to the mainland.

Differentiation Between Island Communities

As previously stated, the Regulations permit social gatherings to take place within private dwellings on islands in the Highland (Level 1) local government area. This takes account of data which shows many of the Scottish islands have had no or very few coronavirus cases in recent weeks. Islands falling within the local government areas of North Ayrshire and Argyll and Bute are unable to meet with other households in a private dwelling. A range of social and residential settings have been associated with transmission. Limiting socialisation, particularly indoors, is one of the main interventions adopted to limit the number of individuals meeting up in order to reduce the risk of transmission.

The rules on in-home socialising were previously revised to allow in-home socialising in the three island local government areas (Orkney, Shetland and Comhairle nan Eilean Siar) in recognition of the particular social isolation issues in those communities. Many of the islands within the local authorities of North Ayrshire and Argyll and Bute (who are unable to socialise in private dwellings due to being in Level 3 and Level 2 respectively) will face the same social isolation issues as the Island local government areas where in-home socialising is currently permitted. However, these impacts must be framed in the context of the risk which COVID-19 presents to the health and life of individuals, their families and loved ones.

In order to keep R below 1 our strategy has been to minimise opportunities for virus transmission between households by limiting non-essential and social interactions. Like the rest of the population, island residents will benefit from measures to suppress the virus and minimise lasting health, social and economic impacts that unconstrained spread of the infection would cause, and from the geographically differentiated levels-based approach which is designed to avoid the necessity of more stringent, uniform national restrictions.

Exception in Regards to Skye

The Isle of Skye, despite falling within Highland (Level 1) local government area, is excluded from the amendment to allow in-house socialising in private dwellings. This is due to the associated risks of the direct mainland link in the form of the bridge, and the frequency of travel due to this between mainland areas to the island.

Additionally, the fragility of the Isle of Skye to the virus has been previously demonstrated by the Covid-19 outbreak in the Home Farm care home in Portree, which unfortunately resulted in the death of 10 residents.

The risks associated with transmission of the virus to a fragile area are substantial, and the consequences of a significant Covid-19 outbreak on an island remain a severe concern. The restriction of in-house socialising on the Isle of Skye, taking into consideration its closeness to the mainland, is proportionate and means that it will remain under the same restrictions as the rest of the local government area.

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, supporting a geographically variable approach to restrictions that are tailored to the risks of infection in different areas, thus reducing the likelihood of uniform, national restrictions.