

Coronavirus UPDATE **Unlocking and 'Freedom Day'**

With the success of the vaccination scheme in all home nations, Governments in England, Northern Ireland, Scotland and Wales are looking to open up the economy and get back to normal.

Whilst this will be welcomed by everyone, with each home nation taking a slightly different approach and the emergence of contrary advice and rumours, business life is set to become perhaps more uncertain, not less.

In this guide we aim to provide a summary of the position in each home nation, along with answers to the most common questions members have over how to approach the next few weeks.

England,

In England, the Government has deemed 19 July as 'Freedom Day' and have removed the majority of legal controls on peoples' behaviour.

What is allowed:

- No limits on how many people can meet
- The 1 metre plus rule is removed (except in some places like hospitals, or before passport control when entering the country)
- Face coverings are no longer required by law
- Nightclubs can open
- Pubs and restaurants no longer table-service only
- No limits on guests at weddings and funerals
- No limits on people attending concerts, theatres or sports events
- No restrictions on communal worship
- People working from home will be encouraged to return to the workplace gradually.

That said, Government advice remains that the public should be cautious and should maintain social distancing and mask wearing where possible.

"It is "expected and recommended" that people should wear face coverings (unless exempt) in crowded public settings such as public transport

Businesses such as nightclubs - and large events - will also be encouraged to use Covid-certification in "high risk settings"."

A review will take place in September to assess how prepared the country is for autumn and winter.

Northern Ireland,

Northern Ireland is set to review their position on 22 July. It is unclear at the time of writing precisely what restrictions, if any, will be relaxed.

If approved on 22 July, the planned easing will include:

- Social distancing rules reduced to 1m indoors and removed for outdoor activities (although 2m distance still recommended)
- 10 people from three households able to meet inside a private home
- 15 people from any number of households able to meet in a private garden
- A removal of the requirement for fully vaccinated people returning from amber list countries to quarantine
- Theatres and other indoor seated venues will be able to reopen
- Live music indoors with no restrictions on sound levels

We will provide more guidance as it becomes available.

Scotland

The Scottish Government has operated a 5-tier system of controls since around November 2020. This starts at level 0, the highest level is in fact level 4. From 19 July the Scottish Government will move all of Scotland into level 0 but with some modifications.

What is allowed:

- Up to 8 people from up to four households can meet indoors at home.
- Up to 10 people from up to four households can meet in a public indoor space
- Up to 15 people from up to fifteen households can meet outdoors.
- Up to 200 people can attend weddings and funerals.
- Soft play centres can open.
- There is no requirement for customers of hospitality businesses to pre-book a two-hour slot to attend a pub or restaurant. However, customers will still be required to provide contact details to assist Test & Protect and will still be required to wear face coverings except when seated.
- The limits on the size of events and stadia stadium ? attendances will increase outdoors to 2,000 seated and 1,000 standing, and indoors to 400.
- The gradual return to the office will not begin until at least 9 August.

It should be noted that Scotland has retained the requirement to social distance, and the one-metre physical distancing will remain for people from different households outside of group gatherings and between different groups.

It also remains mandatory to wear face coverings in public; a requirement that (?) will remain in place "for some time to come". Updated guidance on the need to self-isolate will be published shortly.

Wales

From 17 July, Wales will move to Alert Level 1, with a desire to move to Alert Level 0 on 7 August. From 17 July the following changes will come into force:

What is allowed:

- Up to six people can meet indoors in private homes and holiday accommodation
- No limit on the number of people who can meet in public places or at events
- Organised indoor events can take place for up to 1,000 seated and up to 200 standing
- Travellers returning to Wales from amber-list countries will no longer have to quarantine if they have been fully vaccinated in the UK.

Face coverings continue to be required by law in most indoor public places (except in hospitality businesses, such as pubs and restaurants) and on public transport.

FAQ's

Do I need to maintain masks and social distancing in the workplace after 19 July?

Masks and social distances will still be required in Northern Ireland, Scotland and Wales. England does not require masks but strongly advises they be worn.

We continue to recommend that employers require staff to wear masks and socially distance within the workplace in order to avoid significant business disruption and reduce risks to staff and customers

Can I still require my employees to wear masks and self-isolate after 19 July?

Yes. In fact we would recommend it in order to avoid significant business disruptions and reduce risks of infection to staff and customers.

As an employer you can reasonably determine your own policy with regards mask wearing and social distancing within the work place. Whichever country you are in, and whether such things are mandatory or not, all Governments continue to recommend social distancing and mask wearing and it will be reasonable to require this (and screens etc...) for some time.

You should however be aware that you must ensure any policies are not discriminatory, particularly against anyone with a health condition. As such if a member of staff cannot wear a mask for example, an alternative such as a face shield or designated workspace etc can be considered.

Do I need to maintain masks and social distancing for my customers after 19 July?

Masks continue to be required in public in Northern Ireland, Scotland and Wales. Whilst England has removed the legal requirement to wear a mask the Government continues to strongly recommend and expect that masks will be worn in public.

We continue to recommend the wearing of masks and face coverings for staff and customers alike in order to avoid significant business disruption and reduce risks to staff and customers

Can I still require my customers to wear masks after 19 July?

This one is a bit less clear cut but, yes. In fact we would also recommend the continued use of masks and social distancing measures in order to avoid significant business disruption and reduce risks to staff and customers.

There is generally no automatic right to enter your business premises. As the occupier you are able to set reasonable conditions upon entry; again provided these are not discriminatory or illegal.

As with staff, any policy cannot be discriminatory and you particularly have to take reasonable steps to maintain access for anyone suffering with a disability. However reasonable steps could include protocols such as a specific area of your premises and specific staff to deal with people who cannot or will not wear masks. Provided this is clearly explained and fairly applied, you should have no legal problems but, as with any time during the pandemic, we have seen customers' tempers flare if not handled appropriately.

Can I serve people who do not want to wear masks in a separate part of my business after 19 July?

This needs to be approached with care but yes. The Equality Act 2010 requires you to make reasonable adjustments to accommodate those with a disability. Ideally this would result in exactly the same facilities being offered in exactly the same way. However, where there are additional risks to the customer or your staff you can justify additional protections and precautions. As it will be safer for customers and staff who are unable to wear a mask outdoors, or in a separate area of the business where additional precautions can be taken, then this would be justifiable.

If a customer contracted Covid via the showroom, would I be liable for compensation etc.....

Whilst this is technically possible there are significant hurdles to proving liability which will make it very unlikely. Whilst the risk remains low, removing the requirement to socially distance and wear masks indoors would increase the chance of being held liable.

We would advise this is not a significant issue but members will need to undertake a risk assessment and liaise with their insurers to ensure they fully understand these risks and put appropriate controls in place.

Conclusion

It is important to note that the legal situation is still in flux. Opening up will inevitably increase the risks. Should you have any questions, please do not hesitate to call the Member Helpline on 01788 225 908.