

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021

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 2021 (“the Regulations”) which include provision for an enforceable “stay at home” restriction in areas subject to level 4 restrictions. This entails reinstating the criminal offence of leaving your home, subject to a range of reasonable excuses. The Regulations also amend the current rule which allows inter-household gatherings of up to 6 people from up to 2 households to meet (applicable in public indoor places and outdoors), to a rule allowing a gathering of only 2 people from 2 households in public indoor places and outdoors.

This ICIA assesses the amendments made by the Regulations to the measures contained within the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Principal 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/2-introduction.aspx)

Regulations

The Regulations take steps to limit the numbers of people that can meet in public indoor places and outdoors in level 4 areas. Our aim in doing this is to reduce the chance for the virus to spread. At the same time we want to enable limited household interaction in recognition of the health and other impacts of these restrictions.

The Regulations move to an enforceable “stay at home” restriction which entails reinstating the criminal offence of leaving your home, subject to a range of reasonable excuses. This would allow a person to leave their home for a range of essential reasons, such as: for work; childcare; education; providing care; accessing public services; to undertake exercise or recreation outdoors; and to visit a member of their extended household.

The Regulations also amend the current rule which allows inter-household gatherings of up to six people from up to two households to meet (applicable in public indoor places and outdoors), to a rule allowing a gathering of only two people from two households in public indoor places and outdoors. Current exemptions remain in force for extended households and children under the age of 12. Up to 2 young people between the ages of 12 – 17 from 2 households will be able to meet outdoors, a reduction from 6. This brings the arrangements for young people into line with adults. The changes come into effect on 5 January 2021.

The provisions of the Regulations only apply to local authorities in level 4 areas so do not currently apply to Orkney, Shetland and Comhairle nan Eilean Siar. These restrictions do apply to Islands in other local authority areas in level 4. The following islands in Argyll and Bute are at level 3: The Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva. All islands in Highland are in level 3, except the Isle of Skye, which is in level 4.

The Regulations will, however, potentially impact on Islands in level 3 areas in relation to travel to level 4 areas.

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.

It is necessary now to go beyond the requirements and restrictions set out in the 2020 Regulations. This is because of a changed assessment of the risks of transmission of the virus in light of the emergence of a new strain (VUI 202012/01) of COVID-19 in November 2020. The latest evidence from Imperial College, published on 31 December presents a consensus that this new variant has a substantial transmission advantage, with an estimated increased rate of transmission between 0.4 and 0.7.¹ The percentage of cases composed of this new variant is increasing rapidly, from 42.7 per cent on 31 December to 47.5 per cent on 3 January. It is very likely that this strain will further increase in dominance in Scotland in a similar way to that already seen in London and SE England. This indicates there is a need to further strengthen Level 4 to mitigate the effect of increased transmission, based on current knowledge. Strengthening Level 4 restrictions is needed immediately in order to try to curb exponential growth.

The Principal Regulations, which came in to force on 30 October 2020 set out a ban on in house socialising in level 3 and 4 areas and since 26 December most indoor areas where people can socialise have been closed . These measures introduce a legally enforceable “stay at home” requirement and extend the restrictions on outdoor socialising by reducing the number of people who can meet from 6 from 2 households to 2 from 2 households in level 4 areas. Although outdoor socialising presents less of a risk, particularly if people remain physically distanced, this is low risk rather than no risk. The risk also increases as the number of people meeting increases.

¹ [Report 42 - Transmission of SARS-CoV-2 Lineage B.1.1.7 in England: insights from linking epidemiological and genetic data | Faculty of Medicine | Imperial College London](#)

While the Scottish Government is of the view that restrictions on outdoor 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 outdoors, to maintain essential social networks. The measures allow people to connect outdoors to a limited group of family and friends. They may be of particular benefit to mental health and wellbeing, allowing some social activities.

GATHERING DATA AND IDENTIFYING STAKEHOLDERS

The ICIA prepared for the 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 them.

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.
- A legally enforceable “stay at home” message may make it harder for islanders to visit family and friends on the mainland and vice versa.
- Poor digital connectivity on some islands may continue to make home-working more challenging. The guidance for remote working as 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.
- Digital connectivity is a key enabler for education and the blended learning approach on islands. Poor connectivity will have an impact on this. The National Islands Plan recognises that access to good quality digital infrastructure for all is essential to improving the educational outcomes for children and young people on the islands.
- 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

Analysis

The remainder of this section will examine the differential impact of the policy of a “stay at home” message and restricting outdoors socialising on islands that are in level 4 areas.

Differentiation Between Island Communities

As previously stated, the Regulations impose a “stay at home” requirement and limit outdoor social interaction to 2 people meeting 2 others in areas in Level 4.

This will affect island areas in Level 4, which currently includes the Isle of Skye, islands in Argyll and Bute other than the Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva. This takes account of data which shows that whilst many of the Scottish islands have had no or very few coronavirus cases in recent weeks, other islands with more direct contact with the mainland have higher rates of transmission. Further limitation on socialisation outdoors is now required in those areas in order to reduce the risk of transmission. Many of the islands will face social isolation issues as the Islands areas where outdoor socialising is still 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 the ‘R rate’ 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.

CONCLUSION

The following conclusion has 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.