

**What Next?
Covid-19 Certification Consultation**

Draft Notes towards a Briefing: NOT FINAL SUBMISSION
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Headlines and purpose of this document

On the 15th of March, the Cabinet Office published a [public call for evidence](#) into Covid Status Certification Review. This consultation has a deadline of the 29th March 2021.

On the website it states that: '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.

What Next? believes that the findings of this Review will have an extraordinary impact on the cultural sector, and could impact on our ability to deliver for years to come. Individuals could potentially have to use digital certification to join the workforce, or to participate in, or be an audience for culture. There are no timescales included in the Review, and so these mechanisms could be in place for several years.

This is a complex issue which does not lend itself to a binary or unified position, but it is essential that those making the decisions on ways forward hear the nuanced views of our sector; understanding the different and competing demands of different arts and cultural organisations and individuals, and looking through an equality, rights and ethical lens as much as the critical economic one.

We believe that there is evidence that a cost of an economic recovery supported solely by certification would be the diversity of audiences, workforce and participants, and diversity of the arts and cultural content that is created. We believe that a range of creative measures will be needed to ensure this does not happen.

We have created these draft notes as an aid to anyone in our movement wishing to make a response to the consultation.

Over the last week, colleagues across What Next? have discussed this issue; with Chapter Chairs and Steering Group members, as well as our wider network feeding into this draft document, and conversations with experts. These notes detail some of the arguments and thinking that we have heard so far. **It is not a finished document**, but we are sharing it with What Next? members due to the lightening timescale of this Review. We will adapt and develop these notes into a formal response to the consultation; drawing from our national WN? meeting, and a further Roundtable we are holding on Friday 26th March.

Please do get in touch to query or challenge any of the content of this document, to let us know what we have missed, or to include any data, evidence or case studies. This paper has been created at speed, so please forgive any errors (and let us know about them!).

What Next? has been working closely with Ramps on the Moon, #WeShallNotBeRemoved and Inc Arts to develop these arguments.

We believe that there is an opportunity within this consultation, and more widely, for the cultural sector to reframe the questions that are being asked of us, and to ask

‘What resources, tools and approaches do we need to deliver sustainable, equitable, inclusive arts and culture over the next year?’

ACTION: We are urging all What Next? members and chapters to engage with this consultation if they can, either by submitting their own response, or by feeding into the central one.

Contact Lizzie Crump: WN? Strategic Lead, lizzie@culturallearningalliance.org.uk to talk this through.

Key timeline to this consultation response

- On 22nd Feb, the Prime Minister, Boris Johnson, published a new ‘[Roadmap](#)’ for England out of COVID-19 and made an [accompanying speech](#). This speech contained a U-turn. Previously, the government had stated that it would not consider any kind of immunity passport, but this speech included the following line:

‘The third review will consider the potential role of Covid-status certification in helping venues to open safely, but mindful of the many concerns surrounding exclusion, discrimination and privacy.’

As part of the Roadmap, the Department of Culture, Media and Sport began a series of pilots into safe re-opening of closed spaces and a return to live events. These pilots will span a range of cultural and sporting activities.

- **On the 15th of March, the Cabinet Office published a public call for evidence into Covid Status Certification Review.**
<https://www.gov.uk/government/consultations/covid-status-certification-review-call-for-evidence/covid-status-certification-review-call-for-evidence>

This consultation has a deadline of the 29th March 2021.

- **On the 20th of March 2021** Oliver Dowden, the Secretary of State for Culture, Media and Sport was quoted in The Times, urging the Cabinet Office to swiftly approve and implement Covid-19 Certification, as ‘the only way to get significant numbers of audiences back into venues from June 21’. He said that it was ‘very difficult’ for theatres to reopen with social distancing, and without this measure he was ‘really worried about the future of the industry and our sense of wellbeing as a society’. He coined the phrase ‘[bums on seats or bust](#)’.

The economic lens

The economic need of this part of the industry is not in dispute. It has been well documented, and many venues have made, and continue to make staff redundancies and reductions to their offer, which make a return to their previous operating models look extremely uncertain.

This economic lens cannot be under-weighted in making plans for the future. It concerns the return to work to the [40% of the sector which has been made redundant](#), and to the [thousands of freelancers who have lost or reduced livelihoods](#) as a result of COVID-19.

Many arts venues feel that certification is an important and needed tool that can be used in tandem with other measures (such as mask-wearing), in order to facilitate a return to performance, and they are welcoming of the introduction of this measure.

There is also a strong, wider, economic imperative, which includes cultural activities as part of our tourism offer, of our industrial strategy, and of place-based economic regeneration.

The case for national wellbeing is also important, with a return to culture and cultural activity being a large part of individual and community identity, and real, documented need for an increased role of culture in delivering a range of social outcomes in a post-COVID-19 landscape.

However, there are a number of assumptions in Oliver Dowden's stated position that it is important to unpick:

1. Culture is currently closed

Although some cultural venues closed when COVID-19 hit, many organisations immediately developed comprehensive plans to meet the needs of their communities, and worked to design and deliver creative, innovative and critically important programmes of work. This is their core practice and expertise.

These programmes range from making work for digital distribution; creating local, socially distanced performances and opportunities to make and share art online and in the real world; physical creativity packs through children's doors; community art galleries on lamp-posts and in other settings to operating food banks, providing specialised youth work, homework support and learning resources, free software and technology for creative young people, and significant mental health support.

They also include targeted programmes of creative activity for people seen to be vulnerable, older people, or those shielding because of pre-existing health conditions - often created in partnership with local health, social care and voluntary sector services; and programmes of activity designed for carers, paid and unpaid, and those resident in care homes, prisons, and hospitals.

These many hundreds of organisations and individuals have very different operating needs, both within COVID-19 and in their pre-COVID practice (which they may wish to resume in some form, if it has changed), to those that Oliver Dowden is referring to in his statement. In many cases they work with participants, individuals and communities that already face many systemic barriers to engagement with culture, and COVID-19 Certification is potentially another barrier that we would be putting in place.

2. A COVID-19 Certification Scheme would enable venues to dispense with social distancing

The government's current consultation gives us very little information as to what model of Certification it is considering. The [Institute for Government reports](#) that [Innovate UK](#) has funded a number of different technological models and The Times has reported that the [existing NHS app](#) will be converted into a 'passport'. Most reporting assumes that there will be some kind of 'Green' status that could include proof of vaccination or a recent test.

None of these options would reduce to zero the risk of transmission of Covid-19 at a cultural event or venue. A recent paper from the Ada Lovelace Foundation shows there is [currently insufficient scientific data](#) to tell us whether vaccination stops transmission of COVID-19. By mixing the two green categories above 'recently tested' people could be exposed to transmission from a vaccinated individual. There is no evidence to show how risk of new variants would be mitigated by certification.

It may be that some of this evidence will come on stream shortly, and it may positively show that some or all vaccines do have an impact on transmission, which would significantly change the impact of certification on safety.

At this current time we do not know how effectively this measure would contribute to a lowering of infection risk, or how this tool would need to be combined with other social distancing measures.

We also don't know what the impact of the concept of the Certification would have on audiences, participants, workforce or employer behaviour. If they felt themselves to be 'safe' they could start relaxing restrictions immediately and therefore could contribute to a new wave of infection.

3. A COVID-19 Certification Scheme is essential to boost consumer confidence and therefore ticket sales

Both the [Audience Agency](#) and [Indigo Ltd](#) have done some initial work to gauge the reactions of audiences to the idea of some kind of digital Covid certification. We will include these findings in our response to the consultation.

It is important to note that these surveys measured audiences' emotional reaction to this concept, rather than a weighing up of risk or effectiveness, since we don't yet know the details of the model or its effectiveness.

If we do get any evidence which proves assumptions 2 and 3, then there are still a large number of significant practical, legal and ethical considerations for the sector.

Oliver Dowden's statement says 'significant numbers' into buildings, but there is strong evidence that implementing these measures will be at the cost of the diversity of these participants and individuals, and of our workforce. We could, in effect, be creating a two-tier society.

Rights and discrimination

Rights Paradox

We have heard from venues who feel that including measures like a Certification Scheme will enable audiences and workforces to feel and be safer, and that we have a collective responsibility to these audiences to do everything we can to promote this. Adam Wagner of the [Better Human Podcast](#) describes this as a 'rights paradox', where the rights of one group (Green Certificate holders) to engage with culture directly impact on another group's rights (those without a green certificate).

In making a decision on which side of the paradox to support, organisations need much more clarity on what measures will actually promote real safety and who is likely to be in which group, but they also need to be clear on the mission, vision and values they are working with, what kind of culture they are making, and who that culture is for.

How could a certification system discriminate?

A passporting/certification system could be discriminatory in a number of different ways; for our workforce, for the arts and culture that is created and shared in the country, for participants, and for our audiences.

We join lots of different sectors in fearing that it could:

- potentially exclude any individual unable to have a vaccine, e.g. those with underlying health conditions, pregnant, or breastfeeding

- widen the digital divide (as only those with access to phones would display the app)
- be used to coerce and penalise vaccine hesitant communities
- penalise anyone with concerns/ issues about sharing their health or personal information with the state
- exclude anyone not within the health system e.g. homeless communities
- exclude anyone who is not able to access a test, or who feels/has been forced to avoid testing for economic reasons.

We suspect that the impact would be likely to fall [disproportionately amongst our Black, Asian and ethnically diverse](#), migrant and disabled communities. This is borne out by [recent ONS data](#), which shows reduced uptake of the vaccine in areas and communities facing systemic inequality.

Generalisations about vaccine hesitancy have been used to justify this approach, with colleagues (and some MPs) using phrases like ‘your choice not to vaccinate will have consequences’. Some colleagues feel that the arts and cultural sector should have a proactive role in public health and should be promoting vaccinations. Although some organisations are embedded in public health and the vaccine roll-out (e.g. [Battersea Arts Centre](#) and the [Science Museum](#) are vaccination centres), there are very clear differences between positive health promotion and coercion through conditionality.

It is important to ask why individuals and communities might be vaccine hesitant. Many have had decades of experience where, from their perspective, neither the NHS or the Government have acted swiftly in their best interest. Many people experience state intervention as hostile and labyrinthine, and have not been given clear information which speaks to their personal circumstances. Confidence is based in trust, and trust is often based in privilege – and a system that works for you.

Integrating health data into cultural participation in this way is a significant precedent, and one which we should fully consider: we believe it could push policy from the [social to the medical model of disability](#).

However, we recognise that this is not a binary position: many disabled artists are pro-actively in favour of anything that would help them have confidence that they are able to work and perform in places that have formal checks in place for staff and audience members. They see the introduction of a scheme like this as a positive move.

As we state above, we believe that the introduction of this concept will change behaviour. We are very concerned that the introduction of certification will lead to a relaxation of COVID-19 safety protocols in venues, and that this would effectively make the events and facilities in question more unsafe for those who are more susceptible to the virus. This could result in indirect discrimination against those who remain cautious around COVID risk, particularly those in communities disproportionately impacted by the virus.

There have been some reports suggesting that the government might be considering amnesty / exemption certificates for some of the groups in the bullet points above, but, as with all bureaucratic systems of this kind, it may be that the process to apply for exemption is too onerous to work effectively for those initially excluded by the scheme.

Existing policy delivery

It is really important that the government does not create a policy environment that makes it impossible for its existing strategic goals to be achieved.

Arts Council and Let's Create

Given that the potential cost to organisations of implementing these measures could be the diversity of the workforce and audience, the introduction of this kind of measure could have significant impact on the ability of the publicly funded sector to deliver against its targets from Arts Council England, and could undermine our ability to deliver against its new strategy: 'Let's Create'.

This could also lead to a two-tier system where commercial providers adopt certification and the subsidised sector does not: with significant economic ramifications.

Practical operational concerns

There is no indication so far as to how technological and practical roll-out of this scheme would be funded, and it is likely to have a cost to each organisation implementing it. The cultural sector has just been in receipt of some very welcome further emergency funding in the budget – due to be rolled out in the summer of 2021, however there is already a very strong and documented need for these funds to support cultural provision and infrastructure and we would not support their use for modifications for a scheme such as this.

A scheme of this kind would also present potential significant data management and security issues for organisations, with the need for, and costs of training included in any roll-out.

Employers in the sector are unclear as to what their responsibility would be towards any of their workforce who were unvaccinated.

Cultural organisations should consider who in their organisation would be responsible for policing and implementing this scheme, what skills or support they might need, and whether such implementation would be possible.

Local Authority Public Health engagement with this issue is absolutely critical, as, if an LA makes licencing or operating any event conditional on this policy it could override an organisation's own stance and could have a significant impact on community delivery as described above. Similarly, if insurers made this a condition, this would have a huge impact on the sector.

This is currently an England only policy, and, as ever, this is an issue as culture and health are devolved in the four nations. Colleagues have stated that they would need a joined-up approach for financial viability of any touring: which must have access to all markets.

One of the scenarios that we can see is that the government may choose not to mandate certification, but may sanction the use of passports in individual businesses, which would give far less of an ethical oversight of this process and its roll out.

International travel

We are unconvinced by the elision between international travel concerns and domestic engagement with culture. But the arguments about international travel are more established (particularly around Yellow Fever), and could be influenced by the position and requirements of other countries or travel operators. It is worth noting that any artist working internationally may face the need for a certificate, even if this is not rolled-out domestically.

Vaccine provision is not currently equitably provided around the world, and this could have another, discriminatory impact on the cultural partners and projects that we engage with in the UK.

The [World Health Organisation](#) has come out against the use of Passports in International Travel.

Problems with this consultation design and implementation

The speed of this consultation (a two-week turn-around time), is inherently inaccessible and makes it extremely difficult for a diversity of organisations to engage meaningfully with this process.

The government is currently consulting on the model and any potential implications, which means that the scope of this consultation is much too unfocussed. It is extremely difficult to weigh-up and manage risk when you do not know what it is.

Similarly, the government has given no indication as to the amount of time that these measures could be in place – it could be for years. This makes it difficult to assess an appropriate model going forward.

What do we want?

We would like:

- For government and the sector to clearly understand their responsibilities under the Equality Act. We are calling for evidence of transparent and clear ethical oversight from government and our sector on these issues: Equality Impact Assessment. We would want Equality Impact Assessment to be mandatory for anyone putting certification in place and for this to have taken place as part of the Review.
- A slow, financially-supported, considered recovery for our sector – based on people, place and community. This should be built around questions of inclusion: ‘How can we open safely and inclusively for everyone?’

Questions we should ask ourselves?

- What other tools, resources and strategies should we be considering?
- Can we create environments that are economically viable and inclusive?
- Is there a less restrictive alternative?
- What is the creative alternative?
- What are the costs and benefits of implementing this scheme?

Some colleagues believe that we should include and support creative responses to this issue – exploring ideas such as ‘socially-distanced performances’ that would be run alongside ‘certification performances’ – akin to currently established ‘relaxed-performances’. There will be a financial cost to this – that could be addressed through government funding.