

NMDC Response to COVID-status Certification Review March 2021

Question 1: Which of the following best describes the capacity in which you are responding to this call for evidence?

d) Business representative organisation or trade body

About the National Museum Directors' Council

The National Museum Directors' Council (NMDC) represents the leaders of the UK's national collections and major regional museums. Our members are the national and major regional museums in England, Northern Ireland and Scotland, the British Library, the National Library of Scotland, the National Archives and Royal Botanic Gardens Kew. In 2018/2019, NMDC's member institutions received over 85 million visitors.

NMDC acts as an advocate on behalf of members and their collective priorities and provides them with a valuable forum for discussion and debate and an opportunity to share information and work collaboratively. While our members are funded by government, the NMDC is an independent, non-governmental organisation.

Question 2: In your view, what are the key considerations, including opportunities and risks, associated with a potential COVID-status certification scheme?

- Using a Covid-status certification scheme as a basis for access sits at odds with the public mission and values of museums.
- Barring entry to public organisations would be an inappropriate form of exclusion and discrimination.
- It would create yet another barrier to welcoming visitors back to recovering institutions that form the pillars of our towns and cities and therefore be a detriment to the recovering economy.
- A scheme would also be operationally and administratively burdensome and prompt legal and ethical questions.

If the Government decides to pursue such a scheme, there are serious concerns to be addressed:

a) clinical / medical considerations

The current Roadmap timeline suggests museums will be able to reopen before the entire population will be vaccinated, and even so, some of the population will not be able to have the vaccine and others will choose not to, therefore the remaining criteria for certification could only be a negative test.

Proof of a negative test would need to be very clear and specific, for example when was the test carried out and what is the "cut-off" in terms of the result being eligible for entry?

Would home testing kit results be accepted? Home testing is reliant on the test being carried out properly (or at all) and being input into the NHS system correctly. If the expectation is that a test would be done on-site or nearby immediately prior to entry, there are huge logistical consequences for museum, and most would simply not be able to comply.

b) legal considerations

Where would liability sit if a case or outbreak were detected and traced back to a museum? The scheme could place an unacceptable burden of liability on museums that do not have the appropriate expertise to manage and vet certificate schemes.

Unless status can be easily assessed by clear, consistent documentation across all UK and international visitors, refusing access could be open to legal challenge.

c) operational / delivery considerations

Museum venues are already Covid-safe, under existing guidelines issued prior to national restrictions ("lockdown 3") which came into effect 3 months ago, so such a scheme would be unnecessary for settings that have already been adapted often at huge cost.

Visitor numbers can be effectively monitored and controlled already through bookings / visitor counters and managed via use of one-way systems, timed entry or other physical barriers and signage.

Checking visitor certification would require additional staff resource, at a time when income is significantly reduced, and staff are undertaking other Covid-19 safety measures such as cleaning and time off needed for staff to undertake lateral flow testing.

Pre-pandemic, museums were welcoming record visitor numbers through their doors, and while it will take time for these numbers to return, checking each visitor to this degree before entry would create considerable flow issues which would be detrimental to other social distancing measures in place.

Practical difficulties of checking certification could create delays and queues at entrances may create bottlenecks of people. Adding to the time taken to enter the museum would slow down queue management, this could mean extra staff cost to administer the scheme and could negate some of the careful measures that have been put in place to manage the flow of visitors around the building or site with social distancing.

Queues and added wait time would affect visitor satisfaction and may inhibit visits. Limited space means that queues may not only increase risk of reduced compliance with social distancing, but heighten security risks, especially where large groups of people may be gathered in public spaces or roadsides.

A scheme may require museums to review their visitor journey and IT systems, to ensure for example that refunds can be offered at point of entry if access is refused and that adequate processes are in place to securely capture and store sensitive personal data.

Museums across the sector have taken significant steps to ensure their spaces are Covid-secure, investing in training, online ticket systems, control systems to limit visitor flows, hygiene facilities, additional cleaning and physical barriers when appropriate. Some museums are also considering implementing lateral flow testing for employees who have contact with the general public. Thanks to such steps, museums do not appear to be a material source of transmission.

Covid-certification would be another unnecessary burden on venues where there is no evidence of Covid-19 being transmitted (as per Public Health England).

It is important to recognise that no measure – including certification – will reduce the risk of transmission to zero. It may be that certification will change public behaviour, undermining existing caution and actually lead to higher risk. Any policy measures should therefore be based on solid evidence of effectiveness.

d) considerations relating to the operation of venues that could use a potential COVID-status certification scheme

Audiences and inclusion

Museums and galleries are essential places of inspiration, reflection and joy that bring proven wellbeing benefits. They have a vital part to play in the recovery of domestic city breaks, and later international tourism as we emerge from the pandemic. Further barriers to international visitors would be hugely detrimental to the museum sector, especially as many international visits are driven by the UK's cultural offer – if cultural venues were seen as imposing greater restrictions on access this could severely damage the sector and the wider tourist economy.

A Covid-19 certification scheme could have a particularly negative impact on visits by families, given there are no current plans to vaccinate children. Family life has been significantly disrupted by the pandemic, so to effectively exclude families from the benefits of a museum visit would be deeply regrettable.

Visitors in family groups make up a significant proportion of museum visitors. For example, visitors in family groups account for 63% of visitors to the Science and Industry Museum in Manchester and 73% of the audience at the National Science and Media Museum in Bradford. Families with young children are a key demographic of museums across the country and this audience may be particularly impacted by these measures.

Such a scheme could also be a significant impediment to visits by school groups, as even a small number of children not having been certified would be likely to rule out an entire class or year group. Many museums are founded as educational charities and would therefore not be able to meet their primary objectives as educators.

Overall, this would be yet another barrier to accessing our institutions, when museums have been working hard to dismantle as many barriers as possible.

Commercial impact

Museums depend heavily on commercial income generated by visitors via retail, catering and special exhibition ticket revenues.

We would strongly urge caution in implementing a new system that could create further barriers to visitor attendance and impose further costs on already-struggling organisations in the culture sector. Any measures that deter visitors will impact successful recovery.

Prior to Covid-19, museums NMDC's member museums received 85 million visits a year, many from overseas visitors. Some national museums this figure accounts for up to 70% so the overseas market remains highly important for the culture sector particularly in London and increasingly across the rest of the country. Mandatory certification may further dissuade international visitors from returning to the UK and slow the sector's recovery.

When museums reopened after the first lockdown, 85% of NMDC members' museums were operating with reduced capacity. While museums on average reported that with social distancing measures they could manage 35% of their usual capacity, the reality only saw venues filling 23% compared to an average year. Our museums anticipate a fall in commercial income of 72% for the financial year 2020/21. Any measure that would further

restrict the ability of museums to attract the widest possible audience would therefore not be welcomed by the sector.

While many museums have struggled through closure due to the pandemic and many have avoided long-term closure or bankruptcy due to the Culture Recovery Fund, they must now be able to open to the optimum number of visitors from the widest audiences to enable proper financial recovery.

Major events

An increasingly large proportion of museum funding comes from non-visitor related income such as events and corporate hires. The Natural History Museum for example can cater to major events for up to 1,200 people, but as with the wider events industry these income streams shut down entirely at the start of the pandemic and have not been able to restart since. Unlike museum visits, such activities were impossible to re-start with the restrictions imposed by social distancing.

As even operators, museum concerns regarding mandatory certification for large events include: the potential that this will further inhibit reopening of events of scale from returning after an already long delay in reopening, that potential clients will be deterred from making bookings, that it may put them at a competitive disadvantage with other businesses that aren't required to enforce the same restrictions, that these requirements could lead to staffing shortages and create reputational risk should events need to be cancelled.

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

If there was a certification requirement for evidence of vaccination, where would the onus lie on verification, how would this be 'policed' if visitors refused to share data?

Museums experienced relatively few issues with visitors refusing to wear masks during previous opening periods, but certification would be much harder to enforce, and would encroach on civil liberties.

Museum staff are trained to support and enhance the visitor experience. Though many museums do employ security staff, most visitor-facing staff are not trained to refuse entry or accustomed to handling routine conflict with visitors. This would require additional staff training and could also impact museums' reputations as a welcoming and inclusive place to visit. Museums have a responsibility to protect their Front of House teams, often some of the lowest paid members of staff, who could find themselves in difficult or confrontational situations.

Many museums would have insufficient team members to police entry in this way and for staff who are not usually responsible for 'security' this would put them in an uncomfortable situation. Vaccination is a very emotive issue, staff are untrained (and should not have to) deal with potential backlash from a small vocal percentage who may oppose it, as demonstrated with many anti-lockdown protests throughout the UK and incidences of shop workers facing abuse from members of the public.

Not all museums would be able to put trained security officers on entrances, and even for those that do have this capacity, this would be a costly exercise when many have lost significant percentages of revenue already. This is also not the best way to welcome visitors.

Similarly, many visitor facing staff are young and will be among the last to be vaccinated; certification could therefore create a particularly onerous requirement for staff and provide a difficulty if those tasked with policing vaccination have not themselves been vaccinated.

There are also museums of many different sizes: the vaccination passport scheme is logistically impractical for the largest museums but it would be completely impossible for many smaller museums that operate with the assistance of, or are solely reliant on, volunteers to welcome audiences.

Current legislation under human rights laws means employers cannot compel team members to be vaccinated. It is therefore not logical to insist that visitors are.

f) ethical considerations / g) equalities considerations

There is evidence of a disparity in vaccine take-up across minority ethnic demographics and some religious groups, not just in the UK but among many countries such as the US that are important international audiences. The potential for discrimination against culturally diverse audiences would therefore apply to both domestic and overseas visitors.

The scheme would be at odds with museums' inclusivity policies which they have worked hard to develop, and on which funding depends, particularly those museum supported by Government or Arms-Length Bodies. Any indirect discrimination will only further exacerbate barriers to engagement – something the museum sector has committed to dismantling, not reinforcing.

Museums are committed to engaging and involving the widest possible audiences, therefore measures that create additional inequalities of access, particularly for audiences who may be already less engaged with culture cannot be supported.

A certification scheme is ethically unacceptable for many museums as public facing venues as it would tend to exclude the audiences museums are trying hard to attract in greater numbers, which are those from minority ethnic groups and from lower socio-economic groups. Reports also document lower rates of vaccination by people with disabilities than those who do not live with a disability.

As there are no plans to vaccinate children at the moment this could mean that age verification would be required for some individuals, which will deter young people from visiting – an area from which many museums are currently trying to attract more visits – and some as a particular aspect of funding agreements.

Discriminating entry based on health status would be untenable for museums as they have a duty to the public. As well as the well documented status of pregnant women, there are also individuals who suffer from Anaphylaxis who have been told not to be vaccinated and therefore would be refused entry.

It is not clear how verification would happen – the media has implied via an app. A significant number of museum visitors are elderly and restricting access to those who are technically aware would be discriminatory and again deter visits.

h) privacy considerations

If there was a presumed obligation to store this data as with Test and Trace this would create a large administrative and logistical burden on museums when many are already struggling with staffing, administering new systems for managing employees and visitors and the other tasks required to manage Covid-safe venues.

What are the implications for example, for GDPR, and expectations of the duration for which venues would be expected to store such data and at what point would this data be collected? Museums often take bookings months before the date of a visit, if booking is the point at which vaccination status is ascertained museums could be required to store this highly personal information for long durations before the visitor attends the museum.

Such a scheme places the staff of museums and public venues in an uncomfortable situation of handling very sensitive data that would usually only be known to individuals and medical professionals.

Question 3: Are there any other comments you would like to make to inform the COVID-status certification review?

With the vaccination programme running, ease of access to the free lateral flow tests (should museums choose to utilise them for staff) and the measures previously implemented to reopen museums, the Covid-19 certification scheme would add another level of unnecessary complexity to visiting when museums are already as safe as they can be.

If there is a compelling public health argument showing museum spaces would be much safer as a result, then museums would follow the science but there is no evidence of this yet – museums have also worked incredibly hard, adjusting and in some cases completely modifying their operations to make them Covid-secure over the past year. However, in the absence of compelling research evidence, we believe the risks and costs are too high to move forward with a certification scheme.

As well as being operationally complex and of questionable legality, it would deter visitors with no evidence that it would make a difference when not required in many other more risky locations (shops, gyms, beauty salons etc).

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