

Covid-status certification – call for evidence

Notes for Making Music members

Introduction

The window of opportunity for responding to this Covid-status certification (popularly referred to as 'vaccine passport') consultation is very short – it opened on 15 March and **closes on Monday 29 March**. It took a few days to reach us at Making Music and then we had to consider what, if any, impact there might be on member groups.

We have now concluded that the impact on member groups if Covid-status certification were to be introduced – depending to some extent on detailed proposals, i.e. mandatory or not, how/who would be exempt, what venues/amenities/locations etc. – could well be very significant.

Therefore, we are urging you to consider the implications for your own group and respond to the call for evidence accordingly.

You may also want to write to your MP about this matter – you can contact them easily via <https://www.writetothem.com/>.

Below, please find the introductory text from the government website and how to respond plus the actual questions asked.

Alongside those questions, we have added some points to consider in relation to each of them; hopefully these notes will make you aware of some of the potential implications of such a scheme that you may wish to think through.

DEADLINE MONDAY 29 MARCH (it doesn't state a time, so to be safe you should assume 00.01 hrs on 29 March).

What the consultation says

Full information about the consultation and how to submit can be found on the UK government's website at this link: <https://www.gov.uk/government/consultations/covid-status-certification-review-call-for-evidence/covid-status-certification-review-call-for-evidence>

'The government is reviewing whether COVID-status certification could play a role in reopening our economy, reducing restrictions on social contact and improving safety.

COVID-status certification refers to the use of testing or vaccination data to confirm in different settings that individuals have a lower risk of getting sick with or transmitting COVID-19 to others. Such certification would be available both to vaccinated people and to unvaccinated people who have been tested.

The government will assess to what extent certification would be effective in reducing risk, and its potential uses in enabling access to settings or relaxing COVID-secure mitigations.

The government is looking to consider the ethical, equalities, privacy, legal and operational aspects of a potential certification scheme, and what limits, if any, should be placed on organisations using certification.

We are issuing this call for evidence to inform this review into COVID-status certification, to ensure that the recommendations reflect a broad range of interests and concerns. We welcome views from all respondents.

How to respond

The call for evidence is open for 2 weeks from Monday 15 March to Monday 29 March. Please submit your response by email to: certification.cfe@cabinetoffice.gov.uk

You can respond either with text in an email or with attachments to an email. There is no requirement for each response to cover every question: please respond to the questions which are most relevant to you and your expertise. Responses do not need to be exhaustive - we welcome short responses that provide relevant comments.'

Consultation questions and notes to help you answer

Question 1

Which of the following best describes the capacity in which you are responding to this call for evidence?

I am a:

- a) Business that owns or operates a venue that may make use of a potential certification scheme*
- b) Business with an interest in supporting a potential certification scheme*
- c) Other type of business*
- d) Business representative organisation or trade body*
- e) Representative of central or local government*
- f) Charity or social enterprise*
- g) Individual*
- h) Academic or researcher*
- i) Legal representative*
- j) Trade union or staff association*
- k) Other (please specify)*

Notes: you can complete this as an individual or as your group, or indeed multiple times, wearing different hats. If you have the time, submitting a response for your group would be helpful for providing government with a good picture of the implications of a passport scheme on leisure-time music and fulfilling their stated aim of hearing a 'broad range of interests and concerns'.

Question 2

*In your view, what are the key considerations, including **opportunities** and **risks**, associated with a potential COVID-status certification scheme? We would welcome specific reference to:*

- a) *clinical / medical considerations*
- b) *legal considerations*
- c) *operational / delivery considerations*
- d) *considerations relating to the operation of venues that could use a potential COVID-status certification scheme*
- e) *considerations relating to the responsibilities or actions of employers under a potential COVID-status certification scheme*
- f) *ethical considerations*
- g) *equalities considerations*
- h) *privacy considerations*

Notes: This is the big and substantive question of the consultation. Here are some points below that you may wish to consider when you respond.

Opportunities with having a vaccine passport

So this is the question about why certification should be introduced. The government's stated aims are:

- *To reopen the economy*
 - This is about doing it more quickly, for everyone's benefit and to reduce the burden on the public purse of business and other support measures. Would it help you return to activity or events sooner than you might otherwise?
- *To reduce restrictions on social contact*
 - Will you be asking your family or friends to see their certification? You might discuss whether or not they've had the vaccine and how they feel about meeting up, especially if any of them are vulnerable, but would a passport be useful for this?
- *To improve safety/ reduce risk*
 - This BBC article gives an overview of the risk of transmission of Covid, post vaccination: <https://www.bbc.com/future/article/20210203-why-vaccinated-people-may-still-be-able-to-spread-covid-19>
 - This would suggest that even herd immunity levels of vaccination and its certification would not remove the need for other mitigations., or not completely.
- *To enable access to settings (e.g. care homes, theatres)*
 - So in order to visit someone in a care home or to go to the pub or the theatre, you might be asked to show certification.
 - This research by Indigo has been going on for a year now and it measures audiences' confidence to return to live events and what would make them comfortable about returning. Their March report is out soon. Meanwhile, read the February one here: <https://www.indigo-ltd.com/blog>
 - It suggests that whilst two thirds of people would be comfortable with the idea of a vaccine passport, two thirds of people would also be uncomfortable with **only** a passport and/or testing on arrival.
 - Speaking only for music events and rehearsals, this would mean that even if vaccine passports were in place, your participants and audiences would still want you to be implementing other mitigations too, so the passports would not remove the need for those.
- *To relax Covid-secure mitigations*
 - See previous point.

Overall, therefore, you may conclude that the opportunities for return to activity and performance offered by mandatory Covid-status certification would not be significant enough to make a difference to you.

Risks of having a vaccine passport Below we follow the government's bullet points and suggest potential considerations/implications.

- **Clinical/medical considerations**

- Vaccines are a positive: all the currently licensed vaccines have been shown to reduce the risk of serious disease and death from Covid-19 considerably, between 75% and 90%. This means that those particularly vulnerable to Covid-19, including over-65s and those with underlying health conditions, once vaccinated can access public life again and many of them are happily accessing vaccination.
 - However, there are those who cannot have the vaccine, for instance for medical reasons (e.g. pregnant or intending to get pregnant; allergies, etc.);
 - there are those who do not wish to have it, for personal reasons or for lack of trust (e.g. there are communities currently not taking up the vaccine in the numbers that they could, for instance some Black, Asian and Other Ethnically Diverse communities); it is unlikely introducing vaccine passports will increase these communities' uptake of the vaccine, indeed it may reduce it by increasing suspicion as passports might be perceived as indirect coercion. Organisations working in those communities advocate for encouragement and engagement to increase uptake, instead of certification;
 - there are those who have not yet been offered it (and may not be offered it until the autumn) due to their age;
 - under-18s are not included in the vaccination programme as the safety of the vaccines in this age group has not been evaluated.
- These groups of people may be excluded from participating in your activity or attending your events, unless they had a test instead. Or: if you allow under-18s in without certification, are you going to exclude a 19-year-old who doesn't want to be vaccinated?
- If there is the need to insist on a test instead, it is unclear who would pay for such a test. If your participant has to pay, that will exclude more people from your activity or events; and if it is you who has to pay, that would place an additional financial burden on the group.
- And then there would be the burden of actually managing the process of testing on arrival at an event (see the bullet point below about venues).
- In addition, as it is not yet clear how long immunity by vaccine lasts and how effective it may be against new strains yet to develop, this raises questions about how long a certification should be valid for. If boosters etc. are required in future, do you have to see proof of those? What if they are not offered in your part of the country?
- Is it first or second dose or booster which offers access to your event?

- **Legal considerations**

- There is a debate about whether requiring people to have Covid-status certification either to take part in your activity or to attend your concerts could open you to legal claims. This BBC article outlines some of the issues: <https://www.bbc.co.uk/news/health-56125142> ; and here is the referenced Royal Society report: <https://royalsociety.org/news/2021/02/12-challenges-for-vaccine-passports/>
- Legal issues presented by vaccine passports are around data protection, human rights and equality and discrimination laws.
 - Data protection: you would have to ask for and store sensitive medical information securely. This requires much higher thresholds of security

than the data you are probably currently collecting from and storing about your participants and audiences.

- Discrimination: if you stopped someone taking part in your activity or attending your event, could you be pursued under Discrimination and Equality legislation?

- ***operational / delivery considerations/ considerations relating to the operation of venues that could use a potential COVID-status certification scheme***

We are looking at these two together (points c) and d) above)

- The first question that springs to mind is how does this work on the ground: would you or the venue you hire for rehearsals or performances be responsible for checking or enforcing Covid-status certification? Who would be storing the data? How securely can that be managed? Would individuals trust that their data are securely stored?
- How do you check a vaccine passport? At the moment, it appears it would be an electronic version. What about discrimination against people who don't have a mobile device?
- Security of data – this is an additional burden on volunteers running a music group to have to collect, store and monitor sensitive medical information.
- How would your volunteers feel about policing the entrance to a rehearsal or event and turning away people without certification?
- If your venue checked certification – would your participants or audiences trust them? And would they still blame you if the data was lost or mishandled?
- If individuals can prove a test instead of a vaccination, would they have to pay for that and take it before setting off to your venue?
- Or would you offer testing? How would that be managed and how would you store the results, dispose of clinical waste, allow the extra time, have additional volunteers, how would those volunteers be trained, etc.
- We have spoken here about rehearsal and performance venues, but it is unclear what settings exactly would be required to ask for certification, e.g. public transport? How many of your participants or audiences would that affect?

- ***considerations relating to the responsibilities or actions of employers under a potential COVID-status certification scheme***

- you may not be an employer, but consider your engagement of freelance musicians – would you want to be in the position of having to demand your MD either has the vaccine or a test every week before rehearsals? Would you pay for that or them? Ditto your accompanist? And what about other freelancers you engage – are you willing to engage a different musician to the one chosen on musical grounds because of their Covid-status certification?

- ***ethical considerations***

- some have been alluded to above under various other points, but some points to consider:
- do you feel it is ethical for access to your activity, work or events to be based on Covid-status certification?
- Public good versus the rights of the individual?
- Is introducing mandatory passports an indirect way of forcing people to have the vaccination and, if so, what are the rights and wrongs of that?

- ***equalities considerations***

- essentially this mandatory certification could discriminate against particular groups of people with protected characteristics, e.g. women (pregnancy),

disabled people (who are also more likely not to be able to have the vaccine for medical reasons), ethnically diverse population groups who are vaccine hesitant, etc.

- **privacy considerations**

- as described above, mandatory certification would require individuals to share sensitive medical information with electronic platforms and/or agencies that they do not necessarily trust to keep those data securely or not to share them

Question 3

Are there any other comments you would like to make to inform the COVID-status certification review?

Notes:

- In its submission, Making Music will be pointing out that this consultation is not open long enough to give government a full view of how and who such Covid certification will impact before they take decisions.
- Our conclusion overall – and we are sorry that lack of time does not allow for consultation with members on this – is that introducing mandatory Covid-status certification to prove either vaccination or a negative test would not reduce other measures groups need to take to mitigate risk, and so would place significant additional financial and operational burdens on volunteer-led small community charities, to the point that many may well reduce or even cease activity altogether, depriving their participants and communities of the many social, physical and mental well-being benefits which arise from leisure-time music activity.
- We would therefore urge the government not to introduce vaccine passports, but to focus all its efforts on encouraging maximum uptake of the vaccine across all parts of the UK population.

25 March 2021