

ADMIRAL COVID-COMPLIANCE LICENSEE GUIDANCE



Updated July 16th 2021

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ALL UK

1. Review and update your Covid **RISK ASSESSMENT**
2. Ensure strong **ventilation** (*see below*)

ENGLAND

STEP 4 - 19 JULY - WORKPLACE GUIDANCE FOR ENGLISH PUBS

PLEASE NOTE THESE WILL BE KEPT UPDATED AS MORE INFORMATION BECOMES AVAILABLE

The new guidance was published on 14th July. A summary of key points is set out below, but broadly:

- All mandatory COVID restrictions will be lifted from Monday 19th July;
- Many existing methods to restrict virus transmission remain in the guidance as either recommendations and/or actions to consider as part of your risk assessment.

Priority actions for pubs

The guidance sets out six steps to protect staff and customers. All 6 are recommendations, not legal requirements, but you **must** undertake an adequate risk assessment under Health & Safety legislation. The six steps are:

1. Complete a health and safety risk assessment that includes the risk from COVID-19

Complete a risk assessment, considering the reasonable adjustments needed for staff and customers with disabilities. Share it with all your staff. Keep it updated. [Find out how to do a risk assessment](#).

2. Provide adequate ventilation

You should make sure there is a supply of fresh air to indoor spaces where there are people present. This can be natural ventilation through opening windows, doors and vents, mechanical ventilation using fans and ducts, or a combination of both. You should identify any poorly ventilated spaces in your premises and take steps to improve fresh air flow in

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these areas. In some places, a CO2 monitor can help identify if the space is poorly ventilated. If you require advice on the ventilation of your pub or advice on how to mitigate ventilation risks, please speak to your BDM or Property Manager.

3. Clean more often

It's especially important to clean surfaces that people touch a lot. You should ask your staff and your customers to use hand sanitiser and to clean their hands frequently.

4. Turn away people with COVID-19 symptoms

Staff or customers should self-isolate if they or someone in their household has a persistent cough, a high temperature or has lost their sense of taste or smell. They must also self-isolate if they or a close contact has had a positive COVID-19 result, or if they have been told to self-isolate by NHS Test and Trace. If you know that a worker is self-isolating, you must not allow them to come to work.

5. Enable people to check in at your venue

You're no longer legally required to collect customer contact details, but doing so will help NHS Test and Trace to contact those who may have been exposed to COVID-19 so that they can book a test. You can enable people to check in to your venue by displaying an [NHS QR code poster](#). You do not have to ask people to check in or turn people away if they refuse. If you choose to display a QR code, you should also have a system in place to record contact details for people who want to check in but do not have the app.

6. Communicate and train

Keep all your workers, contractors and visitors up-to-date on how you're using and updating safety measures.

The new webpage for the Step 4 workplace guidance is:

<https://www.gov.uk/guidance/working-safely-during-covid-19>

Within the sets of guidance for different sectors there is guidance for:

- Restaurants, pubs, bars, nightclubs and takeaway services

<https://www.gov.uk/guidance/working-safely-during-covid-19/restaurants-pubs-bars-nightclubs-and-takeaway-services>

- Hotels and guest accommodation

<https://www.gov.uk/guidance/working-safely-during-covid-19/hotels-and-guest-accommodation>

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Test & Trace and self-isolation

If you or your staff are contacted by Test & Trace and told to isolate, you must do so. If you or your staff are 'pinged' by the NHS COVID-19 app, the request to isolate is advisory only. We recommend also that you and your staff test yourself at home on a regular basis.

COVID Pass

You may consider the use of the NHS COVID Pass to reduce the risk of transmission at your venue or event (Section 2.2).

The government will work with organisations that operate large, crowded settings (for example, nightclubs) where people are likely to be in close proximity to a large number of those from other households to use the NHS COVID Pass as a condition of entry.

If you use the NHS COVID Pass, you should ensure that you comply with all relevant legal obligations and guidance, including on equalities. You can find out more in the guidance on COVID-19 Status Certification. The government will publish more guidance on using the NHS COVID Pass shortly.

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SPRING ROADMAP FOR WALES - GUIDANCE TO REOPENING (UPDATED JULY 17TH 2021)

The First Minister has announced that **as of 17th July Wales will move to Alert Level One** (announcement [here](#)). There are minimal practical differences for hospitality from this move, however it does mean that there will be differences in the approaches in England and Wales, i.e. restrictions are lifted in England from July 19th, whereas they will persist for a time in Wales. However, in a positive move, the Welsh Govt has also announced their intention (should the public health situation allow) to move to “Alert Level Zero” From August 7th. Alert Level Zero is set out [here](#), key elements are summarised below:

- There will be no legal limits on the number of people who can meet others, including in private homes, public places or at events.
- All businesses and premises will be able to reopen.
- Carrying out a coronavirus risk assessment will continue to be a legal requirement for businesses, employers and event organisers.
- Businesses, employers and other organisations will still be required to take reasonable measures to manage the risk of coronavirus at their premises.
- The reasonable measures to be taken, such as physical distancing and other controls, will be for each organisation to consider depending on the nature of the premises and the risks of exposure to coronavirus identified.
- People should continue to work from home wherever possible. If you are unwell you should self-isolate and get tested.
- Face coverings will remain a legal requirement indoors in public places, such as on public transport, in shops and when accessing healthcare. The use of face coverings in the workplace should also be considered by businesses and employers as part of their coronavirus risk assessment.

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SPRING ROADMAP FOR SCOTLAND - GUIDANCE TO REOPENING (UPDATED JULY 13TH 2021)

‘Level 0’

It is confirmed that the whole country will move to Level 0 from 19th July, however there would be some [amends to what is permissible under that level](#). Most importantly for the hospitality sectors is **the maintenance of a curfew, set at midnight**. Customers will no longer be required to pre-book a two-hour slot to go to a pub or restaurant but will still be required to provide contact details to assist Test & Protect.

Level 0 will also **reduce social distance to 1 metre** in all indoor public settings and outdoors. Additionally, informal social gatherings of up to 15 people from 15 households will be permitted outdoors without physical distancing. Gatherings of up to 10 people from four households will be permitted in all indoor public settings with 1 metre physical distancing.

What is permissible under Level 0: <https://www.gov.scot/publications/coronavirus-covid-19-protection-levels/pages/protection-level-0/>

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Ventilation as a mitigation of COVID-19 transmission – guidance for pubs

New ventilation guidance ([here](#))

Ventilation of enclosed spaces is identified as an important measure for keeping customers and staff safe. The guidance confirms that:

- There are different ways of providing ventilation, including mechanical ventilation using fans and ducts, natural ventilation which relies on passive flow through openings (doors, windows, vents) or a combination of the two.
- HSE guidance on ventilation and air conditioning explains how to identify those spaces and steps to take to improve ventilation. [Read advice on air conditioning and ventilation from HSE.](#)

Key points

- It is well-accepted that improving ventilation for an indoors space can reduce the risk of transmission of the virus carried in aerosol particles, alongside other mitigation measures.
- There are practical, no-cost means of improving natural ventilation as set out in guidance from the Health and Safety Executive (HSE).
- Current government guidance to the hospitality sector refers directly to the HSE guidance and does not specify any prescribed standard of ventilation or specific equipment.

Tips for better ventilation (per HSE guidance)

[Why ventilation is important](#)

- Good ventilation reduces the concentration of the virus in the air and therefore reduces the risks from airborne transmission. This happens when people breathe in small particles (aerosols) in the air after someone with the virus has occupied an enclosed area. However, ventilation will have little or no impact on droplet or contact transmission routes.

[Balancing ventilation with keeping people warm](#)

- Good ventilation is a balance between making sure premises are warm but keeping a flow of air going through an area. Simple steps, such as partially opening windows, can be taken to ensure ventilation is maintained. [Natural ventilation](#) can be used with heating systems to maintain a reasonable temperature.

[Identifying poorly ventilated areas](#)

- Look for areas where there is no [mechanical ventilation](#) or no natural ventilation, such as opening windows and vents etc, unless doors are opened very frequently
- Check that mechanical systems provide outdoor air, temperature control or both. If a system (e.g. a local air conditioner) is recirculating only and doesn't have an outdoor air supply, or a separate source of outdoor air, the area is likely to be poorly ventilated
- Identify areas that feel stuffy or smell badly

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- Use carbon dioxide (CO₂) monitors to identify the CO₂ levels to help decide if ventilation is poor. CO₂ monitors are most effective for areas that are regularly attended by the same group of people. They are less effective in areas with low numbers of people

[How to improve ventilation](#)

- The more people occupying an area that is poorly ventilated, and the longer they remain in it, the greater the risk of transmission. Singing, shouting and aerobic activities generate higher levels of aerosol and increase the risk further, so consider these factors when ensuring you have adequate ventilation.

[Natural ventilation](#)

- Natural ventilation can be provided through open windows, or through other means such as vents. However, fire doors should not be propped open.
- Do not to completely close windows and doors when the area is occupied as this can result in very low levels of ventilation.
- Lower temperatures and likely windy weather conditions in the winter months will increase the natural ventilation through openings. This means you don't need to open windows and doors as wide, so partially opening them can still provide adequate ventilation while maintaining a comfortable temperature. Opening higher-level windows is likely to generate fewer draughts.
- Airing rooms as frequently as you can will help improve ventilation. This involves opening all doors and windows wide to maximise the ventilation in the room. It may be easier to do this when the room is unoccupied or between uses.

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Covid staff TESTING

Free rapid tests for all businesses for regular workplace testing

Workplace testing is now available to all businesses, including those with fewer than 50 employees. Businesses are encouraged to **register interest by 31 March** to access free workplace testing. Further details can be found from the [press release](#). The portal to register interest is [here](#).

Workplace testing programme to offer free home testing

The Government is making rapid home testing available for all businesses with over 10 employees who cannot offer on-site testing. Businesses must **register interest by 12th April** to access free tests.

Employers will be able to offer their employees free, rapid and regular testing that can be taken at home. From 6th April, the workplace testing programme will supply home test kits to companies with over 10 workers where it is not possible to set up testing on-site, due to a lack of space or because companies operate across multiple sites.

Businesses will be eligible to order the home test kits online to distribute to their employees. These self-test kits will be picked up by staff from their employer with clear instructions about how to take the test. Staff will then complete the home test in the normal way, before reporting their results to the NHS using the provided gov.uk address.

The workplace testing programme uses lateral flow tests to rapidly detect the virus in 30 minutes meaning that those who test positive can isolate immediately and, in doing so, break chains of transmission and suppress the virus.

As well as reporting their result directly to the NHS, employees should advise their employer of a positive result and take a confirmatory PCR test. Employers will retain an important role in encouraging their employees to take and report the results of their test.

Employers with fewer than 10 people can alternatively access regular testing through the community testing programme, which is now offered by all local authorities in England. Work is also underway to allow staff of small businesses to order tests online to be sent to their home.

Businesses who wish to sign up for workplace testing should visit: <https://www.gov.uk/get-workplace-coronavirus-tests>.

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To wear or not to wear? The great mask debate!

Face coverings have been a focus of controversy throughout the pandemic. Should we wear them? Shouldn't we wear them? Where should we wear them? And do they make a difference? Is wearing a mask a political statement, evidence of blind obedience or just common sense? Or is it, quite simply, the law?

In broad terms the law states that you must wear a mask in most indoor settings unless you are exempt. But since the start of the third lockdown there has been something of a hardening of attitudes by some retailers about mask use. The **"no mask – no entry" sign** has become a regular sight in many shop windows. Arguably this robust interpretation of the rules is leading to people becoming ever more entrenched in their attitudes to mask use – and to those who don't wear one. The Equality and Human Rights Commission has reportedly written to supermarket CEO's warning that **such actions mean they could be breaking the law if they discriminate against people who are exempt due to a disability.**

Exemptions can apply to individuals who cannot put on, wear, or remove a face covering "because of a physical or mental illness or impairment, or disability". They can also apply where putting on, wearing or removing a face covering will cause the individual severe distress. Businesses are expected to take reasonable steps to encourage customers to follow the law but ultimately the use or otherwise of a mask is the responsibility of the individual.

But what are the risks to businesses who try to navigate the minefield between keeping customers safe, reminding people of the rules, contending with the belligerent or the mischievous and yet all the while not discriminating against customers who have a legitimate exemption?

The rules state that **a person who has an exemption does not routinely need to show any written evidence of it.** Whilst an exemption card, badge or "hidden disabilities" lanyard can be used, there is no obligation on the individual to do so. In response to a reminder to wear a face covering, an individual is entitled to explain that they have an exemption and, it would appear, the owner of the premises or their employee must take that at, if you'll pardon the pun, face value. To press the point further, perhaps in seeking evidence of the right to an exemption or refusing the individual access to the premises risks an allegation of disability discrimination!

Disability discrimination is, quite rightly, specifically outlawed in the Equality Act and should never be allowed. People with substantial and long term conditions have, sadly, suffered significantly from the impact of the coronavirus and many retailers have gone the extra mile to protect and support their most vulnerable customers and those who support them.

To ensure that they provide the requisite protection to staff and customers whilst not exposing themselves to claims, **businesses (and their insurers) need to ensure that there are appropriate, compliant and non-discriminatory procedures and processes in place.** It will also be important to be able to show that staff have been trained how to respond and deal with customers who refuse to wear, or remove, their mask whilst in their pubs.

If you are unsure whether your systems are compliant or if you are unsure how to respond to an Equality Act claim received, please don't hesitate to contact Stephen Robb, Partner on +44 (0)116 242 8943 or at stephen.robb@weightmans.com.