

REMOVAL OF PLAN B – ENGLAND

GUIDANCE & FAQs

VERSION 6 – updated 21/01/22

Summary

On 18 January 2022 the Government announced changes to Plan B measures in England. These are:

- Workers are no longer asked to work from home if they can (effective now).
- From 27 January, there is no longer a legal requirement to wear a face covering. Government advice will be (as previously) for people to wear one in crowded and indoor spaces where they may come into contact with people they do not normally meet.
- From 27 January, venues and events are no longer required by law to check visitors' NHS COVID Pass. They can still choose to use the NHS COVID Pass on a voluntary basis.

We continue to advise members to ensure their risk assessments include consideration of COVID risks along with suitable mitigations, and that these are regularly reviewed and up to date, with particular regard to ventilation and hygiene practices, as per Government Working Safely guidance [here](#).

Please note this applies to England only, please see relevant government rules and industry guidance for Wales, Scotland and Northern Ireland.

Required use of the NHS Covid pass (from Wednesday 15 December 2021 – 27 January 2022)

Please note the below will no longer be a legal requirement from 27 January 2022.

From Wednesday 15 December, certain venues and events are required by law to check that all visitors/customers aged 18 years or over are:

- a person vaccinated with 2 doses of an approved vaccine (or one of the single-dose Janssen vaccine);

- they have taken a PCR or rapid lateral flow test within the last 48 hours and it shows a negative result;
- they are exempt on the basis of an approved medical exemption or clinical trial participation.

Accepted proof can be any of the following:

- the NHS COVID Pass;
- an approved international equivalent;
- a valid text or email confirmation of a recent test result.

This means that those aged 18 years or over must show their NHS COVID Pass, or an alternative proof of a negative test result, such as an email or text proof, as a condition of entry into these venues. Checks of passes can be done either via the NHS Covid Pass Verifier app, or visually. Proof of a recent negative result can only be done visually. Further information in the relevant section below.

Full Government guidance for businesses can be found here: [Carrying out mandatory COVID-19 status checks at your venue or event - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/carrying-out-mandatory-covid-19-status-checks-at-your-venue-or-event)

A toolkit for business including Government posters and other resources can be found [here](#).

Q. Which venues/events are in scope?

The use of the NHS COVID Pass is required as a condition of entry into the following three categories:

1. Nightclubs, dancehalls and discotheques;

2. Other late night dance venues. These are any venues other than nightclubs that are:

- open between 1am and 5am; AND
- serve alcohol during this time; AND
- have a dancefloor (or designated space for dancing); AND
- provide music, whether live or recorded, for dancing.

3. Large events

- indoor events with 500 or more unseated attendees , where those attendees are likely to stand or move around for all or part of the event, such as music venues with standing audiences or large receptions. Note this is linked to a specific event with over 500 unseated attendees, not necessarily the normal trading capacity of a venue;

- outdoor events with 4,000 or more unseated attendees, where those attendees are likely to stand or move around for all or part of the event, such as outdoor festivals; and
- any events with 10,000 or more attendees indoor or outdoor, such as large sports and music events

Q. How is a nightclub or “late night dance venue” defined?

There is a difference between a nightclub, dance hall and discotheque, and ‘other late night dance venue’.

All nightclubs, dance halls, and discotheques must use the NHS COVID Pass/proof of negative test result as a condition of entry.

Equally, other ‘late night dance venues’ are also required to use the NHS COVID Pass/proof of negative test result. Late night dance venues are defined as any venue where **all of the following apply**:

- the venue is open between 1am and 5am; AND
- it serves alcohol after 1am; AND
- it has a dancefloor or space for dancing; AND
- it provides music, whether live or recorded, for dancing.

There are some situations where nightclubs, dance halls, discotheques and other late night dance venues do not have to use the NHS COVID Pass. These are:

- if a venue operates an outdoor event, and there are fewer than 4,000 attendees at any one time;
- nightclubs, dance halls and discotheques which close their dancefloor, or cease to provide music;
- if a venue is only hosting dance or exercise classes, ballroom dancing, or amateur or professional dance performances;
- if a venue is hosting an event which is exempt from using the NHS COVID Pass, for example a wedding or civil partnership ceremony – a full list of exempt events can be found below;
- other late night dance venues when operating outside of the hours of 1am to 5am, or which close their dancefloor, cease to provide music, or cease serving alcohol between the hours of 1am and 5am.

Nightclubs, dancehalls and discotheques are required to check the COVID-19 status of visitors **at all times**, unless hosting an exempt event.

Q. When did the checks begin (from 15 December)?

For nightclubs: Nightclubs, dancehalls and discotheques are required to check the COVID-19 status of visitors at all times on entry (unless hosting an exempt event).

For other late night dance venues: if you operate a venue in the category of other late night dance venue, you must take reasonable measures to make sure that all visitors who are present in your venue between the hours of 1am and 5am have the NHS COVID Pass (or other accepted evidence), even if they entered the premises before that time. Venues in this late night dance venue category can choose what measures to put in place, and whether checks should begin from either:

- the time the venue opens
- the time the rules apply (from 1am)

Whichever option is chosen, you must make sure you've taken reasonable steps to make sure that all visitors who are in the venue between the hours of 1am and 5am have the NHS COVID Pass (or other accepted evidence), even if they entered the premises before that time.

Q. Can you give an example of a 'late night dance venue' checking system based on the above:

A pub is open throughout the day and stays open later than 1am. It meets the criteria for mandatory use of the NHS COVID Pass (because it provides music and a dancefloor, serves alcohol, and stays open later than 1am). The manager is not required to check the COVID-19 status of anyone who leaves the venue before 1am but must take reasonable measures to ensure that everyone who remains in, or enters, the premises after 1am has the NHS COVID Pass (or other accepted evidence).

The venue may choose to either:

- check all visitors for the entire time it is open, both before and after 1am
- check all visitors who remain in the venue immediately before 1am, and begin to use door checks on new entrants from this time onwards

Q. Which venues/events are exempt for checking COVID-19 status?

There are some settings that are exempt from requirements to use the NHS COVID Pass including:

- All venues that do not meet the criteria for nightclub, late night dance venue, or large event.
- communal worship,
- wedding ceremonies, funerals and other commemorative events (awaiting clarification on wedding receptions and wakes),
- protests,

- mass participation sporting events.

Q. How are events defined?

You must use the NHS COVID Pass as a condition of entry at events where attendees are likely to stand or move around for all or part of the event and your event takes place:

- indoors, in whole or in part, with 500 or more attendees in the indoor areas
- outdoors, with 4,000 or more attendees

‘Moving around’ does not include moving to and from seats to access toilets or get food and drink (for example, going to a bar during an intermission), or to leave the event.

For example, a venue is hosting a relevant event indoors with 1,000 attendees. If they are all seated in assigned seats for the duration of the event, this event does not need to use the NHS COVID Pass. If only 400 attendees are seated in assigned seats for the duration of the event but the remaining attendees have standing tickets, 600 of the attendees are likely to stand or move around during the event. This whole event will need to use the NHS COVID Pass.

To determine whether the NHS COVID Pass will be required for your event, you will need to consider:

- whether the activity you are hosting is considered to be an event
- whether your event is indoors or outdoors
- whether the number of attendees expected to stand or move around at your event is likely to exceed the relevant threshold at any one time

Events which may be subject to mandatory COVID-19 status checks (if they meet these thresholds) include:

- entertainment or performance events
- sporting events
- celebrations and social events
- conferences, trade shows, presentations, business exhibitions, receptions and award shows

Q. Does a hospitality venue such as a pub, bar or restaurant with a capacity of over 500, come under the requirements (customers visiting as part of normal trading, not a specified event)?

Other hospitality venues, including restaurants, cafes, bars and pubs, do not have to use COVID-19 status checks as a condition of entry unless either of the following apply:

- someone rents the venue (or part of the venue) to host an event which meets the criteria for mandatory use of COVID-19 status checks,
- the venue hosts an event which meets the criteria for mandatory use of COVID-19 status checks, and which is ticketed or paid for.

If the venue in question is not holding a specified event, and/or not open past 1am with the relevant late night dancing requirements, it would not have to operate a Covid Pass system.

Q. Who is responsible for overseeing the Covid-19 status checks within the venue/event?

Organisations must take reasonable steps to make sure that all visitors aged 18 or above show an NHS COVID Pass, or approved proof of vaccination, testing, or an exemption, to enter the venue or event. Evidence of natural immunity must not be accepted as an alternative to proof of vaccination or testing.

Each relevant venue or event will have a responsible person who must comply with a number of obligations relating to the requirement to use the NHS COVID Pass as a condition of entry. This person should check where responsibility for data protection lies in their organisation.

You are the responsible person for a nightclub, dancehall, or discotheque, or other venue open after 1am with alcohol, music and dancing, if you are the venue manager.

You are the responsible person for an indoor or outdoor sports stadium, conference centre or exhibition hall or any public hall, live music venue, theatre or concert hall, which meets the relevant thresholds, if you are the venue manager.

Q. What are the rules on weddings?

If you are a responsible person for a venue or an event in which a wedding ceremony is being held, you are not required to check the NHS COVID Pass of attendees. However, wedding receptions (and receptions celebrating other significant life events) which meet all of the following criteria are required to use the NHS COVID Pass:

- the reception meets the attendance thresholds for certification, either by being attended by 500 or more people in the case of indoor events or by 4,000 or more in the case of outdoor events, and those attendees are expected to stand or move around for all or part of the event
- the reception is organised by a person or organisation operating in a professional capacity
- the reception is not held in a private dwelling

If the wedding ceremony and the reception are combined and proof of vaccination, testing, or exemption is required at the reception, attendees are required to have proof of COVID-19 status for the combined event.

If you are a couple organising your own wedding reception, you would not be required to operate COVID-19 status checks.

Examples

- You are an owner of a hotel. A couple, who are getting married, hire a large function room from you. The couple are organising the ceremony and reception for their own wedding. The ceremony takes place in a church in the morning and the reception, with over 500 attendees, takes place in your function room. The wedding ceremony is exempt as it is separate from the reception. As the couple are the event organisers for their reception, and are not operating in a professional
- You are the responsible person for a wedding ceremony and reception. You have organised them in your capacity as a professional wedding planner. The ceremony takes place in one venue in the morning and a large reception takes place at another venue in the afternoon. The reception has over 500 attendees and takes place indoors with guests expected to move around during the course of the event. In this case, you must take reasonable measures to ensure that attendees have the NHS COVID Pass (or alternative proof of test result).
- You are the responsible person for a wedding ceremony and reception. You have organised them in your capacity as a professional wedding planner. The ceremony and reception take place in the same venue with no separation between them. There are more than 500 attendees at this event and it is indoors without assigned seats. In this case, this wedding would be required to use the NHS COVID Pass.

Q. How do I perform a COVID-19 status check?

In settings where it is mandatory to use COVID-19 status checks as a condition of entry, you are expected to take reasonable measures to ensure that all attendees aged 18 or above have the NHS COVID Pass (or approved international equivalent) or have valid proof that they have completed a negative PCR test or negative rapid lateral flow test within the past 48 hours.

Reasonable measures to check can take the form of:

- Government recommends that NHS COVID Pass Verifier app is used to check the NHS COVID Pass.
- If you choose to not use the Verifier App, you'll need to ensure that attendees' NHS COVID Passes are checked visually for an expiry date and a shimmer animation that confirms a Pass is live and not screenshotted. You should check the online NHS COVID Pass where possible but can also check the wallet (which does not have a shimmer animation).

- Proof of a negative lateral flow test can only be checked visually. The customer will have received a text or email notification which should be checked as a condition of entry. A valid notification of a test result from NHS Test and Trace should include all of the following:
 - the name of the person who took the test
 - their age or date of birth
 - the date the test sample was collected or received by the test provider
 - confirmation that the test was either a polymerase chain reaction test or a lateral flow test
 - confirmation that the result of the test was negative

As a responsible person of a venue or event that requires mandatory certification, you must take reasonable steps to ensure that only visitors with the required COVID Pass, proof of a negative lateral flow test, or an exemption (or other accepted international evidence) enter your venue. Where possible it is advised a check for proof of certification through use of the NHS verifier scanning app, as it provides a greater level of assurance as to the validity of the NHS COVID Pass presented.

For customers with medical exemptions, these will have been confirmed by a doctor. If approved, the NHS COVID Pass can then be used to prove status. The domestic NHS COVID Pass will look and work the same for people with medical exemptions as it will for people who are fully vaccinated.

Q. What are the requirements for staff?

COVID-19 status checks are not mandatory for workers, Government guidance states that organisations should take reasonable steps to make sure that all adults working or providing services (as an employee, contractor or volunteer) in customer-facing roles show evidence of one of the following:

- a valid NHS COVID Pass
- an acceptable alternative proof of either vaccination, clinical trial participation, or medical exemption, for example, international equivalents accepted at the UK border
- an alternative proof of a negative COVID-19 test result, for example, text or email confirmation from NHS Test and Trace

Q. Are there any specific requirements on the staff that are allowed to check COVID-19 status e.g do they have to be SIA accredited?

COVID checks can be performed by any member of staff (and access to the venue approved or denied), however if a customer attempts to force entry to a venue (for example if they have been denied access due to lack of a valid COVID Pass) then dealing with this situation would require an

SIA licence holder to do so (comparable to forcible entry after not providing proof of age, intoxicated etc.)

The SIA guidance states that simply checking a COVID Pass and denying entry if a valid COVID-19 status is not presented, is not an activity for which an SIA licence is required. It is comparable to denying entry to a person without a ticket for admission to, for example, a music gig. If an individual who has been denied entry then attempts to force entry to the premises, a person who guards against such unauthorised access would require an SIA licence.

Q. What are the record keeping requirements?

As a responsible person, you must produce, and keep up to date, a statement setting out the measures you will introduce to ensure that you are meeting the requirements of carrying out mandatory COVID-19 status checks, and that you are making the public aware of these measures. This should explain, where applicable, your spot check approach, if you have prior agreement from the local authority.

You must also retain records containing the following information on implementing the requirements of carrying out mandatory COVID-19 status checks:

- the date of the event, or the date the records refer to for a venue
- the number of people that attended the venue or event
- where you have departed from your general policy statement of measures to meet certification requirements the reasons for adopting different measures and what measures were adopted
- how an individual's eligibility to enter the venue was checked
- the number of occasions on which the reasonable measures you were taking to check COVID-19 status of attendees were varied from 100% checks by agreement with the local authority, and the number of people who were admitted on each such occasion
- the number of occasions on which people were admitted to avoid injury or harm

If you are holding an event in a venue that has a capacity greater than the thresholds, but you do not use the NHS COVID Pass because you are not anticipating the number of attendees to meet or exceed them, you will need to produce a statement explaining how you intend to stay under the thresholds.

You must maintain these records for 3 months from the date of the event or, for a venue, 3 months from the date to which the records refer. You must retain records of your general policy statement of measures to meet certification requirements for as long as the legislation on mandatory certification applies, and a further 3 months after it ceases to apply. Local authorities have powers to request these records or policy statements within 3 working days or as part of an inspection.

Q. Can I do spot checks?

Spot checks may be used in the following limited circumstances if it's not reasonably possible to check proof of COVID-19 status for all attendees at these events:

1. The event is:

- an indoor event with 500 or more attendees expected to stand or move around; or
- an outdoor events with 4,000 or more attendees expected to stand or move around; or
- any event with more than 10,000 attendees

2. The majority of attendees are expected to arrive for a fixed start time, where entrants are likely to all arrive in a short space of time.

3. It is not possible to set up checkpoints away from the entry points, and carrying out a check on every person would lead to a crowd gathering outside the venue or event.

4. That crowd would either present a risk to the safety of the persons in the crowd, or to any other person, or provide a potential target for terrorist action – read more information on hospitality security considerations

In these circumstances, if it is not practical to check the NHS COVID Pass of all attendees, you must carry out an assessment of risk and determine the percentage of checks that can safely be carried out. The responsible person must submit this assessment of risk to apply to the relevant local authority at least 10 working days in advance of the event. The local authority will either approve the measure, ask for alterations or reject the proposal thereby requiring the venue to conduct 100% checks. If the local authority replies less than 5 working days before your event then the spot check application will be treated as approved.

For events held between the 15 December and 31 December, event operators that meet the criteria and want to apply spot checks must submit an assessment of risk to their local authority. If the criteria are met and the submission made reasonable requests, spot checks can be used without local authority assessment (but this approach must be approved by the local authority).

Face coverings (from Friday 10 December)

Please not the below will no longer be a legal requirement from 27 January 2022.

The list of venues where customers and staff in public facing areas must wear face coverings was expanded from Friday 10 December. A selected list of venues where this applies is summarised below:

- public areas in hotels and hostels (areas where food and drink are not being consumed, for example receptions and corridor areas. Hotel restaurants and bars are exempt).

- visitor attractions and entertainment venues (as above, areas within these such as cafes, bars, restaurants where customers are eating and drinking are exempt from staff and customers having to wear face coverings). Examples from the legislation relating to hospitality where staff/customer face coverings must be worn are listed below:
 - casinos,
 - theatres,
 - play and soft play areas and soft play centres,
 - snooker and pool halls,
 - amusement arcades and adult gaming centres,
 - games and recreation venues (including laser quest, escape rooms and recreational driving facilities),
 - skating rinks,
 - circuses,
 - theme parks, fairgrounds, funfairs, and adventure parks,
 - sports stadia,
 - museums, galleries, aquariums, zoos and visitor farms, and other tourist, heritage or cultural sites,
 - concert halls, exhibition halls, conference centres and other public halls
 - community centres (including village halls), youth centres, members clubs and social clubs.

Staff within above settings are required to wear face coverings when they are in a part that is open to the public and when they are likely to come into close contact with members of the public.

Q. Do I have to make customers aware of the face covering obligations?

Yes. Settings in which face coverings are required must display signage or take other measures to ensure customers are aware of the requirement to wear a face covering on their premises where there is no applicable exemption or reasonable excuse.

Q. Who is responsible for enforcing customer compliance?

The police and police community support officers can enforce compliance if members of the public do not comply with this law without a reasonable excuse.

Local authority enforcement officers can also use their enforcement powers against businesses for failing to display appropriate signage or breaching the prohibition against preventing someone from wearing a face covering.

If someone is exempt from wearing a face covering, businesses are not required to check any proof of exemption for face coverings.

Q. Are some hospitality premises exempt?

Yes. The following venues are exempt from customer and staff mandatory face covering use:

- Restaurants, cafés and canteens,
- Pubs, bars and shisha bars,
- Gyms & exercise facilities (including dance studios).
- Photography studios,
- Nightclubs, dance halls and discotheques.

As above, the exemption for staff and customers applies to restaurants, bars, dancing activity within other premises (such as hotels, transport hubs, shopping centres etc.). The guidance states that ‘face coverings are also not required in premises or a part of a premises where the main activity is eating, drinking, exercising or dancing. This might include venues being used to host wedding receptions or some music events as well as restaurants, pubs, bars and nightclubs. This is because it is not practical for people to wear a face covering when eating or drinking, and it is not recommended that face coverings are worn when undertaking strenuous activity, including exercising and dancing.’