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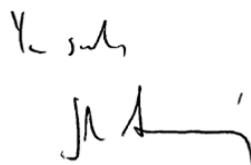
Donald Cameron MSP
Convener
COVID-19 Committee
Scottish Parliament
EDINBURGH
EH99 1SP

20 January 2021

Dear Donald

When I gave evidence to the COVID-19 Committee meeting on 8 January 2021 you sought background on the evidence and rationale in coming to the decision to close Places of Worship for communal and individual worship as part of the recently enhanced level 4 restrictions. This material is set out in the annex to this letter.

I hope this information is helpful to you and the Committee.


JOHN SWINNEY



**ENHANCED RESTRICTIONS FOR PLACES OF WORSHIP
– JUSTIFICATION FOR CLOSURE
A WRITTEN SUBMISSION FROM THE SCOTTISH GOVERNMENT**

Background: ENHANCED RESTRICTIONS FOR PLACES OF WORSHIP (POW) at level 4 – As announced by First Minister on 4 January 2021 increased protective measures have become necessary in level 4 areas due to the challenges presented by the new, more transmissible strain of the virus. It has become necessary to further restrict opportunities for transmission and everyone must now Stay at Home. As part of these additional measures places of worship now need to close for congregational worship and individual prayer but can remain open for weddings, funerals and the provision of essential services such as food banks and as set out in regulations that came into force on Friday 8 January.

The committee has asked for additional information regarding the decision to close places of worship. None of these decisions are easy and we recognise the impact this will have on faith communities. However transmission of the virus can occur anywhere, including in places of worship and it is for this reason, at this dangerous point in the pandemic, that we ask people to “stay at home”.

Evidence and decision making

We have committed to evidence based decision making and transparency. The decision to close places of worship was considered alongside a number of other measures and was based on clinical advice, NHS pressures and consideration of the four harms, as set out in our Framework for Decision Making.

These decisions are made in the context of

- Evidence that the new variant has a substantial transmission advantage, with an increased rate of transmission estimated to be somewhere between 0.4 and 0.7. At the time of the decision the new variant accounted for almost half of the reported cases in Scotland and was on track to become the dominant strain.
- The advice of our clinical advisers that the increased transmissibility of the new variant means that the previous level 4 measures would not be sufficient to bring the R number back below 1.

- Evidence that without further swift decisive action the NHS could be pushed beyond its capacity within 3 weeks.
- The need to drive down prevalence of the virus to give the vaccination programme the best chance of rolling out effectively, and save lives.

A Four Harms Assessment of the package of measures being introduced on 8 January, including closure of Places of Worship was conducted on the basis that the measures were expected to be in place until at least the end of January.

This process recognised the physical, mental and emotional health consequences of limiting socialising, social contact and other outdoor activities for the whole population. However the proposed measures are expected to have a significant impact in reducing opportunities for the virus to be transmitted.

This review concluded that while the additional restrictions bring other harms to families, communities and businesses, in light of the immediate and critical risks posed to public health and public health services, the measures set out in the FM statement of Monday 4 January were and continue to be, proportionate and necessary.

Under Article 9 of the European Convention on Human Rights, everyone has the right to freedom of religion. This is not absolute. Reasonable restrictions or limitations can legitimately be placed on the exercise of Article 9.2, where it is necessary and proportionate to do so. For example in the interests of public safety and the protection of public health.

All such restrictions have to be necessary, proportionate and no more limiting in their effect than is justified by the particular threat being faced. In this context the Scottish Government considers that grave and unwelcome though they are, measures to close places of worship are proportionate in the current circumstances.

Closing Places of Worship

In most cases it is difficult to say with any degree of certainty where an individual has contracted the virus, however we can look at areas where people interact with one another which create opportunities for transmission to occur. The more these opportunities are limited the more successful we will be in suppressing the virus. This unfortunately

meant we had to include consideration of places of worship, just as it does schools, and workplaces so we can keep the country as safe as possible.

Information from Test and Protect interviews (Health Protection Scotland, PHS) highlights events and settings where the interviewed index case had been in the 7 days prior to symptom onset (or prior to date of test if asymptomatic).

- For the week ending 3 January, the seven-day number of new positive cases that mentioned having visited places of worship was 110.
- For the week ending 10 January, the seven-day number of new positive cases for places of worship stood at 38¹.

The transmissibility of the current strain of the Covid-19 virus is now understood to be significantly higher than the earlier strain. The risks of catching the virus therefore are very real. That is why, with regret we concluded that Places of Worship must close at this time to help slow the spread of the virus. Please be reassured that the Scottish Government understands the important role of congregational worship in supporting spiritual, mental and social wellbeing. We don't want places of worship to be closed for a moment longer than they have to be. We have committed to regularly reviewing the regulations to ensure that they remain necessary and proportionate.

Support and engagement with the sector

We appreciate the vital role that the Places of Worship have for faith communities as well as the significant contribution this sector makes to support our most vulnerable and disadvantaged communities, including through the provision of food banks and other support to the homeless and vulnerable. This is particularly important at this difficult time and we want to support that excellent work to continue in a safe way.

Throughout this pandemic people and businesses have found new and innovative ways to operate. We continue to regularly engage with different faith groups to develop guidance and support to help communities to continue to come together safely for acts of worship and have previously provided funding to increase capability for virtual worship and engagement with communities.

¹ This data is published weekly, the latest available publication is at following link; [21-01-13-covid19-publication_report.pdf](#)

The Cabinet Secretary for Local Government and Communities wrote out to faith communities on Monday 18 January to provide reassurance that Places of Worship will reopen as soon as it safe to do so. While there have been encouraging signs in the last week, we are still at a difficult and dangerous point in the pandemic.

The First Minister announced on 19 January that the current measures, which include the requirement for places of worship to close, will be necessary until mid-February. We continue to keep them under review and will continue to work closely with faith groups to ensure they are able to continue their vital role in serving the community.