

## CBI'S RESPONSE TO PROPOSAL FOR MANDATORY COVID CERTIFICATION IN A 'PLAN B' SCENARIO IN ENGLAND – CALL FOR EVIDENCE

### Summary

The CBI is the UK's leading business organisation, speaking on behalf of 190,000 businesses across all sectors, sizes, and regions of the economy. Together, our members employ around a third of the private sector workforce.

The CBI has engaged with its membership, assessing the potential impacts of mandatory COVID-status certification in a 'Plan B' scenario for businesses and their operations. The CBI [also responded](#) to the Government's call for evidence to inform the COVID-Status Certification Review in March.

The UK's world-leading vaccination programme has played a crucial role in helping England move to and remain at Stage 4 of the roadmap. However, cases have risen significantly in recent weeks with the return of schools and firms introducing hybrid working patterns. The Government's Winter 'Plan B' has kept open the option of introducing certain measures should infections rise to levels which threaten to put unsustainable pressure on health services. This includes mandatory COVID Status Certificates in certain environments.

Set against this backdrop, this call for evidence is incredibly timely. Businesses recognise certification can be a valuable 'COVID-secure' tool to manage risk, keep events and hospitality businesses operating, and build confidence in living with the virus over the autumn and winter. Firms are committed to working in partnership with the Government and other stakeholders to maximise confidence and minimise confusion if a certification scheme is introduced.

### **A COVID Status Certification scheme can be a useful tool to help manage risk and build public confidence, but to be workable businesses must have clarity over what will trigger its introduction and be given proper notice to prepare**

Throughout the pandemic, maintaining personal safety has been a shared objective between business, employees, and the Government. With the economy now reopened but case numbers still high, the Government is right to consider contingency measures under Plan B which may be necessary to maintain employee and customer confidence, and avoid the need for stricter, more damaging restrictions on businesses.

Business is positive about the role certification can play as a 'COVID-secure tool' in managing risk and controlling the spread of infection in large venues. Business also recognises the potential for this scheme to help incentivise vaccination in any cohorts where uptake rates are low.

However, the potential pace of introducing a mandatory COVID-status certification scheme – with potentially as little as one week's notice before it comes into force - fails to acknowledge the operational complexity of implementing it in practice. Many businesses in-scope will require a longer period to adequately prepare for its introduction. The challenges associated with the introduction of the NHS Scotland Covid Status app in recent weeks highlight the complexity of introducing such a scheme at short notice. **The Government should publish the metrics that will trigger the scheme's introduction, as well as the final regulations and detailed guidance no less than two and ideally four weeks before the scheme is launched.**

The CBI's [New settlement for living with the virus](#), based on extensive consultation with its members across the country, set out a series of principles for the introduction of any certification scheme. These were designed to ensure ease of access, ease of use and ease of implementation. These are:

- **Based on either proof of vaccination, a negative coronavirus test result, or natural immunity.**

- Utilised only for large venues with high volumes of attendees – sports stadiums, concert halls (not to be used for retail or hospitality).
- Aligned with existing COVID policies already at play such as testing, vaccinations, and international travel.
- Developed with business with clear criteria for when and how certification should be employed, including business-specific legal counsel and help for monitoring and enforcement.
- Science-led and time-limited, with clarity on the scheme's purpose, timelines for implementation and review.

The Government's proposals show it has listened to and acted upon much of this feedback from businesses. The policy detail on criteria and applicability, deployment, enforcement, as well as an alternative to vaccination for venues' workforce give firms welcome clarity on many aspects of the scheme and will help them to plan for its potential introduction.

However, there remain some areas of concern for businesses:

- Business recognises the Government's rationale for a vaccination only entry criteria. However, they would prefer a COVID-status certification scheme to also accept data from proof of a negative test or natural immunity. This would help to avoid cases of exclusions where the risk of the disease being spread is comparable (or lower in the case of natural immunity). **Government should monitor the effectiveness of the 'vaccination status only' approach in preventing the spread of the virus and minimising exclusion, and, if necessary, review the criteria for entry.**
- Despite the welcome detail of the draft proposals, the Government has not yet published business specific legal counsel on the scheme. **The Government should publish business-specific legal counsel as a matter of urgency to help firms prepare in the best way possible.**
- The Government has yet to set out how it will review the success of the certification scheme, and what criteria will need to be met for the withdrawal of the scheme. **The government should provide clarity on its success measures for the scheme, and the criteria that will trigger its introduction, withdrawal and/or phasing-out.**

### **The Government must support and guide businesses to resolve operational practical challenges with certification if it is introduced**

In conversations with the CBI, firms have raised some practical challenges and questions with the scheme based on the draft proposals.

#### **Practical challenges in-depth**

##### **1. Ensure the scheme is operable as soon as mandatory certification comes into force**

Having fully functioning technology as soon as certification comes into force is essential for building businesses' trust in the system and to ensure compliance from the public. When the NHS Scotland Covid Status app was introduced in late September, many people were unable to download their vaccination data due to the system being unable to cope with the volume of internet traffic. **The Government should ensure that the NHS App, NHS COVID-19 Pass and NHS Verifier App are operable on the day the scheme launches, including ensuring sufficient capacity to cope with the rise in the number of people using the system.**

##### **2. Provide further clarity on which venues are in-scope for mandatory certification**

The guidance provides welcome clarity on which venues are in-scope for certification. However, there are still some venues which are borderline in-scope and whose status and where the need for certification could vary based on the time of day. For example, a non-nightclub venue, such as a pub which remains open post-1am with a late live music offer could fall in-scope at certain times of the day. This example raises practical questions about whether these venues are in-scope for certification and, if so, how they would check vaccine status in a way that is safe and minimises

detering consumers. To avoid confusion and the risk of unintentional non-compliance, **the Government's detailed guidance should provide case studies of venues and events which are borderline in-scope, and the steps these venues should take to manage certification safely and effectively.**

### **3. Raise public awareness of mandatory certification**

The 'COVID secure' workplace guidance showed how effective Government guidance, underpinned by clear communication can drive confidence and consensus. Yet in recent weeks low public awareness of new regulations has contributed to the challenges with rollout of the COVID certification scheme in Scotland. **Ensuring the public are made aware of the details of the scheme – including changes to the NHS COVID Pass - through a clear, well-directed awareness campaign will help to ease confusion and promote compliance.**

### **4. Ensure consistency of enforcement across England**

Businesses are mindful of the risk of different local authorities' interpretations of the certification regulations placing additional strain on their operations. Co-ordination across different local authorities will allow businesses to take a consistent approach towards customers and employees, and aid compliance. **The Government should set up a working group to ensure different parts of the country can identify a common approach towards mandatory COVID-status certification and its enforcement.** This includes identifying common approaches to regular, supervised testing of the workforce and determining which types of venues are in-scope for using certification.

### **5. Ease the burden of certification on business operations**

Certification for in-scope venues and events will place significant additional burdens on business operations. The staffing levels needed to check certification will often require businesses to hire new employees, which may be challenging at a time of acute labour shortages. There are also practical questions for employers, such as where checks should take place, how lengthy queues which may lead off a venues' premises can be safely managed, and what appropriate action should be taken if an individual breaches entry without proof of Covid status. **The Government can take steps to help alleviate the burden on businesses by providing detailed guidance on the policy ahead of launch and gathering regular business feedback once the scheme is live.**

### **6. Monitor the impact of changes to the NHS COVID Pass on voluntary schemes**

The NHS COVID Pass will be changed if mandatory certification is introduced so that it certifies individuals based on vaccine status only. Businesses which are out of scope would continue to be able to accept testing as a voluntary measure but would need to accept alternative methods (such as emails or text messages) as confirmation of a negative test result. This could impact on the operational ability of businesses currently operating voluntary schemes to continue to do so effectively. **The government should work with business organisations to monitor the impact of changes to the NHS COVID Pass on voluntary certification schemes.**

### **7. Provide clear forward guidance on any changes to the role booster vaccines will play in certification**

The Government began its rollout of its booster vaccination programme for people most at risk from COVID-19 who have had a second dose of a vaccine at least 6 months ago. Currently, the Government says it does not expect booster vaccines to be a requirement to be considered fully vaccinated. However, this may change depending on several factors. If booster vaccines do become a requirement for some (or all) individuals to be considered fully vaccinated, this will provide additional practical challenges for businesses operating certification. **It is essential that the Government provides clear forward guidance to businesses about the practical implications of any changes for the certification scheme.**

**8. Widen the recognition of overseas vaccination proofs to keep large venues and events open to international audiences**

The UK Government currently recognises a certain number of vaccine providers overseas. Whilst visitors from key markets, such as the US and the EU, are covered by the current vaccination proofs accepted by the UK Government, other markets are not. This could present barriers to international audiences wishing to attend events and venues. **The Government should prioritise expanding the list of countries and territories with approved COVID-19 proof of vaccination for travel to England and as part of the scheme.**

**Businesses are committed to working in partnership with the Government on certification by providing ongoing feedback to ensure the scheme is effective**

Government must ultimately decide on whether and when to introduce a COVID-status certification scheme, however business deliverability will be critical to any successful implementation.

CBI members are united in their belief that the introduction of any prospective scheme should be done in partnership with business and other stakeholders to maximise its effectiveness. If introduced, businesses are committed to provide ongoing feedback to the Government on how certification is working and how to increase its effectiveness in a way that improves the health and safety of customers and employees.