

## Health risks and civil liberties – the real lessons from Catherine Calderwood breaking her “own” advice

### Description



The car park in Pollok Park, Glasgow. This was closed towards the end of last week. I had been running in the park every day and the car park had been far less crowded than usual with most people walking, running and cycling there. For some, however, a car journey enabled them to enjoy the Park, which was much less crowded than Queen’s Park which is close to where I stay. There is no justification for closing car parks like this.

I will come to National Parks later, but Dr Catherine Calderwood is no fool. She didn’t get to become to be Scotland’s Chief Medical Officer by not have a clue about how viruses work. Her drive to Fife, her stay overnight in her second home and subsequent resignation tell us, I believe, four things:

- First that driving your car on a one hour journey, whether round the town or out into the countryside is NOT going to spread the COVID 19 virus.
- The second is that is that both she and the Clinical Director of the NHS, Jason Leitch, in an interview afterwards, stressed that she had kept to the social distancing rules. That is what really

matters in this crisis.

- Third, a more subtle message, Catherine Calderwood knew that a change of scenery would be good for her and her family. So important for their well-being in fact that, as it later came out, she had also taken a break the previous weekend.
- Fourth, and following from the previous three points, the health messages being put out by the state are political and not health based.

This post takes a look at at the implications of all four lessons and, while our National Park Authorities, like many other organisations, become almost irrelevant in the current crisis, briefly touches on how they could be responding.

## **Travel by car is not what spreads COVID 19**

Cars are not what spreads the Coronavirus, as long as people from different households don't share the same vehicle. In terms of the risks of spreading COVID 19, travel in a car is as safe as being at home. Its what happens when you get out that matters and, as Catherine Calderwood stressed, she and her family followed the social distancing rules when she got out. There is NO health reason therefore why anyone should be banned from travelling to a second home or somewhere else in a car as a consequence as long as you can observe the the social distancing rules. , stay in it till you can!.

Cars are thus totally different to public transport where you have no choice but to travel with other people who may or may not be carrying COVID 19. Its transport systems where people are cooped together for lengthy periods – the science says 15 mins is the important risk threshold – that has spread the virus around the world. In that respect the failure of our governments to shut down the airlines and to enable people to travel on public transport while observing the social distancing rules are what really matters. Part of the explanation for the extent of the crisis in London comes down to the London tube and crowded commuter trains into Glasgow will have played a similar role in Scotland. The UK government has been victimising young people for lying out in the sun while failing to stop the virus spreading through the earth below (and indeed as the news revealed today people are still flying in from America without being put in quarantine).

The lesson, for all those who enjoy our National Parks and the wider countryside, is that there is NO reason for you not to travel TO or WITHIN rural areas if, at the end of the car journey you can get out of your vehicle and observe the social distancing rules. That's true whether you are stepping out into a second home, as Catherine Calderwood did, into a self-catering cottage or going for a walk in the countryside. If your destination, say a car park in on Loch Lomond, is too crowded to observe the rule either stay in your car till people have dispersed or go somewhere else. Simple!

Yet what's happened over the last ten days is that all over the country measures have been taken to stop people travelling anywhere by car. The Scottish Government has shifted from saying it was perfectly fine for Prince Charles to travel to Balmoral to saying no-one should travel to their second homes. The Coronavirus (Health Protection) (Restriction) (Scotland) Regulations 2020 specifically exempted car parks from closure but what's been happening over the last week is that Public Authorities and landowners have taken it upon themselves to block off car parks across the country and there is even some evidence of public roads being shut (see Iain MacWhirter's fine piece on his

drive to Glen Coe last week and how we could soon be living in a police state [here](#)).

Some of this is unlawful, and all of its unhelpful because it's concentrating people into ever smaller spaces. That is exactly the opposite of what we should be doing to halt the spread of this virus.

**Being outside is NOT dangerous – as long as social distancing rules are observed**

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## Closure of Great Glen Way. This is unlawful

Accompanying the closure of carpark signs have been going up all over the countryside telling people not to take access. There are even signs from farmers telling people not to come onto their land because if they catch Covid 19 all food production will stop. We are back to the Foot and Mouth crisis of 2001 where the countryside was closed down for months, completely unnecessarily – veterinary advice was that restrictions should have only affected areas with outbreaks, not the whole countryside – and with serious social and economic consequences.

So what Catherine Calderwood said in justification of her journey is crucial, she knew it was not dangerous because she and her family could observe the social distancing rules. The implication, if you think about it, is that the countryside is the best place we could go yet we are closing it down.

The stupidity of this was epitomised to me on Friday on BBC Scotland's "Nine" where police officers were shown charging into a river to remove an angler. That man was probably in the safest place he could be. There was absolutely no chance of even a solitary walker absorbed in thought breaching the social distancing rules for a second, yet he was arrested and in doing so the police breached ALL the social distancing rules. If you had tried to describe a dystopian authoritarian state three weeks ago, this would be it, but here we are.

Angling of course, like sitting in the sun, has been made illegal by the Coronavirus Regulations because its not "exercise". While I believe the police should be using a bit more discretion and commonsense in cases like this, the problem is the law. It is truly disastrous that the Scottish Government ten days ago copied the UK's Coronavirus Restriction Regulations, which were designed for London, and applied these to Scotland where there is lots more space. There is no rational reason to criminalise people for going outdoors to undertake activities where they can observe social distancing.

Even in crowded London, the threat of transmitting Covid 19 outdoors could have been far better managed. Closing crowded parks, as the authorities have done, makes matters worse, not better as it concentrates people in the remaining open places. At the weekend there were photos in the media of people sitting on the grass in London Parks. To me, almost all of them looked well spaced, i.e people were trying their best. However, if public health experts are worried about people sitting 2m apart from others for longer periods than the 15 minute risk threshold, then rather than threatening to remove people's rights to go out of their homes even further, which is what Matt Hancock the UK Health Secretary is doing, the rational response is to bring out further social distancing guidelines. For example, to supplement the core 2m social distancing rule there could also be guidance that says when stationary in the outdoors keep 5m apart (as the angler in the river was doing!). That would enable people to sit in the sun safely or have a picnic.

What's then needed on top of this is that in busy outdoor places, like London's parks, and certain visitor hotspots in Scotland, appropriate management measures are put into place. Unfortunately, this is being left to the police, when what we need is people like countryside rangers and park wardens to help do the right thing (although the police could help if they offered advice instead of being instructed to enforce these draconian laws). As I argued in a previous post ([see here](#)), in Scotland we could be taking on temporary rangers to help with this and our National Parks could be showing the way.

## **The importance of getting out for mental well-being**

When Catherine Calderwood went with her family to her second home for the weekend, she was doing what she knew was good for her and a family. Stressful job, difficult week, the last thing you want is to be in a restricted space, even though I suspect her accommodation in Edinburgh is likely to be bigger than most people have. I suspect too her second home may have had a garden, in other words giving her and her family some space to get out and recuperate. What's good for the CMO and her family is good for the rest of us and, when all the places that people normally go to get out (from other people's houses, to pubs and cafe, to concert halls and theatres) are necessarily closed, being able to get outdoors is particularly crucial.

I have just received through the door a letter from the UK Government – it appears we no longer have any devolved government in Scotland – saying I MUST stay at home and only go out for exercise once a day. That contravenes everything what we know about mental health and well-being and indeed the Chief Medical Officers' own guidance on Physical Exercise (extracts in my last post on the corona crisis). For people living in flats, rather than houses with leafy gardens, its an absolute disaster.

The draconian Coronavirus Regulations only allow us to go out for physical exercise, not for our mental health and well-being. Activities that are covered by Access Rights that don't involve exercise, such as sitting in the sun, birdwatching or having a picnic have become criminal offences. So have other activities that take place in the countryside and are not covered by access rights, such as trail biking, angling or motor boating. Besides standing in a river like an angler, I can't think of a safer place to be at present than a boat on Loch Lomond or a tent in the middle of the Cairngorms.

Last week David Attenborough, no less, talked about the importance of the "solace of nature" during this crisis. Ironically, this was just as our governments were making this illegal for most people who don't happen to have large private gardens to take any solace in nature at all. I know who I would rather trust.

So, as a start, let's make all activities that are covered by access rights legal again by removing the restriction that only allows people to get out for physical exercise. That would enable all those staff working for in the NHS and other services to get out and recuperate, just as Catherine Calderwood appears to have done at the weekend.

## **The politics of health messages**

Unfortunately, what the Chief Medical Officer tells says to the public is not just governed by medical science, its also governed by politics. Doctors like Catherine Calderwood do not get their jobs by just providing medical advice, they do so by telling politicians what they want to hear. The best example of this is the failure of our CMOs to speak out about the impact of cuts on the NHS and how this might affect the NHS' ability to respond to a crisis like a pandemic (or say a nuclear accident on the Clyde). That of course has contributed greatly to the current crisis. As another example, public health doctors

continue to be sidelined in this crisis and our governments, both in the UK and Scotland, continue to have no plan for how they will get us out of lockdown. More specifically they have done nothing to set up the teams that would be necessary to conduct contact tracing despite the calls of public health experts ([see here](#)). Which doctors and scientists get listened to, that's political.

With politicians also under pressure to be seen to be doing everything they can to reduce the number of deaths, many of which result from their failure to act in time, we then have Chief Medical Officers telling us to do things that they know are not necessary to prevent the spread of the virus. The proof of that is Dr Calderwood's visit to Fife. I am not saying we don't need to have restrictions, we do, but at present these restrictions are about social distancing and the closure of indoor venues, not leaving the house.

There is, I believe, another element at play here, our rulers don't trust the people. So Dr Calderwood could rationalise to herself advocating things she knows are not needed on the basis that because it would need a bit of effort to manage popular areas in the countryside, for example, the easiest thing to do is shut it down. That possibly explains why Dr Calderwood, instead of taking the opportunity of being found out to admit that the rules are over the top, tried to buttress the status quo in her resignation statement:

*"The most important thing to me now and over the next few very difficult months is that people across Scotland know what they need to do to reduce the spread of this virus and that means they must have complete trust in those who give them advice. It is with a heavy heart that I resign as Chief Medical Officer."*

Dr Calderwood's own actions show that the last thing we need to do is have complete trust in our governments. All our government's advice and the measures it puts in place to respond to this crisis need to be subject to open and critical scrutiny and the testimony of one health expert critically compared with the testimony of others. Let's separate what's necessary to prevent the health disaster from getting worse, from what's not and will have other consequences for people's health. That's even more important now our governments are talking about social distancing going on for months, not weeks.

## What needs to happen

I would like to see the Scottish Parliament, which last week successfully prevented the Scottish Government's attempt to abolish trial by jury, subjecting the "The Coronavirus (Health Protection) (Restriction) (Scotland) Regulations 2020" which introduced some unnecessary and draconian measures to critical scrutiny. As part of that they could cross-examine Dr Calderwood about what her trip to Fife says about what the real risks are.

At this stage I believe their focus should be on:

- Why the Scottish Government has simply copied the restrictions that were adopted by the UK Government, which appear designed for London, and how Scotland could take a different approach

- Amending the legal restrictions in the Regulations so that people can go out from wherever they are living for their mental well-being, as well as physical exercise. In effect that would restore access rights.
- Enabling people to travel by car, whether those living in town or rural areas, for a reasonable distance (say 1 hour, following Dr Calderwood's example) to get into the outdoors.
- Alongside this, putting a duty on public authorities to keep car parks and toilets open and to develop plans for any places or paths that they think might get too crowded for people to observe the social distancing rules
- Giving a clear message to Access Authorities that all the unlawful signs currently going up in the countryside come down as a matter of urgency. Since the current procedures are so cumbersome, any new regulations could include new powers for access authorities to remove such signs without consultation

Our National Park Authorities, the Scottish Countryside Rangers Association and organisations like the Ramblers and Mountaineering Scotland could then play a key role in making this happen.

An approach such as I have outlined is obviously needed if we are to re-open the countryside again. What Dr Calderwood's visit to Fife tells us is that we could safely be doing this now for physical and mental health of the population as a whole.

### **Category**

1. Cairngorms
2. Loch Lomond and Trossachs

### **Tags**

1. access rights
2. CNPA
3. LLTNPA
4. outdoor recreation
5. Scottish Government
6. visitor management

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