

Document 1: Email from Dominic Munro, Director of Exit Strategy, to the First Minister – Latest Draft of Strategic Framework Document and Levels Tables – 22 October 2020 at 01:43

From: Munro D (Dominic)
Sent: 22 October 2020 01:43
To: First Minister; Lloyd E (Elizabeth)
Cc: McIntosh M (Miranda)
Subject: Latest Draft of Strategic Framework document and Levels Tables
Importance: High

PS/FM, Liz

Thanks for all the feedback received so far. Please find attached the latest draft of the Strategic Framework document and of the Levels tables that will be annexed to it.

With FM's permission, **in light of any further comments and decisions as set out below, I plan to formally send the draft and table back to FM and to a narrow set of copy-recipients for one last check, and – after that - circulate to Cabinet members as we work up the proof with APS ahead of publication tomorrow (Friday).**

Following earlier feedback from FM today, I should be grateful if you would bring the following to the FM's attention. The first set of points should be straightforward; the second is more contentious.

FM to confirm/note please (e.g. actioning previous comments from FM or minor adjustments):

- 20 person max in places of worship in level 4
- [Redacted - out of scope]

Sorry for all the questions: I think we're nearly there.

Thanks,

Dominic Munro

Director: Exit Strategy

Document 2: Extracts from documents attached to email released in document 1

From attachment “Covid-19 – Strategic Framework – 21.10.20 evening draft”: Faith and belief communities

We recognise that for many people, faith and belief will have been a source of personal strength, resilience, and wellbeing during the difficulties of lockdown. We have continued to engage closely with and listen to our faith communities throughout this period and we understand the important role of congregational worship in supporting spiritual wellbeing. Places of worship were able to reopen from July following publication of updated guidance which reflected the evolving scientific and health advice, and has been developed in consultation with leaders and representatives of Scotland’s faith and belief communities.

Under our levels approach, we hope that the clear guidance we have produced, supported by regular engagement, can continue to ensure that places of worship can safely remain open with restricted numbers. We will keep this under review, informed by scientific evidence and continued engagement with faith and belief communities.

From attachment “Full table”:

	Level 0 (Baseline)	Level 1	Level 2	Level 3	Level 4
Worship	Open – restricted numbers (50)	Open with restricted numbers (20)			

From attachment “Individual levels tables”:

	Level 0 (Baseline)	Level 1	Level 2	Level 3	Level 4
Worship	Open – restricted numbers (50)	Open with restricted numbers (20)			

Document 3: Email from Miranda McIntosh, Deputy Director of Outbreak Management Strategy, to the First Minister – Official Sensitive – Strategic Framework and Levels Publication - 22 October 2020 at 12:02

From: McIntosh M (Miranda)

Sent: 22 October 2020 12:02

To: First Minister

Cc: DL Cabinet Secretaries ; Solicitor General ; Lloyd E (Elizabeth) ; McAllister C (Colin) ; Thomson KAL (Ken) (Director-General) ; McIntosh A (Alisdair) ; Leitch J (Jason) ; Chief Medical Officer ; McQueen F (Fiona) ; Ditchburn L (Liz) ; Mitchell E (Elinor) ; Johnston P (Paul) ; Permanent Secretary ; Solicitor to the Scottish Government ; Fraser L (Lesley) ; Rogers D (David) (Constitution and Cabinet Director) ; Rogers S (Shirley) ; Griffin J (Joe) ; Halliday R (Roger) ; Covid-19 Director ; Pryce JM (Jonathan) ; McAllan M (Mary) ; Dornan B (Brian) ; MacDougall A (Audrey) ; Stafford A (Alyson) ; Allison B (Barbara) ; [Redacted – Section 38(1)(b)] ; Director of Learning ; Hutchison D (David) ; [Redacted – Section 38(1)(b)] ; Director of Advanced Learning and Science ; Munro D (Dominic)

Subject: Official Sensitive - Strategic framework and levels publication

Importance: High

PS/ FM cc as above

Please find attached a now near-final draft of the strategic framework, which incorporates the earlier comments from FM. We also enclose the 'levels table' that will be part of the publication tomorrow [and an additional table setting out hospitality restrictions].

As FM has now seen and commented on this version, we are sharing this with Cabinet Secretaries and key officials – with a view to receiving comments on points of accuracy or other 'show-stoppers' at this stage please.

Grateful if these could be received by 3pm today – with apologies for the short deadline – to enable us to meet publication deadlines.

We will circulate a further version in light of any final comments later today.

Thanks

Miranda

Deputy Director - Outbreak Management Strategy

I am working remotely and can be contacted via email, Skype for Business or BlackBerry

Document 4: Extract from attachment to email released at document 4 – COVID-19 – Strategic Framework – 22.10.20 draft

Faith and belief communities

We recognise that for many people, faith and belief will have been a source of personal strength, resilience, and wellbeing during the difficulties of lockdown. We have continued to engage closely with and listen to our faith communities throughout this period and we understand the important role of congregational worship in supporting spiritual wellbeing. Places of worship were able to reopen from July following publication of updated guidance which reflected the evolving scientific and health advice, and has been developed in consultation with leaders and representatives of Scotland's faith and belief communities.

Under our levels approach, we hope that the clear guidance we have produced, supported by regular engagement, can continue to ensure that places of worship can safely remain open with restricted numbers. We will keep this under review, informed by scientific evidence and continued engagement with faith and belief communities.

Document 5: Email from Dominic Munro, Director of Exit Strategy, to the First Minister – Urgent: Advice on a potential tightening of restrictions in light of the UK Government announcements – 3 November 2020 at 02:19

From: Munro D (Dominic)

Sent: 03 November 2020 02:19

To: First Minister

Cc: Executive Team; DL Cabinet Secretaries; Rogers D (David) (Constitution and Cabinet Director) ; Rogers S (Shirley); McAllan M (Mary); MacDougall A (Audrey) ; Halliday R (Roger); Head of COVID Analysis; Director of Budget and Public Spending; Chief Financial Officer Covid-19 Director; Leitch J (Jason); Chief Medical Officer; McQueen F (Fiona) McIntosh A (Alisdair) McIntosh M (Miranda); Cackette PH (Paul); Lamb C (Caroline) Griffin J (Joe); Pryce JM (Jonathan) ; Head of HSCA Gallagher S (Stephen)

Subject: URGENT: Advice on a potential tightening of restrictions in light of UK Government announcements

Importance: High

PS/FM cc DFM, Cabinet Secretaries, Lord Advocate

(MPOs, please note that this is not a Cabinet paper but will be relevant to the standing item on COVID at Cabinet)

Official Sensitive (Official copy recipients: please take care in terms of cascading.)

As requested, please find attached further advice on considerations around a potential tightening of restrictions in light of the UK Government's announcements over the weekend, particularly concerning the availability of funding.

The actual submission is **11 pages**, but is followed by a substantial annexes with lots of charts.

We will be ready to follow-up on further commissions in relation to the options presented.

Thanks,

Dominic Munro

Director: Exit Strategy

**Document 6: Extract from attachment to email released at document 6 –
Advice to FM on further restrictions – 2 November 2020**

Places of worship

Restricting access to worship services of various faiths, stopping of gatherings and the closure of study groups and out-of-school settings such as Sunday schools, madrassas and yeshivas will all impact on people's ability to practice their religion or faith. Equalities and human rights considerations are particularly significant when considering this option. Communal worship has particular benefits for members of some faith groups (Sikhs, Muslims and Hindus) and older people. For people of faith it strengthens/re-establishes a sense of community and support. It would have a moderate negative impact on society as a whole but a high negative impact on faith communities.

The mental health benefits of communal worship are potentially very significant for faith communities. Reducing isolation and loneliness has a positive impact on mental and potentially physical health.

Document 7: Email exchange between Ken Thomson, Director General, and the First Minister/First Minister's Private Office – Immediate: COVID-19 levels review for 22/12 – 21 December 2020 at 20:44 and 21:47

From: [Redact – Section 38(1)(b)] **On Behalf Of** First Minister

Sent: 21 December 2020 21:47

To: Thomson KAL (Ken) (Director-General); First Minister; Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Cabinet Secretary for Health and Sport; Cabinet Secretary for Economy, Fair Work and Culture; Cabinet Secretary for Finance; Minister for Parliamentary Business and Veterans; Permanent Secretary; Executive Team ; Munro D (Dominic); Cooper P (Penelope); McIntosh A (Alisdair); Covid-19 Director; Rogers D (David) (Constitution and Cabinet Director); Chief Medical Officer; Leitch J (Jason); McQueen F (Fiona); Tannahill C (Carol); Gillespie G (Gary); Chief Financial Officer; Solicitor to the Scottish Government; Chief Statistician; MacDougall A (Audrey); Paterson J (John); [Redact – Section 38(1)(b)] ; Lloyd E (Elizabeth); McAllister C (Colin)

Subject: RE: Immediate: COVID-19 levels review for 22/12

Ken,

FM was grateful for this note and had made the following points:

I agree that these additional steps should be considered by cabinet in the morning. Some points to consider though before any decision and announcement -

[Redacted - out of scope]

Many thanks,

[Redact – Section 38(1)(b)]

**Deputy Private Secretary
Office of the First Minister**

[Redact – Section 38(1)(b)]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.

From: Thomson KAL (Ken) (Director-General)

Sent: 21 December 2020 20:44

To: First Minister ; Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Cabinet Secretary for Health and Sport ; Cabinet Secretary for Economy, Fair Work and Culture ; Cabinet Secretary for Finance ; Minister for Parliamentary Business and Veterans ; Permanent Secretary ; Executive Team ; Munro D (Dominic) ; Cooper P (Penelope) ; McIntosh A (Alisdair) ; Covid-19 Director ; Rogers D (David) (Constitution and Cabinet Director) ; Chief Medical Officer ; Leitch J

(Jason) ; McQueen F (Fiona) ; Tannahill C (Carol) ; Gillespie G (Gary) ; Chief Financial Officer ; Solicitor to the Scottish Government ; Chief Statistician ; MacDougall A (Audrey) ; Paterson J (John) ; McBratney L (Luke) ; Lloyd E (Elizabeth) ; McAllister C (Colin)

Subject: Immediate: COVID-19 levels review for 22/12

First Minister

Deputy First Minister

1. [Redacted - out of scope]
2. [Redacted - out of scope]
3. [Redacted - out of scope]

Assessment of harm 1 risk

4. As you know from CMO's update earlier today, attached for ease of reference, features of the PCR test allow us to use it as a proxy indicator for the prevalence of the new strain, adding considerably to our understanding of its prevalence. By that means, we estimate that between 10 and 15% of new cases in Scotland are now the new strain, compared to under 2% a month ago.
5. NERVTAG also heard analysis today confirming the new strain as increasing R_t by 0.4, with a doubling time of 6.3 days. This appears consistent with the estimate of 60-70% greater transmissibility, and the London testing data showing cases per 100k more than doubling in a week.
6. Taken together, these suggest that the new strain is already established in Scotland to a much greater degree than was known on Saturday; is likely to become a greater proportion of all cases, since it will come to dominate other strains; will further drive up overall R_t as it does; and will thus lead to exponential growth in new cases if suppression measures are not strong enough to overcome this effect.
7. [Redacted - out of scope]
8. [Redacted - out of scope]

Additional L4 measures

9. [Redacted - out of scope]
10. [Redacted - out of scope]

Consideration

11. These measures would increase the harm 1 effectiveness of the Boxing Day measures. They would not have a significant further impact on harm 2, beyond that of Level 4. They would increase social isolation and perhaps anxiety, increasing harm 3. They would close more businesses, increasing harm 4, and they would add somewhat to the financial cost to the Scottish Government of business compensation.

12. [Redacted - out of scope]

13. Despite these additional impacts on harms 3 and 4 and the increased cost to SG, the priority given to suppressing the virus, combined with what we currently know about the new strain, would justify these measures, consistent with the *Strategic Framework*, the “four harms” approach, and the information we now have on the transmissibility of the new strain of the virus.

14. There are of course decisions of detail, some of particular sensitivity, sitting behind these measures: which additional retailers would be shut, and what effect will this have on policy relating to places of worship or weddings or funerals policy. While we consider that these measures are proportionate, necessary and justified, protecting them from the risk of legal challenge will mean the preparation of rigorous business regulatory and equalities impact assessment and analysis. There is also likely to be a demand for parliamentary scrutiny given the significance of the measures, that may require additional parliamentary time to be found this week.

[Redacted - out of scope]

15. [Redacted - out of scope]

[Redacted - out of scope]

16. [Redacted - out of scope]

Conclusion

17. I invite you to indicate whether you wish to consider these options at Cabinet tomorrow, and to hold open the possibility of announcing them to Parliament.

K

- the further options set out in **Annex B**, and which, if any, you would like officials to develop further.

We stand ready to discuss the contents of the submission on a call over the weekend if you would find that helpful.

Kind regards,

Penelope

Penelope Cooper | Director, Outbreak Management | The Scottish Government
[Redact – Section 38(1)(b)]

Document 9 – Submission attached to email released at document 8

From: Penelope Cooper,
Director of Outbreak Management
31 December 2020

First Minister

COVID-19: STRATEGIC FRAMEWORK – ADDITIONAL PROTECTIVE MEASURES

Purpose

1. To provide advice on strengthening existing protective measures to mitigate against the increased risks of transmission of a new strain of coronavirus (VUI 202012/01).

Timing

2. **Urgent.** Your views are sought in order to inform preparations for Cabinet on 5 January.

Background

3. Ken Thomson's submission of 24 December summarised the altered strategic context of the coronavirus response in light of vaccine roll-out and the emergence of a new, more transmissible strain of the virus.
4. Early modelling and evidence suggests that the more highly transmissible strain of coronavirus will soon become the dominant strain within Scotland. Recent analysis suggests that on the 29 December, 42.8% of positive tests undertaken by the UK Government laboratories in respect of Scotland were likely to be for the new virus strain. The latest data also shows an upward trend in case positivity rates in Scotland, albeit that the impacts of the festive period on testing and data analysis mean that it is difficult to interpret the data with the normal degree of confidence. In his submission to you of 24 December, Prof. Roger Halliday detailed findings from modelling work undertaken in respect of the new virus strain, which suggest an increase in infections of a scale which could overwhelm existing planned NHS capacity by mid-February; and which could lead to infections rising to the rate seen in October, even with stringent measures in place like those adopted in March 2020.
5. [Redacted – out of scope]
6. [Redacted – out of scope]
7. [Redacted – out of scope]

Options for tightening Level 4

8. The levels approach contained within the *Strategic Framework* has proven to be effective to date. In particular, where level 4 measures have been deployed, they have achieved the stated aim of providing a short, sharp response to quickly

suppress the virus. However, the high transmissibility of the VUI 202012/01 virus strain and its consequent impact on the R number necessitate consideration of additional measures within level 4 to minimise infection rates and to avoid the NHS becoming overwhelmed.

9. A range of measures to strengthen Level 4 has been considered and contingently prepared for possible implementation. These are set out below and further detail on each is provided in **Annex A**.

Options ready for implementation immediately

10. A legal “stay at home” requirement and a return to tighter limitations on socialising and gathering rules have been assessed on a four harms basis, and the changes required to law and guidance have been prepared on a contingent basis. This would have a substantial effect on inter-household gathering, and accordingly on transmission of the virus.

Further measures

11. Further measures are in development and could be implemented shortly, in the light of four harms analysis, through changes to law and guidance. These have all been discussed with relevant policy leads across the SG, and most but not all, have been agreed. They include:

- [Redacted – out of scope]
- [Redacted – out of scope]
- Closure of places of worship;
- [Redacted – out of scope]

12. A further range of potential measures which, if required, could go even further in potentially suppressing transmission have also been identified, but are not being immediately progressed, largely because of concerns about their potential effect on Harms 3 and 4. These are set out in **Annex B**.

Potential suppressant effects

13. [Redacted – out of scope]

14. [Redacted – Section 30(b)(i)]

[Redacted – out of scope]

Conclusion

20. You are invited to **note** the contents of this submission and to **offer views** on:

- the options and recommendations set out in **Annex A**, and which options, if any, should be implemented immediately,
- the further options set out in **Annex B**, and which, if any, you would like officials to develop further.

21. You are further invited to **indicate** whether you would welcome a discussion on the contents of this submission, at Cabinet, Gold Command or official level.

Penelope Cooper
Director of Outbreak Management
31 December 2020

OPTIONS BEING PREPARED

Initial priorities for implementation

“Stay at home” requirement and a “2/2” limitation on socialising and gathering

1. There is currently a recommendation in government guidance that people should stay at home where possible. A move to an enforceable “stay at home” restriction akin to the lockdown measures imposed in March 2020 would entail reinstating the criminal offence of leaving your home, subject to a range of reasonable excuses. Draft regulations have been prepared that would reinstate this offence and to amend the current rule which allows inter-household gatherings of up to six people from up to two households (applicable in public indoor places and outdoors), to a rule allowing a gathering of only two people from two households. Existing exceptions for children and young people could be maintained (see paragraph 5.)
2. The “stay at home” and socialising measures complement each other, and are intended to produce a substantial reduction in inter-household socialising and gathering. Introducing these measures together, and in law, would also significantly enhance the capability of enforcement authorities to take practical steps to secure compliance where this proves necessary. In essence, as in April and May, the police would have a lawful basis to question any group of more than two adults to ensure that they are adhering to the restrictions.

[Redacted – out of scope]

Further measures for potential implementation

10. The following are recommended as a second tranche of potential measures to strengthen Level 4.

[Redacted – out of scope]

Places of worship

27. Places of worship are permitted to open in levels 3 and 4, subject to a maximum congregation size of 20. Should you be minded to adopt additional restrictions on wedding/civil partnership ceremonies in level 4 (either by reducing the number of guests or prohibiting the ceremonies altogether), this will lead to an inconsistency whereby 20 people can come together in a level 4 area for worship, but not for the purposes of a nuptial ceremony.
28. To address this potential inconsistency and to further reduce the risks of transmission inherent in indoor gatherings, we propose that further restrictions be adopted in relation to places of worship. There are three potential options for doing this.
29. [Redacted – Section 30(b)(ii)].

30. [Redacted – Section 30(b)(ii)].

31. [Redacted – Section 30(b)(ii)].

32. [Redacted – Section 30(b)(ii)].

33. The final option, which we recommend to accompany any shift to legal “stay at home” restrictions, is that places of worship should be unable to admit worshippers, even for individual prayer or contemplation. This reflects the position for places of worship during the first phase of the pandemic and would ensure that there could be no accusation of discrimination against certain faith groups. Depending on the approach taken, use of and attendance at places of worship could still be permitted for funerals, marriages and civil partnerships.

Recommendation

34. It is recommended that consideration of closure of places of worship is undertaken in parallel with consideration of prohibiting/restricting weddings/civil partnerships and that further four harms assessment, analysis, and liaison with stakeholders is undertaken prior to implementation of any further restrictions.

[Redacted – out of scope]

Document 10: Reply from First Minister to Email (doc 9) and Submission (doc 10) – 1 January 2021 at 13:41

From: Sturgeon N (Nicola), MSP

Sent: 01 January 2021 13:41

To: First Minister

Subject: Re: Off Sen Submission Covid 19 Strategic Framework Options for Further Protective Measures

Firstly, a very Happy New Year to all - and my thanks for all the work preparing this advice over the holiday period.

This response cover the attached submission and Ken's earlier note.

[Redacted - out of scope]

However, my initial thoughts - building on those I sent in email yesterday - are as follows:

1. [Redacted - out of scope]
2. [Redacted - out of scope]
3. Of the options in paper, I am of view we must consider/do (a) stay at home (or perhaps close to home ie 5 miles??) - the list of exemptions will be important here; (b) limiting household interaction further - though whether 2/2 is right versus, say, 4/2, I'm open to persuasion on; (c) I think we must address issue of businesses operating in grey areas; (d) perhaps further limiting rather than stopping weddings/worship; and (e) closing places like ski centres which I think must be a risk.
4. [Redacted - out of scope]

We can discuss all of this at the meeting tomorrow.

Nicola Sturgeon MSP
Glasgow Southside
Constituency Office (constituent enquiries only)
Govanhill Workspace
Unit 3, 69 Dixon Road
G42 8AT

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