

**Covid-19 Retail Sub-Group**  
**Meeting Minuets**  
**11<sup>th</sup> May 2020**

*	Organisation	Representing	sub-group member	in Attendance
1	SRC	Leadership Body	Redacted Fol Exemption 38(1)(b)	✓
2	FSB	Leadership Body	Redacted Fol Exemption 38(1)(b)	✓
3	SWA	Leadership Body	Redacted Fol Exemption 38(1)(b)	✓
4	GMB	Trade Union	Redacted Fol Exemption 38(1)(b)	✓
5	USDAW	Trade Union	Redacted Fol Exemption 38(1)(b)	✓
6	South Ayrshire Council	Local Authorities	Redacted Fol Exemption 38(1)(b)	✓
7	HSE	UK Gov Agency	Redacted Fol Exemption 38(1)(b)	✓
8	SG	SG	Minister for Business, Fair Work and Skills	✓
9	SG	SG	Redacted Fol Exemption 38(1)(b)	✓
10	SG	SG	Redacted Fol Exemption 38(1)(b)	✓
11	SG	SG	Redacted Fol Exemption 38(1)(b)	✓
12	SG	SG	Redacted Fol Exemption 38(1)(b)	✓

## 1. Welcome and context

1.1 Minister thanks everyone for their time – welcomes the new attendees [Redacted Fol Exemption 38(1)(b)] (HSE) and [Redacted Fol Exemption 38(1)(b)] (South Ayrshire Council). He highlights that they will be able to advise on the issues surrounding compliance that were raised last week.

1.2 Minister reviews last week’s meeting. He identifies that there was agreement across the group that staff safety and wellbeing was a priority as was the clarity of public messaging and compliance with guidance. He also underlined the importance on including staff in the development of the guidance.

1.3 Minister expresses that he hopes the discussion last week has been reflected in the re-drafted guidance.

1.4 Minister opens to the roundtable.

## 2. Covid-19 Advice

2.1 [Redacted Fol Exemption 38(1)(b)] asks the group to report on any business over the last week that may help contextualise the redrafted guidance.

2.2 [Redacted Fol Exemption 38(1)(b)], highlights that the emerging mixed messaging between the UK government and the Scottish Government may worsen existing issues with certain retailers and their compliance with guidance. He identifies the [Redacted Fol exemption under section 33(1)(b)] as an example of one such retailer.

2.3 [Redacted Fol Exemption 38(1)(b)], highlights that many businesses are hoping to open, and may attempt to do so by expanding their product diversity in order to be categorised as a “essential business”. [Redacted Fol Exemption 38(1)(b)] agrees

with [Redacted Fol Exemption 38(1)(b)], that clear messaging is absolutely essential to implementing the phased approach successfully.

**2.4** [Redacted Fol Exemption 38(1)(b)] additionally points out that messaging should be a central part of managing customer behaviour – he sites difficulty in implementing the one trolley per household guidance as an example of this and identifies that a lack of clear messaging in this regard is leading to an increase in staff abuse. He highlights that he is liaising with Police Scotland and Local Authorities on this matter.

**2.5** Minister agrees with [Redacted Fol Exemption 38(1)(b)] and [Redacted Fol Exemption 38(1)(b)], clear messaging will be vital.

**2.6** [Redacted Fol Exemption 38(1)(b)], highlights to the group that he will be contacting eligible businesses that haven't thus far chosen to open, to establish what their approach may be in light of the UK government's recent announcements.

**2.7** [Redacted Fol Exemption 38(1)(b)] agrees with [Redacted Fol Exemption 38(1)(b)] regarding messaging and staff abuse, and reiterates the importance of ensuring that national stores on a local level comply with the guidance.

**2.8** [Redacted Fol Exemption 38(1)(b)], highlights that the SRC are continuing to run member workshops.

**2.9** [Redacted Fol Exemption 38(1)(b)] additionally observed that both the UK Government and the Welsh Government's announcements (easing lock down measures/ Garden Centres re-opening), seem ad hoc in comparison to the holistic broad approach that the Scottish Government is taking.

**2.10** Minister welcomes [Redacted Fol Exemption 38(1)(b)] comments and reiterates the aims of the sub-group – to developed a dynamic set of guidelines that the group can collectively get behind that offers retailers, employees and consumers clarity.

**2.11** [Redacted Fol Exemption 38(1)(b)], agrees with the group that the increase in abuse toward staff must be addressed. He additionally highlights that their a clear commonalities between the Scottish Government's draft guidance and the BEIS guidance. He suggests that unity of message will be useful.

**2.12** [Redacted Fol Exemption 38(1)(b)], feeds back that the guidance may need adapted to be more user friendly for small businesses.

**2.13** [Redacted Fol Exemption 38(1)(b)] agrees with [Redacted Fol Exemption 38(1)(b)], however notes the draft has responded to this feedback – specifically, the new addition of the check-list is a good place to start.

**2.14** [Redacted Fol Exemption 38(1)(b)], requests that it be made clear which pieces of guidance businesses should be directed toward.

2.15 Minister suggests that the group utilise their networks to deploy advice affectively.

2.16 [Redacted Fol Exemption 38(1)(b)] – additionally highlights the importance of clear messaging, and also the importance of getting the guidance published as quickly as possible. He is anticipating that there will be confusion amongst retailers in England due to mixed and unclear messaging.

### 3. Retail Sector Guidance

3.1 Minister invites officials to initiate a conversation about the re-drafted guidance.

3.2 [Redacted Fol Exemption 38(1)(b)] thanks those who have commented on the re-drafted guidance thus far. [Redacted Fol Exemption 38(1)(b)] summarises the changes that have been made and reiterates the importance of remaining collaborative throughout the refinement process.

3.3 The Minister agrees with [Redacted Fol Exemption 38(1)(b)] and underlines the importance of getting the guidance published as soon as possible.

- **Involving and prioritising the workforce**

3.4 [Redacted Fol Exemption 38(1)(b)], hopes to issue a survey out to ASDA members this week. He hopes to link this survey to Mental Health awareness week.

- **User friendly guidance table**

3.5 [Redacted Fol Exemption 38(1)(b)] and [Redacted Fol Exemption 38(1)(b)] both highlight that the guidance table could be further developed to offer greater clarity to small businesses. [Redacted Fol Exemption 38(1)(b)] recalls the delivery of the new waste regulation campaign as a good bench mark, highlighting its use of images. [Redacted Fol Exemption 38(1)(b)] highlights that the use of case studies could be helpful in this regard.

3.6 [Redacted Fol Exemption 38(1)(b)] highlights she will pick-up these development points with [Redacted Fol Exemption 38(1)(b)] off-line.

- **Working Environment**

3.7 [Redacted Fol Exemption 38(1)(b)] highlights that risk assessments must be done to ensure that working environments are safe for staff and customers.

3.8 [Redacted Fol Exemption 38(1)(b)] highlights the potential risk that businesses inadvertently create risk, by making their businesses safe against Covid-19 .i.e. fire safety could potentially be impacted.

3.9 [Redacted Fol Exemption 38(1)(b)] raises PPE for retail workers.

3.10 [Redacted Fol Exemption 38(1)(b)] – asks for the groups to feed back their expectations regarding PPE requirements over the coming week.

3.11 [Redacted Fol Exemption 38(1)(b)], highlights to the group that [Redacted Fol exemption under section 33(1)(b)] have been supplied with infra-red thermometers to test the temperature of staff. [Redacted Fol Exemption 38(1)(b)] suggests that temperature checks could feed into the protect and prevent initiative.

3.12 Minister – asks official to liaise with [Redacted Fol exemption under section 33(1)(b)] directly about this.

3.13 [Redacted Fol Exemption 38(1)(b)] and [Redacted Fol Exemption 38(1)(b)] highlight the importance of clarity when it comes to advise on face masks/ coverings and best practice for staff and customers.

3.14 [Redacted Fol Exemption 38(1)(b)] – highlights that it may worth considering how this advice could feed into the test, trace and isolate work stream.

- **Phasing**

3.15 [Redacted Fol Exemption 38(1)(b)] reiterates the importance of offering dates as part of the phasing plan, underpinned by scientific conditional assessment - mirroring the Irish model

3.16 In regard to timing the Minister highlights that dates will be in line with public health.

3.17 [Redacted Fol Exemption 38(1)(b)] highlights the broader sectoral guidance, which may inform potential dates for phases.

3.18 [Redacted Fol Exemption 38(1)(b)] – collecting feedback from across sectors– agrees there will be a need to update guidance in consideration with the legality of the situation and the evolving health considerations.

3.19 [Redacted Fol Exemption 38(1)(b)] additionally suggests that further clarity needs to be established regarding the “type” of business allowed to open within the first suggested phase.

- **Training and Compliance**

3.20 [Redacted Fol Exemption 38(1)(b)] – reiterates the importance of compliance on a local level – for staff safety.

3.21 Minister suggests that this message be integrated into guidance.

3.22 The group welcomes this suggestion.

- **Messaging**

**3.23** developing a clear and understandable message alongside this guidance was highlighted as a priority for all members of the sub group.

**3.24** It is felt that a lack of clear messaging is leading to an increase in cases of abuse toward retail staff. Specifically when attempting to police customers to comply with social distancing guidance.

**3.26** It was additionally felt by the group that a clear message would reassure workers that it is safe for them to return to work.

**3.27** In response to this group feedback the Minister suggests creating a separate piece of guidance that outlines the minimum expectations for customers when shopping, and underlined that abuse toward staff is unacceptable.

**3.28** This guidance would be able to offer clear advice on things like what situations shoppers should follow the one household one trolley advice.

**3.29** [Redacted FoI Exemption 38(1)(b)] raises highlights that there should be greater clarity in the definition between small, medium and large businesses. [Redacted FoI Exemption 38(1)(b)] expresses she is happy to continue to develop this definition.

## **4. Recap and Next steps**

**4.1** [Redacted FoI Exemption 38(1)(b)], our timescales are following the same production and publication timescales as the manufacturing sector – We would therefore be grateful for the groups comments by Wednesday.

**4.2** Officials will additionally develop guidance for customers, with the expectation that this will be published alongside the guidance for retailers.

## **5. AOB**

**5.1** None

**Covid-19 Retail Sub-Group**  
**Meeting Minute**  
*9 June 2020*

**General Feedback Points:**

- Group welcomed guidance – positive feedback across the board
- The guidance should offer further clarity on how the test, trace and isolate system will work. Specifically, it should be made clear what the business implications would be should members of staff be asked to isolate for two weeks. The group felt this would be a good opportunity to underline how important it is for businesses to ensure staff and customers adhere to the guidance. [Post meeting note – efforts are being made to invite a Test and Trace government official to the next retail subgroup meeting.]
- Further work should be done to ensure that the guidance is communicated clearly to the retail sector. Minister asks officials to pick this up.
- GMB staff survey on the guidance has come back – results to be published shortly.
- Further clarity was requested on the management of external queuing – Officials responded – chief architects office has been consulted and a piece of work is underway to achieve further clarity on this issue.

**Ventilation:**

- HSE have produced a piece of work which includes further detail about how businesses can increase their ventilation. They suggest sign posting to the two additional web links in the guidance where users can find additional information on ventilation. The group is cautious about including too much information on specific points but broadly accepts the links being included.

**Close contact services:**

- Group agrees that further detail should be included on what close contact retail services are and when they will be permitted to restart to ensure that the practicalities of restarting these services are clearly understood and implemented. This will be picked up in guidance to support the move to Phase 3.

**Mandatory use of Face Coverings:**

- Group agree that this has not been identified as a priority issue for retail workers. They are happy to continue following the scientific advice but will continue to monitor the situation in case there is any change. Trade unions

expressed concern about the potential for increased levels of staff abuse in enforcing this.

### **Risk Assessment template:**

- The group are happy for this template to be attached to the guidance on the condition that it is made clear that it is an optional tool that retailers don't have to use if they have their own risk assessment process.
- Officials agrees to share the template with the group to get some feedback.

### **Timescales:**

- Phase 2 review date 18 June - Health conditions permitting, small retailers will be allowed to open (800m<sup>2</sup>).
- Phase 3 review date 9<sup>th</sup> of July – Health conditions need to be met before moving forward.
- Prior to Phase 3 and the suppression of the virus, travel out with your local area will be discouraged, public transport will not be operating at full capacity and schools will remain closed. We must discourage the movement of people to larger retailers to ensure the virus remains suppressed until phase 3. Additionally, large labour intensive retailers will face fewer resourcing issued by phases 3 has schooling and public transport will have partially resumed normal service.
- The group ask what the timescales will be if phases two will go ahead. Officials suggest that it's likely that phase 2 will come into effect the Monday after announcement.

### **Other Questions:**

Q: Will 2 meters remain the accepted social distance required?

A: Yes, until the government advises otherwise.

Q: Are SG planning for a Second wave of COVID-19 in the Autumn – Would a phase close-down be implemented.

A: At the moment the focuses in on effectively rolling out the test, trace and isolate system, to ensure we don't experience a second wave but decisions will be made in the context of evidence at the time.

Q: Are there specific PPE suppliers that the retailer sector can approach, that would not be diverting resourced away from the NHS?

A: Officials have been asked to investigate this.

[Redacted FoI Exemption 38(1)(b)] SPF

UK code on rent related matters published this morning – related to Scotland as well.  
Business aspects – corporate insolvency

**AOB:**

Group agrees to continue meeting between each review period

## Covid-19 Retail Sub-Group – Minuet – 1 July 2020

### Test and Protect system:

- Following [Redacted FoI Exemption 38(1)(b)] summary of the Test and Protect system the Sub-group has a series of questions and comments.
- [Redacted FoI Exemption 38(1)(b)] confirms that if retailers that offer close contact services take appropriate PPE measures - as specified in the official advice – then they won't be asked to isolate by contact tracers should they be identified by a diagnosed COVID-19 patient. Contact Tracers will take into account the measures taken by individuals to protect themselves from transmission on a case by case basis, before recommending that they isolate.
- [Redacted FoI Exemption 38(1)(b)] of the Small Business Federation (SBF) request that [Redacted FoI Exemption 38(1)(b)] pick things up with the SBF separately.
- Officials confirm that further guidance will be produced on close contact personal service – including a check list (9<sup>th</sup> of July)
- Officials highlight the importance of the Test and Protect system and other outbreak control measures being put in place to mitigate the risk of a second wave. Emphasis is placed on the importance of quickly controlling local outbreaks – which businesses should find reassuring.

### Safer Public Spaces Guidance

- [Redacted FoI Exemption 38(1)(b)] summaries the Safer public spaces Guidance, which was published 29 June 2020. The Guidance focuses of the design principals for safer urban places for owners and operators of public spaces.

SRC welcome the guidance as it address some issues they raised in relation to queuing systems – they emphasise the need to continue communicating on the guidance to ensure it develops in response to sector feedback as it is rolled out and implemented .

The group agree that this work stream could be integrated with local and national initiatives to improve planning systems and places making in collaboration with the community – to tackle things like air pollution etc.

SWA – Echo the importance of communicating about emerging issues – for example, road closures may impact wholesalers ability to deliver goods.

### Face Coverings Retail Sub-Group Feedback:

**Proposition – Face Coverings (FC) should be mandatory in a retail setting – within the context of physical distancing reducing from 2m to 1m.**

- **Scottish Grocers Federation** – members are concerned in general about moves to make FC mandatory, key concerns include:
  - It would be physically uncomfortable for staff to wear FC for the full duration of a shift (8 hours typically).
  - How to identify customers in relation to Age verified products.
- **USDAW** – Key Concerns include
  - Who would be policing the mandatory use of FC in retail
  - Echoes SGF point about age verified products – this would be a “flash point” in which a retail worker would be vulnerable to abuse as they “police” the guidance on FC and ask customers to remove their FC to be identified.
- **GMB** – Staff members believe that FC should be mandatory, management are very reluctant to implement FC. Key concerns include:
  - Policing customers on FC and more generally the measures in the guidance, is creates “flash points” in which retail workers become vulnerable to abuse.
  - GMB poll indicates that staff members are overwhelmingly feeling that abuse as a result of these “flash points” has exponentially increased as they have had to police the guidance.
  - Echoes SGF comments on physical discomfort of retail workers.
- **Health and Safety Executive**– Key concerns:
  - Still no solid evidence to suggest that FC are an effective measure – emphasises the need to follow hygiene measures.
- **Small Business Federation** – Key concerns:
  - Concerned about clarify of advice and the business impacts of having to plan for new and mandatory regulations.
  - Staff having to police advice.
  - Businesses are worried that passing trade will be impacted – from potential customers not having a mask.
  - Businesses will get caught between public pressure and official guidance. Advice on this matter should be clear in relation to its applicability – surely it would apply to hospitality and other similar situations.
- **Scottish Retail Consortium** – current polls show 60% of respondents are wearing masks or intend to key concerns:
  - Does not believe that entering a shop poses the same risk as sitting on public transport.
  - A number of logistical issues in implementing mandatory FC: staff training, cost of supplying masks etc. does the health requirement really merit the additional adjustment and cost to businesses.
  - Staff having to police advice.
  - Clarity in terms of who must wear a FC – would it have to be staff or could it just be customers.

**AOB:**

- SRC request indicative dates for when home installation services and beauty counters will be permitted to operate again. Officials highlight that the issue is being addressed and work is underway in collaboration with health colleagues to resolve this.
- SBF have been gathering feedback from their members. Clear points are emerging. Further clarity required on how to use shared toilets and what to do with quarantined goods that have been touched or tried on.
- Officials reiterate that a further check list will be issued shortly for Salon's and other close contact services. The main divergence from UKG advice relates to PPE. SG will recommend that staff wear a face covering and a visor, while customers will be asked to wear a face covering. The group welcome the clarity on this subject.

**COVID-19 Retail Sub-Group – Face Covering  
Meeting Minuet 6 July 2020 9:00 – 10:00**

**Face Coverings General Feedback:**

- The group unanimously raise concerns about policing the mandatory use of face coverings, the group are clear that they do not want retail staff to be put in a position where they have to police customers in their use of face coverings. They highlight that age verification still remains are “flash point” and have concerns about who will police the mandatory use of face coverings.
- Minister make’s clear that there is no legal mandate for retail workers to enforce the mandatory use of face coverings: highlights the communications plan and customer guidance to emphasises that the onus is on the customer not the retail business or staff.
- USDAW suggest that paragraph 3 of the Retail Sector Guidance be amended to make clear that retail workers are **NOT** responsible for the enforcement of face coverings.
- Regarding Age Verification the Minister highlights – suggests adding the line regarding face coverings and age verified products in the guidance, into the customer guidance.
- [Redacted FoI Exemption 38(1)(b)] highlights that police Scotland and Local Authorities have had great success with the four E’s – explain, engaged and encourage before enforcement. This system will be used to help customers transition to wearing face coverings.
- [Redacted FoI Exemption 38(1)(b)] additionally adds that further clarity regarding proper face mask etiquette should be considered as part of the guidance. In regard to age verification he suggests having “sanitation stations” at points where customers may be asked to remove their masks to be verified, so transmission risk from touch is reduced.
- The group further touch on the importance of communications collateral in terms of encouraging customers to use face coverings.
- Minister agrees to explore the option of allowing retail businesses to use SG branding on their own communications to endorse the messaging.
- Concerns raised regarding the use of face coverings by food handlers within retail settings – as existing food hygiene measures may be undermined by the use of them. Further work has to be done to risk assess their use within this specific setting, given that food preparation is not considered to be a transmission point for COVID-19
- The group ask for clarity on this point as soon as possible so their members can complete their internal operational guidance.

### **Further questions raised:**

Q: Can visors be used instead of face coverings?

A: No – the scientific evidence suggests that visors are only effective in blocking splashing but not aerosol particles. [post meeting note – health advice corrected this statement and visors are effective in retail settings]

Q: Are face coverings required in outdoor settings?

A: No – face coverings are only required in indoor retail settings.

Q: Are face coverings required when customers are not present?

A: No – face coverings are not required when customers are not present. There are some grey areas in this particular piece of legislation which will require discretion the part of the retail business. For example if a section of the store is cordoned off but customers are still allowed in.

### **AOB:**

- Group unanimously support the production of communication materials to support the roll out of the new measures.

**Mandatory wearing of face coverings in retail settings - extracts from minutes of Cabinet meetings:**

**1. Cabinet meeting, 9 June 2020:**

8. In wider work to counter the spread of the virus, further consideration was being given to whether to introduce rules concerning the wearing of face coverings in public transport and shops.

**2. Cabinet meeting, 16 June:**

27. (v) As part of the announcement on 18 June, it would be helpful to make public the Scottish Government's decision in relation to the compulsory wearing of face coverings on public transport; further work was in progress in relation to whether or not face coverings should be made compulsory in shops, although this would remain recommended practice;

**3. Cabinet meeting, 23 June:**

13. Consideration was still being given as to whether the wearing of face coverings should be made mandatory in retail settings (as was already the case on public transport). The more people who did so, however, the greater the benefit would be for all (and notably, for staff). Should wearing face coverings in shops become mandatory, enforcement would ultimately be a police matter, although it was still hoped that ongoing communications to the general public and to the retail sector about the benefits of face coverings would lead to a sustained increase in usage levels.

[...]

22. In discussion the following points were made:

[...]

(c) Currently, numbers wearing face coverings in supermarkets and other essential retail premises seemed very low relative to public transport, where usage had increased from around ten per cent to between 60 and 95 per cent since the rules had changed;

(d) It would be worth asking supermarkets to mount marketing efforts to persuade more people to wear face coverings in their shops, and it might be worth investigating whether major retailers might follow transport operators in providing coverings for their customers' use in case of need. The emphasis in any communications should be on individual responsibility, and responsibility for enforcement would lie with the police rather than with retailers;

(e) It would also be important to bear in mind that face covering requirements for retail customers were likely to be different from those for staff, and careful consultation would be required with trade unions on this point;

**4. Cabinet meeting, 30 June:**

18. Separately, as discussed at the previous week's meeting of the Cabinet [...], the First Minister intended to announce on 2 July that face coverings in retail settings would shortly become mandatory, in the same way as for public transport. Further marketing and communications work should contribute to the more general acceptance of face coverings in retail settings, and engagement with the sector would also continue.

19. Although enforcement of rules regarding face coverings was unlikely to be required in many instances, the public needed to be aware that failure to comply with regulations was ultimately a matter for the police, who would have the power to impose Fixed Penalty Notices.

[...]

23. In discussion the following points were made:

[...]

(b) The plan to make wearing face coverings mandatory in retail settings was welcome: as well as the public health benefits, the move would serve as a visible reminder to the public that it was still necessary to take extra care, and that life should not feel as if it were 'back to normal';

(c) In presenting changes to physical distancing requirements and the new rules on face coverings, it might be helpful if the Chief Constable of Police Scotland were to attend one of the First Minister's Daily Briefings in order to reinforce public messaging regarding enforcement (which would remain a last resort);