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Law and Compliance during COVID-19: Interim Report 2

Public Attitudes on Compliance with COVID-19 Lockdown Restrictions

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Context:

In March 2020, the government introduced a set of restrictions to ‘lockdown’ the UK in response to the COVID-19 pandemic, the central purpose of which is to protect public health by both containing the rate of infection and protecting the NHS’ capacity to treat a potential influx of COVID-19 patients.

As part of our ongoing research on *Law and Compliance during COVID-19*,¹ we have now undertaken two public opinion surveys to better understand public attitudes to the lockdown. We want to understand more about how people understand the rules, if they see themselves as compliant, what drives compliance, and how the rules relate to ordinary perceptions of rights.

Survey 1 was carried out online by YouGov on 27th-29th April 2020. We reported some of these findings in *Interim Report 1*. Survey 2, reported here, was carried out by YouGov on 8th-12th June 2020, after a number of changes to the lockdown regimes had been made in the UK’s four nations. The survey’s sample size was 1158 respondents, all of whom had taken part in Survey 1. The figures have been weighted and are representative of all GB adults (aged 18+).

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1 More details are available on the project’s website: www.lawandcompliance.uk.

Purpose of this second interim report:

In this report, we report some key preliminary findings from Survey 2. In the longer term, we will conduct a more detailed statistical analysis on our wider dataset that seeks to understand compliance behaviour and changes to that behaviour. We publish these preliminary findings now, however, as we see them as valuable to current debates. Our survey data will be supplemented by ongoing qualitative work (interviews and focus groups) and an analysis of the government's interventions more generally. We will report on these in due course.

Initial key findings:

Confidence in knowledge of the lockdown rules

One of the challenges for any government seeking to bring about a rapid and radical change in citizens' routine behaviour is the communication of those expectations. To what extent do citizens understand what is now expected of them? During the period between Survey 1 and Survey 2, the UK saw some relaxations in the lockdown restrictions. Moreover, compared to the reasonably homogenous restrictions throughout the UK at the beginning of the lockdown, by the time of our second survey, the four lockdown regimes within the UK had begun to diverge in their guidance to citizens. We were, accordingly, curious about the extent to which our respondents had been able to follow those changes. The survey results suggest there has been a fall in confidence regarding knowledge of continuing lockdown restrictions.

To what extent do you think you understand, if at all, what activities you are and are not allowed to do under lockdown?	Survey 1 (27th–29th April)	Survey 2 (8th–12th June)
I know exactly what activities I am and am not allowed to do during lockdown	76%	50%
I know mostly what activities I am and am not allowed to do during lockdown, but there are a few I am unclear on	23%	46%
I am unclear on whether I am and am not allowed to do most activities during lockdown	1%	4%

To what extent do you think it has been easy or difficult to follow changes made to lockdown rules and to know how to comply?	Survey 1 (27th–29th April)	Survey 2 (8th–12th June)
Very easy	23%	22%
Fairly easy	62%	56%
Fairly difficult	13%	19%
Very difficult	2%	3%

From a legal perspective, one of the fundamental questions of the lockdown's restrictions on ordinary behaviour relates to the legal basis and authority of the 'rules' being imposed on citizens. Commentary and debate have raised the importance of

distinguishing between rules contained in law and those contained in government guidance. In due course, we will explore the extent to which the legal status of lockdown rules might matter, if at all, to the public in terms of their compliance. To this end, we asked respondents about their knowledge of what is legally permitted, what is legally permitted but advised against, and what is legally forbidden. Below we present the data on two ‘rules’ that have endured relatively unchanged since restrictions were first imposed. They suggest significant misunderstanding and confusion on the part of the public about the formal legality of lockdown restrictions.

As far as you know, now that the lockdown rules have been eased (since the end of May), which of the following activities are you currently now legally allowed to do, are now legally allowed to do but are advised against by government, or are still not legally allowed to do?	Survey 2 (8th–12th June)
Visit family or friends inside their homes, or receive family or friends into your home (as opposed to the garden)	
Is now legally allowed	7%
Is now legally allowed but advised against	11%
Is still not legally allowed	71%
I am unclear on this	10%
Intentionally come within 2 metres of someone outside who is not a member of your household	
Is now legally allowed	4%
Is now legally allowed but advised against	7%
Is still not legally allowed	79%
I am unclear on this	9%

Compliance with the lockdown rules

Whilst knowledge of valid lockdown rules is an important issue, when it comes to understanding the psychology of compliance, what matters more is people’s subjective sense of compliance behaviour. In other words, to what extent – and why – are people complying or not complying with what *they* believe to be lockdown restrictions? These issues are at the core of this research project. To this end, we asked respondents about their subjective sense of the extent to which their level of compliance had changed since restrictions were first introduced. The data suggest that, just as governments have been easing restrictions, the public has also been lifting itself out of lockdown to a significant degree.

How strict was/is your compliance with the lockdown restrictions...	... when they were first introduced in March?	... now? (8th – 12th June)
Not compliant at all - 1	1%	1%
2	1%	1%
3	1%	4%
4	3%	8%
5	6%	19%
6	16%	27%
Strict compliance - 7	72%	39%

Fairness of government action

One of the central insights of the procedural justice literature is that citizens' personal interactions with legal authorities, such as the police or court officials, have a significant effect on the legitimacy they confer on the legal system in general, leading to enhanced compliance. One of the hypotheses we are testing through our research is whether perceptions of procedural justice at a macro policy level similarly effect the conferral of legitimacy and compliance. To this end, we asked respondents about their perceptions of certain aspects of governmental fairness, including the extent of citizen 'voice,' whether that voice is being listened to, and the actions of individual public officials. Irrespective of any potential significance of these perceptions for legitimacy and compliance, the data suggest that the public has sizeable concerns about fairness.

In your opinion, how much opportunity do people like you have to tell the Government about the effects of the lockdown on their lives?	
A lot	3%
A fair amount	18%
Not very much	51%
Not at all	28%

To what extent do you think the Government is listening to the effects of the lockdown on the lives of people like you?	
A lot	5%
A fair amount	32%
Not very much	43%
Not at all	20%

Now thinking about how public officials and politicians themselves have acted during the crisis, in your opinion how hard are they trying, if at all, to act fairly during the crisis?	
Very hard	8%
Fairly hard	38%
Not very hard	35%
Not hard at all	20%

Rights consciousness

Much has been made about the unprecedented restrictions on basic rights and long-cherished liberties during this pandemic. In our first interim report, we noted that many of our respondents appeared to have a fairly nuanced sense of basic rights – that their violation is acceptable in this time of national crisis. Since Survey 1, there has been significant public commentary about the re-opening of schools and the potential health risks this might pose, with strong views expressed on both sides of that debate. Equally, after the death of George Floyd in the USA, there have been widespread demonstrations throughout the UK under the banner of the *Black Lives Matter*

movement. In Survey 2, we asked respondents about their perceptions of rights as they might relate to these issues. The data are presented below.

Please state whether you think that the current lockdown does or does not violate your right to do each of the following, or whether you think it's acceptable given the current coronavirus pandemic:		
My right as a parent or guardian to choose what is best for my child		
	It does violate my rights	7%
	It violates my rights but, given the circumstances, is acceptable	24%
	It does not violate my rights to do this	18%
	Not applicable	51%
My child's or grandchild's right to an education		
	It does violate my rights	7%
	It violates my rights but, given the circumstances, is acceptable	29%
	It does not violate my rights to do this	16%
	Not applicable	49%
My right to protest outside with others		
	It does violate my rights	8%
	It violates my rights but, given the circumstances, is acceptable	37%
	It does not violate my rights to do this	29%
	Not applicable	25%

Preliminary conclusions:

The coronavirus pandemic has radically and rapidly altered the scope and reach of government in our everyday lives, enabled by a large amount of legal and policy instruments. The UK public, it seems, is becoming less confident in its grasp of the rules intended to shape their everyday lives during a period when the lockdown rules undoubtedly became more nuanced and arguably more complex. Further, the self-reported extent of their compliance with lockdown restrictions is reducing. Whilst the lockdown may be seen as an unacceptable rights violation by only a minority of respondents, a larger proportion expressed concerns about the fairness of government action during the pandemic. The extent to which these and other issues matter for compliance, if at all, remains to be seen. We will report on this in due course.