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# LAW AND COMPLIANCE DURING COVID-19



**Joe Tomlinson, Simon Halliday, Jed Meers,  
Naomi Finch, and Mark Wilberforce**

September 2022

The Nuffield Foundation is an independent charitable trust with a mission to advance social well-being. It funds research that informs social policy, primarily in Education, Welfare, and Justice. The Nuffield Foundation is also the founder and co-funder of the Nuffield Council on Bioethics, the Ada Lovelace Institute and the Nuffield Family Justice Observatory. The Foundation has funded this project, but the views expressed are those of the authors and not necessarily the Foundation. Visit [www.nuffieldfoundation.org](http://www.nuffieldfoundation.org)

## KEY FINDINGS AND RECOMMENDATIONS

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**The *Law and Compliance during COVID-19* project sought to answer a critical question: what drove public compliance – and non-compliance – with lockdown laws across the UK during the early stages of the pandemic? Our focus was on what people thought the law was, and how they behaved in relation to it. Through surveys, interviews, and focus groups with the public during 2020, our aim was to understand how the public responded to the lockdown restrictions that they believed to be legal rules. This report sets out our key findings. In summary, those findings are:**

- Based on self-reported compliance data, our analysis suggests that most of the public was generally willing to comply strictly with the COVID-19 lockdown restrictions. However, parts of the population bent “rules” on occasion and rates of compliance also diminished over time.
- There was a high level of public confidence in the understanding of lockdown restrictions. However, despite this general confidence, confusion grew as rules became more complex and there was also confusion relating to the legal status of specific rules.
- The law/guidance distinction mattered to compliance. People were more likely to comply with a lockdown rule if they thought it had the status of law and was not just guidance.
- The key drivers of compliance with lockdown laws were: anticipation that rule-breaking would cause peer disapproval; the conviction that breaking lockdown rules was morally wrong; and a general commitment to being law abiding. People’s sense of the effectiveness of the rules in preventing virus transmission was a significant predictor of some of these basic drivers, as was their sense of obligation to others, and their predictions of how seriously COVID-19 would affect their health if they were infected. Equally, a conviction that restrictions infringed basic rights negatively affected people’s sense of the morality of breaking lockdown laws.
- ‘Creative non-compliance’ was evident in public behaviour. That is, there was evidence of people caring more about the ‘spirit’ of the lockdown restrictions than their ‘letter.’ This meant they were comfortable breaking the rules if they felt they were still abiding by their underlying purpose.
- The experience of and response to lockdown laws was different between genders. We ran analysis on a range of demographics and the most salient finding was that women were more likely to breach certain types of law, and that these behaviours often stemmed from the rules themselves clashing with gender inequalities.

Based on our findings, we propose five practical recommendations for policymakers concerned about securing compliance with public health laws:

- Whether a particular public health rule is to be based in law or guidance – and the clarity with which that status is communicated – ought to be seen as an essential component of the design and implementation of the policy intervention and not an unimportant formality.
- An understanding of the key drivers of legal compliance should be used to inform effective public communications in order to encourage compliance.
- When implementing public health laws that directly affect the everyday lives of the population, it is important for compliance downstream that policymakers adopt a stance of being open to what the public have to say about their experiences of those laws.
- Government communications and rhetoric are capable of influencing behaviour through their effect on rationalisations for noncompliance. Communications should detail the rationale behind restrictions, not just their substantive content.
- Public health laws affect different parts of society in different ways, and it is therefore imperative that clear consideration is given to the diversity of social experiences during the construction of legal rules.

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# 1. AN EXTRAORDINARY MOMENT FOR LAW AND SOCIETY

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**In the early months of 2020, the UK was coming to terms with the grave public health threat posed by COVID-19. By the beginning of March, to avoid hundreds of thousands of deaths and the NHS becoming overwhelmed, it was deemed necessary that some form of national lockdown would be required. By the end of March, the entire population was living under arguably the most stringent restrictions on freedom in UK history.**

The legislative system sprang into action to adjust and create legal frameworks to respond to the crisis and facilitate public health measures. The centrepiece was the 348-page Coronavirus Act 2020, but much more was done via statutory instruments made under a range of existing Acts. By the end of June 2021, there had been 453 statutory instruments made as part of the pandemic response at the UK level, and many more via devolved legislatures. A huge amount of public health guidance was also produced.

It was amongst the mass of statutory instruments that the rules mandating lockdown are to be found. The first lockdown included requirements that all non-essential high street businesses close and that people were to stay home, being permitted to leave for essential purposes only. The regulations were supplemented with public health guidance. Both the lockdown regulations and guidance changed as multiple peaks of the virus came and went. Changes were communicated at regular televised national briefings, as well as online via government websites and in legislatures.

This was an extraordinary moment to study the relationship between law and society. Rapid, large-scale legal change is not uncommon in the UK – the Brexit process, which overlapped to some extent with the pandemic, saw huge amounts of legislation

passed, often within tight time constraints. However, what is far less common is legislation that restricts the everyday, routine activities of the entire population in a way that interferes with basic individual liberties. At the same time, ensuring legal compliance was particularly high stakes: the compliance of the general public was needed to ensure the restrictions fulfilled their public health objectives.

At the start of the first lockdown in March 2020, we set out to study the relationship between law and society in this extraordinary moment. In particular, we were interested in understanding why people were complying – or not complying – with the lockdown rules they believed to be based in law. Given that the imposition of legal obligation on the general public was a key tool in the UK's management of the pandemic crisis, our intention was to both understand compliance behaviours in this moment and, through doing so, develop an account of public health law compliance which may assist in future crises.

In this report, we set out our answer to the question central to our endeavour: what drove legal compliance during the pandemic? We also set out a series of further insights regarding public behaviour in relation to lockdown law derived from our study.

## 2. OUR STUDY

**Our study adopted a mixed methods approach to understanding compliance with lockdown laws. There were two strands of work: a set of three surveys with a representative cohort of the public, and a series of interviews and focus groups with a diverse sample of participants from across the UK. Both took place simultaneously, with early findings from each strand informing work in the other.**

YouGov were commissioned to do the surveys. From its sample base of over 185,000 adults, our panel of 1,695 UK residents were randomly selected and weighted to be representative of the British adult population.

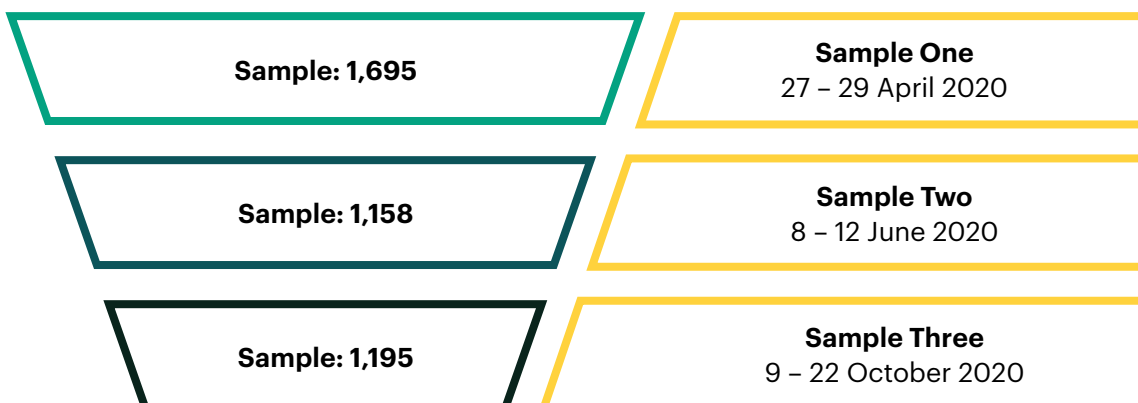
We sent an online survey to this panel at three different stages of the pandemic: first, a matter of weeks into the pandemic on 27th-29th April 2020, when restrictions were uniform, strict, and widely publicised across the UK; second, eleven weeks after the imposition of the UK-wide 'lockdown', on 8th-12th June 2020, by which point restrictions had eased and diversified across the four UK nations; and third, six months after the restrictions were first introduced, on 9th-22nd October 2020. This third survey focused on the introduction of laws mandating face coverings in certain settings– such as shops and public transport. This was the principal restriction introduced at this time. The total number of responses reduced across the three waves from 1,695 in the first survey, to 1,192 in the third. This represented attrition of 30% of the cohort.

The qualitative strand mixed focus groups and interviews. After a two-day

Facebook advertising campaign, we had 794 expressions of interest from members of the public. From this pool, we invited 134 to participate, reflecting a range of socio-demographic characteristics, living arrangements, and other factors which may impact on their experience of lockdown restrictions (such as key worker status). Of these, 102 took up the offer.

All participants were invited to participate in five waves of online focus groups in sub-groups of 10-11, running between 27th April 2020 and the 10th August 2020, hosted on Collabito (for a more detailed analysis of similar approaches, see Gordon et al, 2021). For each wave, three question threads were posted onto the Collabito platform – sometimes accompanied by a news story or video stimulus. Participants could access these and post written responses at their convenience for a two-week period. These topics covered a wide range of issues, including “rule bending,” seeing friends and family, face coverings, and their understanding of the restrictions.

From these focus group participants, a sub-set of 50 were invited to take part in one-hour semi-structured interviews. The choice of these participants was based



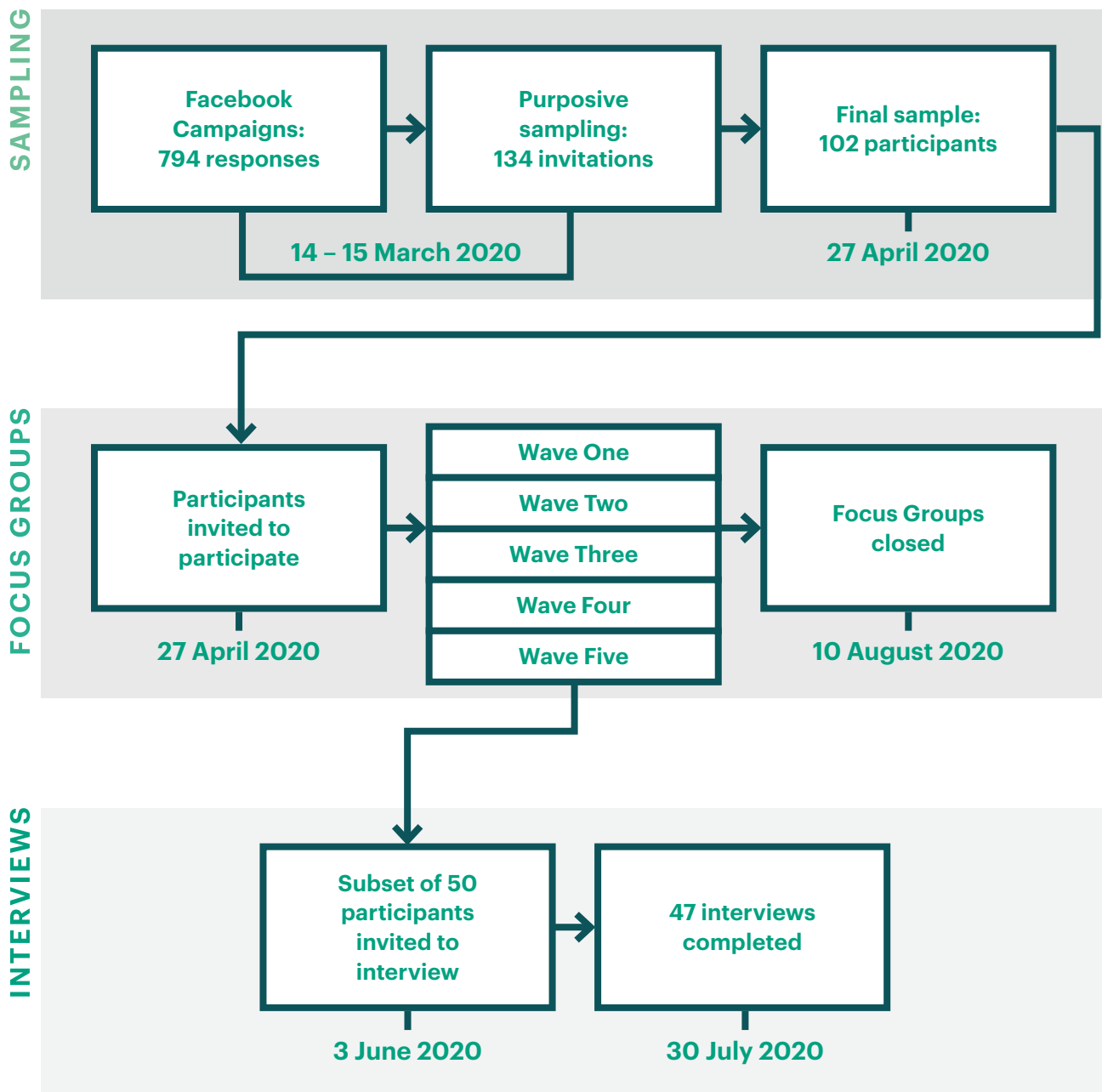


both on purposive sampling across the criteria above, and on attaining a diversity of opinions across posts already made on the platform. Conducted via online video call, these interviews provided an opportunity to learn more about their experiences and compliance during the lockdown. A total of 47 interviews took place from the 3rd June 2020 until 30th July 2020.

The study ultimately collected a wealth of data: over 4,000 survey responses, more than 100,000 words of focus group contributions, and 50 hours of interview data. These data were analysed

separately in NVivo, adopting a grounded theory approach (see Thornberg and Charmaz 2014) rooted in an initial coding framework developed to assess drivers for compliance, informed by the procedural justice literature.

In order properly to understand the role that legal culture played in the public response to lockdown restrictions, our analysis of the data, as noted above, was focused upon subjective compliance with law, i.e. compliance with the restrictions that people believed were underpinned by legal obligation and their behaviours in relation to that internal understanding.



It is important to acknowledge the limits of our study. We set five key limitations out here. First, although our survey participants were selected randomly from the panel base of over 185,000 UK adults, it was still a non-probability sample and due caution must be exercised when interpreting the findings. The use of a professional panel provider was considered necessary given the pace of events at the beginning of the pandemic and the desire to begin the panel study quickly.

Second, although it is a standard approach within the fields of public health and criminology, our dependent variable for studying legal compliance is based on self-reported rather than observational data. It is possible that social desirability caused some participants to overestimate their adherence to restrictions, particularly in the context of pandemic (see Daoust et al, 2021).

Third, in our quantitative work, we did not test the full range of predictor variables

identified in the public health literature such as, for example, personality or broader attitudes. Equally, we did not explore the perceived legitimacy of public authorities, examined in other socio-legal research on compliance during the pandemic (Murphy et al, 2002; Reinders Folmer et al, 2021). It is thus possible that there are unobserved factors within our study.

Fourth, we acknowledge that some of the pandemic rules within the UK were qualified in the sense that some ordinarily restricted activities were permitted in exceptional circumstances (e.g., visiting someone in their home in order to provide care for them). Thus, it may be that some of our data about engaging in 'restricted' activities represent compliant, rather than non-compliant behaviour.

Finally, the study is limited to the UK. We make no claim regarding the application of these UK findings to other countries.

### 3. COMPLIANCE WITH LOCKDOWN LAW

**Based on self-reported compliance data, our analysis suggests that most of the public was generally willing to comply strictly with the COVID-19 lockdown restrictions. However, parts of the population may have bent “rules” on occasion and compliance also diminished over time.**

Our project focused on people’s motivations and behaviour towards lockdown restrictions believed to be legal rules. Accordingly, we paid particular attention to their perceptions of what those rules required of them, and to how they acted in light of those perceptions.

In our first survey (27th-29th April 2020), we asked participants about ten activities that were restricted throughout the UK at the time (the full list is set out in section 5 of this report). Participants were invited to indicate whether they believed the activities were legally allowed, legally allowed but advised against by government, or legally prohibited. They were then asked whether they had engaged in any of these activities in the week prior to the survey. Those participants who indicated never having

engaged in the activity were also asked if they had ‘bent’ the rule in question. Our findings suggest that the population was, generally speaking, trying hard to comply with lockdown law strictly. A clear majority had neither broken nor ‘bent’ any of the rules they believed to be law (see Table 1).

By the time of our second survey (8th to 12th June 2020), lockdown had become a settled feature of life. And although the rules were easing, the remaining restrictions still represented an unprecedented curtailment of everyday life. We examined the extent to which the UK population’s initial resolve was holding, almost two and half months after the initial imposition of lockdown. There was a decline in reported compliance with restrictions that people thought to be law.

Level of compliance	Survey 1 (%)	Survey 2 (%)
Compliant with all restriction they believe to be law	60	54
Bent at least one restriction they believe to be law	15	12
Breached at least one restriction they believed to be law	27	31
N/A	8	10

**Table 1: Level of compliance with restrictions (survey 1 and survey 2) (percentages do not add to 100% as respondents could both bend and breach at least one restriction they believed to be law).**

#### Further reading

For more descriptive statistics from our study, a series of Interim Reports, that we produced while undertaking the study, are available on the project website (<https://www.lawandcompliance.uk>).

## 4. UNDERSTANDING OF LOCKDOWN LAW

**There was a high level of public confidence in the understanding of lockdown laws. However, despite this general confidence, confusion grew as rules became more complex and there was particularly confusion relating to the legal status of specific rules.**

A growing sense of lockdown fatigue was not the only compliance challenge during the crisis. As the initial months of the pandemic passed by, the rules began to change. The four governments of the UK, keen to minimise interference with ordinary life, began to ease restrictions. Importantly, however, the approaches taken across the UK, although similar, were not identical. Each government had its own set of particular rules, creating scope for greater uncertainty within the population about which rules applied to them. Accordingly, we asked our survey respondents about how confident they felt in their knowledge of the restrictions that were being imposed

on them where they lived, irrespective of whether they believed them to be based in law or guidance.

At the time of our first survey (27th – 29th April 2020), when the rules throughout the UK were uniform, confidence was very high. More than three quarters of the population felt they knew exactly what activities were and were not restricted. However, by the time of Survey 2 (8th – 12th June 2020), when rules had eased and the differences between the approaches of the devolved governments were emerging, this confidence level had dropped to 50% (see Table 2).

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 (%)	Survey 2 (%)
I know exactly what activities I am and am not allowed to do during lockdown	<b>76</b>	<b>50</b>
I know mostly what activities I am and am not allowed to do during lockdown, but there are a few I am unclear on	<b>23</b>	<b>46</b>
I am unclear on whether I am and am not allowed to do most activities during lockdown	<b>1</b>	<b>4</b>

**Table 2: Understanding of lockdown rules over time (survey 1 and survey 2)**

*“At the beginning, it was very clear, and now I really struggle to have set rules. I don't know what the government wants from me anymore. It kind of got less and less clear as time went on ... It might be loosely based on what I've heard, because I tend to not want to listen to the news or anything. So, what I get from the government in saying the rules and things is from my parents. We'll usually discuss it, but yeah, it's difficult to understand specifically what they want.”*

*Participant J, Female, 19 years old.*

The data in Table 2 relates to the public's knowledge of the restrictions in general. However, we were also keen to explore the level of the population's confidence in their knowledge of the particular rules about the wearing of face coverings, which had been introduced after Survey 2. Accordingly, in

October 2020, we put a third survey into the field, focussing specifically on face coverings. On this particular rule, the UK population showed greater confidence in their knowledge of what was being required of them (see Table 3).

To what extent do you think you currently understand, if at all, what the rules require of you regarding wearing a face covering?	Percentage of population (%)
I fully understand what the rules about wearing a face covering require of me	<b>67</b>
I mostly understand what the rules about wearing a face covering require of me	<b>30</b>
I am quite unclear about what the rules about wearing a face covering require of me	<b>3</b>
I am completely unclear about what the rules about wearing a face covering require of me	<b>1</b>

**Table 3: Understanding of rules relating to face coverings (survey 3)**

*"I don't really know what restrictions are truly in place anymore to be honest, except that I know that I have to wear face covering when I'm using transport and such, but I just don't know what is left anymore. I feel like everything is slowly going back to normal but no one has really said anything."*

*Participant K, Female, 22 years old.*

Our study also revealed an important point of confusion regarding whether people thought particular rules had the status of law or were merely guidance. We explore this issue in detail in the next section of the report.

## 5. THE LAW VS. GUIDANCE DISTINCTION

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**The law/guidance distinction mattered to compliance. People were more likely to comply with a lockdown rule if they thought it had the status of law and was not just guidance.**

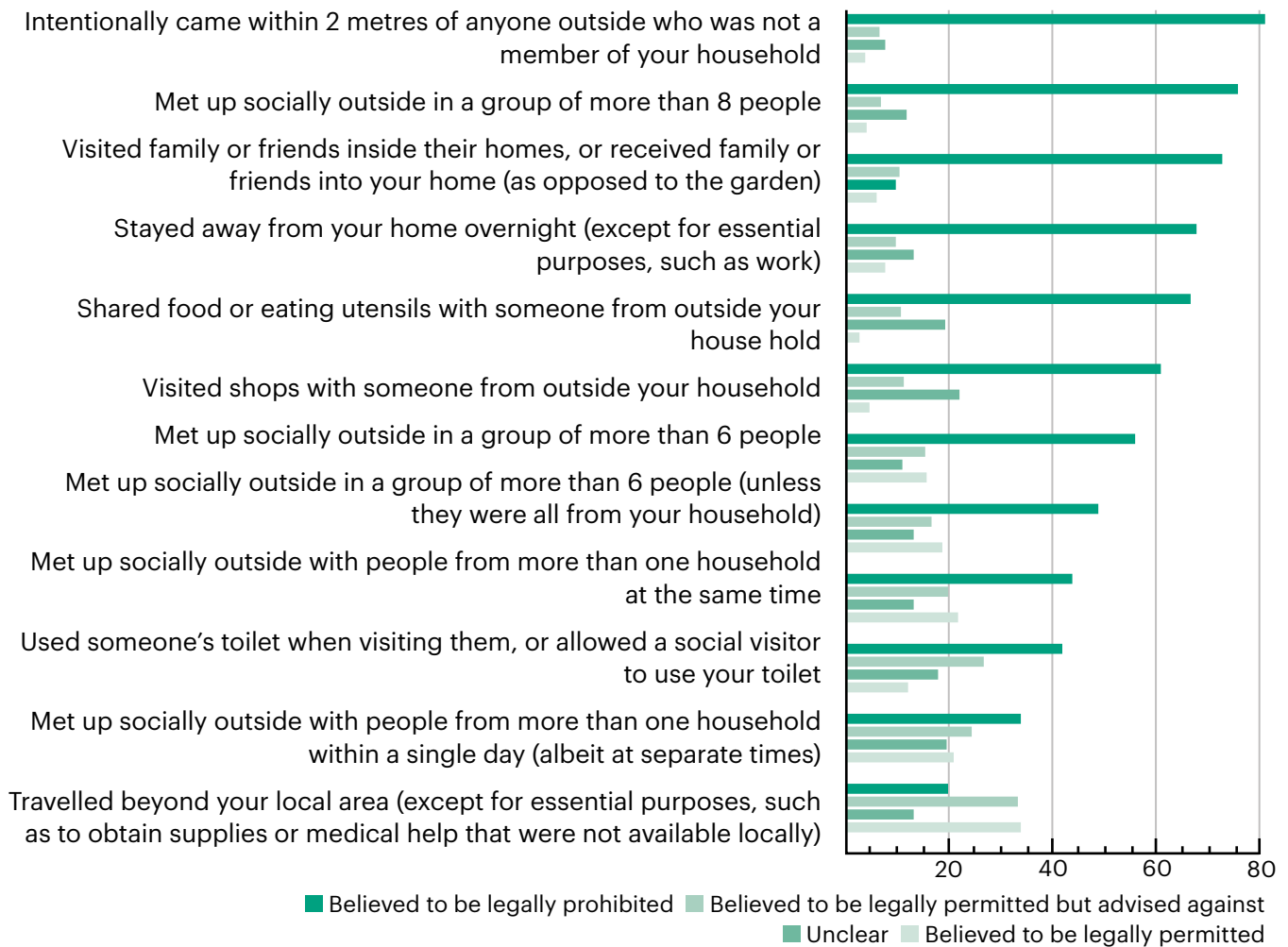
Guidance is a form of soft law. Soft law – government documents such as guidance, policy, and directions that are not legally binding, though sometimes can have a quasi-legal effect – is ubiquitous as a modern governing technique. It is therefore not surprising it was used widely during the pandemic. For instance, the ‘two-metre rule’ was always just public health advice and never had a place in general law. However, the manner of the government’s use of guidance to regulate public behaviour during the pandemic drew extensive criticism.

Tom Hickman QC, one of the most vocal critics of how the government managed its use of guidance during the pandemic, argues there was a ‘fusion of criminal law and public health advice’ that led to a ‘form of regulatory intervention that sits outside the regime of emergency governance established by Parliament’ (2020, p.3). This approach to guidance, he suggests, ‘failed to conform to basic principles of transparency and clarity.’ At the same time, there was concern that the likely result was a public misunderstanding of the legal status of the rules, and this risked limiting the perceived scope of individual liberty without any legal basis for such restriction. Such concerns are echoed by others (e.g. Sorabji and Vaughan 2021).

The House of Lords Constitution Committee also effectively endorsed this view in its report on *COVID-19 and the use and scrutiny of emergency powers* (2021). The Committee drew attention to

how guidance ‘failed to set out the law clearly, misstated the law or laid claim to legal requirements that did not exist’, pointing to examples where government publications and statements did not distinguish between public health advice and legal requirements, where public health advice was incorrectly enforced by the police as though it were law, and where public authorities tasked with enforcing the COVID-19 restrictions misstated, or incorrectly suggested, that guidance had the force of law. The report on *Rule of Law Themes from COVID-19 Regulations* by the Joint Committee on Statutory Instruments similarly expressed dismay that ‘guidance has been used in the context of the pandemic response in a way that appears to attempt to impose more severe restrictions than are imposed by law’ and that there was an apparent ‘practice of attempting to rely on guidance to tighten up wording that is insufficiently clear in the legislation itself’ (2021).

As part of our second survey, we asked participants about twelve activities that formed the basis of continuing behavioural restrictions in at least one of the UK nations. Specifically, the questionnaire asked participants whether, in relation to their part of the UK, they believed these twelve activities to be ‘legally allowed,’ ‘legally allowed but advised against by government,’ or ‘not legally allowed’ (participants were also permitted to indicate that they were ‘unclear on this’). Our findings on this question are set out below in Figure 1 below.



**Figure 1: Perception of legal status of lockdown rules (survey 2)**

It is apparent from these findings that there was considerable variation of beliefs about whether the twelve restricted activities set out in our questionnaire were legally permitted, legally prohibited, or advised against by government. The extent of such variation differed considerably between activities, and some of this variation may be accounted for by the different approaches to specific restrictions adopted by the four nations within the UK. Nonetheless, in relation to restrictions that only applied in one of the smaller nations (e.g., the Scottish restriction that one should not visit shops with someone from outside one's household), we can observe that the majority of UK participants believed this to be a legal rule that applied to them. And in relation to the three restrictions that were

common to all four nations,<sup>1</sup> we can still observe differences of understanding amongst the public about the legal status of those rules.

*"I think people have to be respectful of others, but then they have to make the decision about each rule for themselves, rather than take it word for word. I think a lot of people are of the assumption that these are laws rather than guidelines. For a lot of people, that hasn't clicked with them that you don't have to do this. This is just something that we highly recommend that you do. It took me a while for that penny to drop as well. Do you know what I mean?"*

*Participant L, Male, 57 years old.*

<sup>1</sup> 'You must not intentionally come within 2 metres of anyone outside who is not a member of your household'; 'You must not visit family or friends inside their homes, or receive family or friends into your home (as opposed to the garden)'; and 'You must not stay away from your home overnight (except for essential purposes, such as work)'

The diversity of perceptions about the legal status of the rules restricting behaviour permitted us to explore whether those perceptions mattered for compliance with the rules. In other words, did the belief that a rule had the backing of law make it more likely that people would comply with that rule?

As set out in previous sections, we asked our survey participants how many times, since lockdown began, they had engaged in twelve activities that formed the basis of continuing behavioural restrictions in at least one of the UK nations. Those who indicated having engaged in the activity

once or more were coded as not having followed the rule. Those who indicated that they had never engaged in an activity in question were also asked whether they had ever 'bent' the rule underpinning the restriction. Following our qualitative findings about 'rule bending' (see section 7), the participants who indicated having 'bent' the rule were also coded as not having followed the rule. Thus, our definition of following a rule was never having engaged in the activity and never having bent the rule which restricted the activity. Our findings on this question from survey 2 in June 20220 are presented in Table 4 below.

Activity	Refrained from activity (%)	Did not refrain from activity (%)
Visited family or friends inside their homes, or received family or friends into your home (as opposed to the garden)	74	26
Used someone's toilet when visiting them, or allowed a social visitor to use your toilet	75	25
Intentionally came within 2 metres of anyone outside who was not a member your household	76	25
Travelled beyond your local area (except for essential purpose, such as to obtain supplies or medical help that were not available locally)	78	22
Met up socially outside with people from more than one household at the same time	80	20
Met up socially outside with people from more than one household within a single day (albeit at separate times)	81	19
Shared food or eating utensils with someone from outside your household	85	15
Met up socially outside in a group of more than 6 people (unless they were all from your household)	90	10
Met up socially outside in a group of more than 6 people	90	10
Visited shops with someone from outside your household	89	11
Met up socially outside in a group of more than 8 people	95	5
Stayed away from your home overnight (except for essential purposes, such as work)	95	5

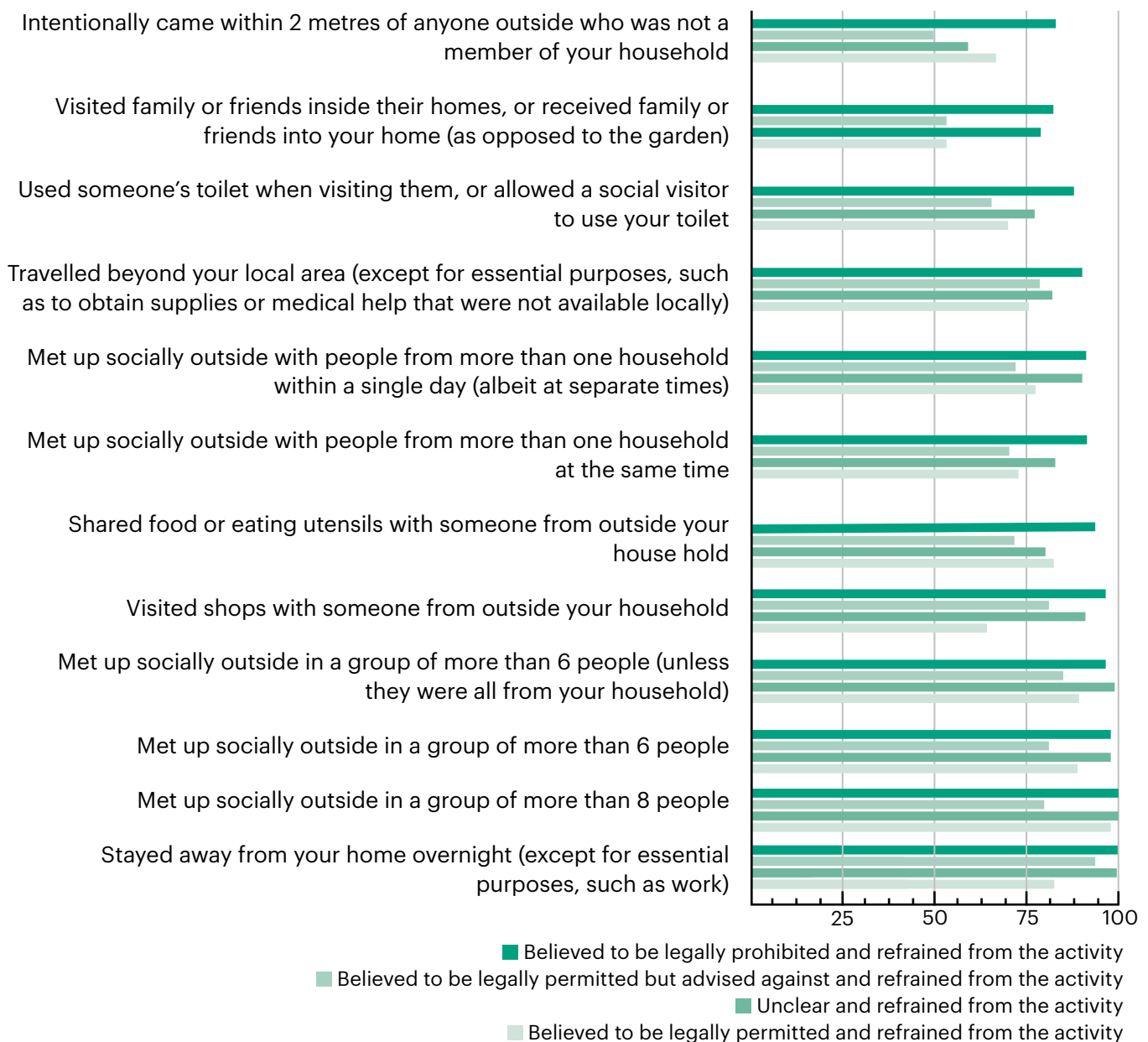
**Table 4: Restricted activities and whether participants refrained (survey 2)**



It is apparent from the data presented in Table 4 that whilst the majority of people seemed to refrain from each activity, there were certain activities from which the population was less likely to refrain. These findings have an intrinsic interest in and of themselves. However, for the purpose of understanding the effects of law and guidance, their value lies in the ability to relate people’s behaviour to their beliefs about the legal status of the underpinning rules. This was the next stage in our analysis.

We examined whether respondents’ propensity to refrain from each activity

was related to whether they considered the activity to be legally prohibited, legally permitted, legally permitted but advised against, or whether they were unclear about it. For each of the 12 restricted activities, participants’ perceptions of the legal status of the activities were significantly related to whether they refrained from the activity ( $p < 0.001$ ). Figure 2 shows that those who perceived the activity to be prohibited by law were more likely to refrain from the activity compared to participants who believed it was merely advised against by government.



**Figure 2: Refraining from activities according to perceptions of status of rules (survey 2)**

Across the different activities, at least 78 per cent of those who, in relation to which of the four UK nations they lived in, considered an activity to be prohibited by law refrained from the activity, with five of the activities attracting over 90 per cent of such participants refraining. This is in marked contrast to those who considered an activity to be merely advised against by government, with the proportion of those refraining from activities ranging between 48 per cent and 90 per cent.

*Because if it's just advice, the way things are right now there's not much trust in the government and someone advising you from an official source, you're not going to feel like, okay, well, it's not – I don't know whether I do trust this or not. But if it was law then you wouldn't have much – it would be much stricter and you would think, oh, I definitely can't go out now. So it would reduce you having the option to go out or not.*

*Participant M, Male, 21 years old.*

This difference in the respective proportions of participants refraining from an activity is largest for the '2-metre rule.' There was a significant difference in whether participants complied with the '2-metre rule' according to their perception of the legal status of the underpinning rule, with 78 per cent of those who perceived this activity to be prohibited by law complying, compared to only 48 per cent of those who considered it to be merely advised against by government. Also, 79 per cent of those who considered visiting family or friends inside their homes or

receiving family or friends into one's home to be prohibited by law refrained from doing so, compared to only 51 per cent who thought it was only advised against by the government. The proportion refraining from 'meeting up socially outside in a group of more than 6 people' was higher, but still differed significantly according to perception of the legality of undertaking the activity, with 93 per cent refraining if they considering the activity to be prohibited by law, compared to 78 per cent refraining if they considered the activity to be merely advised against by government.

In relation to all twelve restricted activities, accordingly, our bivariate analysis suggested the UK public's perception of the legal status of the rules made an important difference to whether they complied with those rules. Importantly, this relationship between behaviour and beliefs in the legal status of the rules still held after we had statistically controlled for other potentially significant factors, e.g. concerns for one's health, assessment of the governments' handling of the crisis, social norms around compliance, and socio-demographics (see Appendix 1, Table A1.1).

### Further reading

Halliday, S., Finch, N. L., Tomlinson, J., Meers, J. & Wilberforce, M. R. (2022) "Undermining Loyalty to Legality? An Empirical Analysis of Perceptions of 'Lockdown' Law and Guidance During COVID-19" *Modern Law Review*, DOI: 10.1111/1468-2230.12755

## 6. DRIVERS OF COMPLIANCE

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**The key drivers of compliance with lockdown laws were: an anticipation that rule-breaking would cause peer disapproval; a general commitment to being law abiding; and the specific conviction that breaking lockdown laws was morally wrong. People's sense of the effectiveness of the rules in preventing virus transmission was a significant predictor of some of these basic drivers, as was their sense of obligation to others, as well as their predictions of how seriously COVID-19 would affect their health if they were infected. Equally, a conviction that restrictions infringed basic rights negatively affected people's sense of the morality of breaking lockdown rules.**

There is now a large body of literature that seeks to understand how and why people comply with public health guidelines during pandemics (e.g., Bish and Michie, 2010; Webster et al, 2020), including the Nuffield Foundation and UCL's COVID-19 Social Study (Wright, Steptoe, and Fancourt, 2021). Our particular contribution to this broader research endeavour was to focus on legal compliance: public adherence to lockdown restrictions that people believed to be underpinned by legal obligation. The use of legal obligation was a key tool for the governments of the UK during the COVID-19 pandemic. Our focus on legal compliance, and the role of legal culture in that compliance, should, we believed, reveal lessons for governments about the use of law as a response to future public health emergencies.

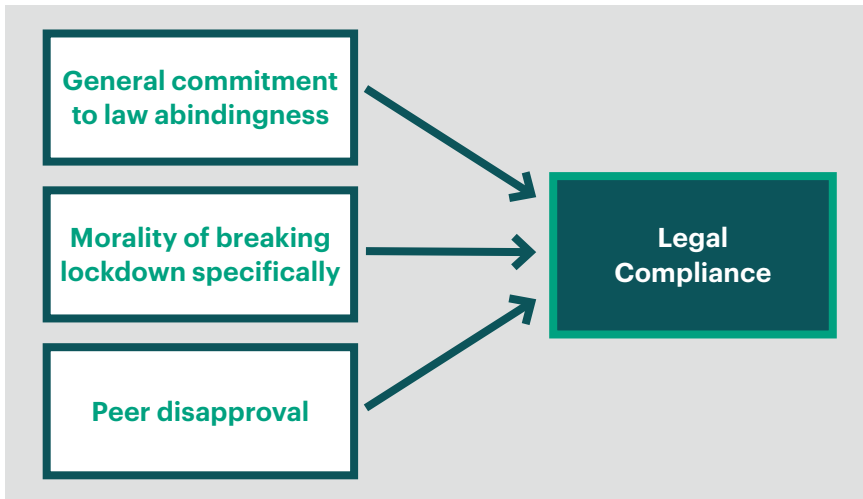
To understand why people complied (or failed to comply) with lockdown laws, we built on an analytical framework that has been used to explore why people obey 'low-level' legal restrictions on everyday life, such as rules against speeding, shoplifting, and fly-tipping (Jackson et al, 2012). In this literature, a key distinction is made between instrumental and normative motivations for obeying the law (Tyler, 2006).

Instrumental motivations for obeying law concern the avoidance of direct detriment. Thus, someone might obey the law to avoid punishment. As for normative motivations, they are divided into a concern with the morality of specific laws, and a concern with the legitimacy of law more generally. As regards the morality of law, someone

might obey the law against theft, for example, because they believe it is morally wrong to steal. Yet, the same person may disobey a law prohibiting drug use because they do not see it as morally problematic. As for the legitimacy of law generally, people may obey the law because they have an internalised commitment to being law abiding: in other words, they obey law simply because it is law.

At the same time, recognising that the lockdown represented an unusual and extreme set of legal restrictions for the general public, we additionally drew on a literature that has explored the significance of people's sense of basic rights for their behaviour in everyday life (Engel & Munger, 2003). This literature suggests that ordinary 'rights consciousness'—a sense of basic rights being infringed without good reason—can negatively affect how people respond to law, particularly during pandemics (Jacobs, 2007). In this way, we also wanted to explore whether people's rights consciousness might negatively influence their sense of the moral weight of lockdown rules, thus diminishing compliance.

Our findings from Survey 2, which took place at a point in the pandemic (June 2020) when restrictions had become a settled part of life, revealed three basic drivers of compliance: a motivation towards law abidingness; the conviction that the breaking of lockdown laws specifically was morally wrong; and an anticipation that rule-breaking would cause peer disapproval.

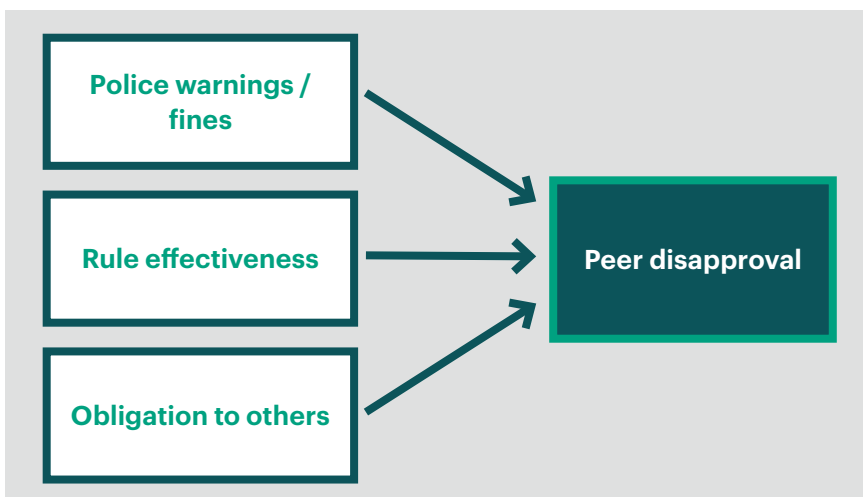


The finding that an internalised commitment to law-abidingness (a normative motivation) predicted compliance with legal rules is consistent with prior studies of why people obey the law. And in relation to this driver of compliance, we predicted that it would stand independently of the other variables on which we collected data. In other words, people's general convictions about the importance of being law abiding would be unaffected by other issues explored in our study, such their rights consciousness, sense of obligation to others, or beliefs about the effectiveness of lockdown restrictions.

However, in relation to the other two direct drivers of compliance (personal morality and peer disapproval) we sought to establish whether additional influences ultimately contributed to adherence to the rules, thus building up a sense of 'pathways' to compliance. We examined the broader

beliefs and attitudes of our participants during the pandemic. In Survey 2, we asked our participants a range of additional questions about: the likely effect of the coronavirus on their personal health; their feelings of obligation to others during the pandemic; their assessments of the effectiveness of the rules themselves; the consequences of breaking these rules in terms of police action; their views on their government's handling of the crisis; and the significance of the rules for their sense of basic rights.

As regards people's anticipation of peer disapproval for breaking the rules, we predicted that this would be affected by: beliefs in the likelihood of police warnings or fines in the event of breaking the rules; perceptions of the importance of compliance for preventing the spread of the virus; and feelings of obligation towards others. Our findings confirmed this.

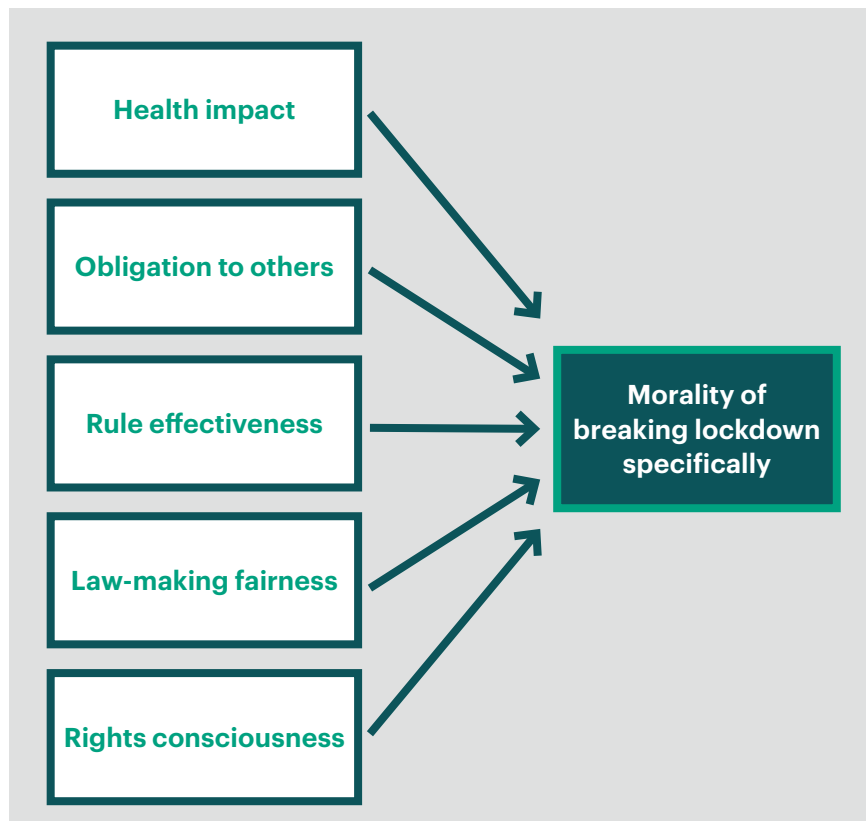


In a pandemic situation where everyone represents an infection risk to everyone else, it is not surprising, perhaps, that the anticipation of peer disapproval should predict legal compliance. In more general studies of why people obey the law, peer disapproval has frequently proven insignificant for compliance (e.g., Tyler, 2006, p. 61). Yet, in a pandemic, the idea, commonly circulated at the time, that “we are all in this together” introduces the risk of informal community sanction. Thus, in this setting we might frame peer disapproval as an instrumental motivation towards legal compliance: people complied to avoid this form of informal “punishment.” Indeed, the significant association between peer disapproval and the anticipation of a formal sanction in the form of a police warning or fine supports such an interpretation: police punishment would be a source of social stigma in the context of the pandemic.

*“I was concerned what others thought. I did not want to offend anyone by getting too close or entering homes etc. As independent as we might like to think we are, it's pretty clear no man/woman is an island. When people are frightened/threatened/alarmed they are likely to be more anxious and pernickety about rules so it's best to respect that and err on the side of caution by double-checking their views on these things...”*

*Participant N, Female, 35 years old.*

The more positive element of the idea that “we are all in this together” is a sense of solidarity. Our study suggests that those who felt a greater obligation to others were more likely to anticipate peer disapproval if they broke lockdown laws. Here, again, we see the importance of a sense of collectivity to legal compliance.



Yet, a countervailing pressure came from people's sense of whether the rules were fit for purpose in terms of preventing virus transmission. At the time, the UK government made much of the value of people adopting a "common sense" approach to the restrictions. The nation, it seems, took the government at its word: people's perceptions of the effectiveness of rules in preventing virus transmission impacted on the extent to which they anticipated peer disapproval, were they to break those rules.

*"I would like to think of myself as a reasonably well-adjusted individual capable of going about my day-to-day life in a normal way ... I think a common-sense approach has got to be taken. I think you can't – you shouldn't be – people shouldn't be penalized for just using basic common sense, but there's got to be lines ..."*

*Participant O, Male, 46 years old.*

As regards people's belief about how immoral it was to break the rules, we predicted five preceding influences: (1) people's feelings about how seriously coronavirus would affect their health; (2) their sense of obligation to others; (3) their assessments of the effectiveness of rules in preventing virus transmission; (4) their assessments about the fairness of the law-making process; and (5) their beliefs about whether the restrictions represented an unacceptable violation of basic rights. Four of these five predictions were confirmed.

It is unsurprising, perhaps, that people's fears about the impact of COVID-19 on their own health would influence their sense of the morality of breaking lockdown laws. Here we see a key instrumental concern feeding into normative motivation towards legal compliance. It is also unsurprising that having a sense of obligation towards others would predict the stance that breaking lockdown rules was immoral. Yet this finding points to the

importance of the governments' messages at the time that 'we are all in this together'. This mantra, we might suggest, was not just a statement of support for people in a moment of crisis; it was also an important means of encouraging compliance with lockdown laws.

Equally important for policy is the finding that people's sense of the effectiveness of rules in preventing transmission impacted their moral assessments of lockdown law-breaking. Once again, we see the importance to people's legal compliance of them having faith that the restrictions were sensible and effective precautions in the context of the pandemic.

*"(Sighs) ... it's a bit like driving on an empty motorway at eighty or ninety miles an hour because there's nobody else there, compared to driving at eighty or ninety miles an hour when there's loads of traffic. You know, it's – and I think you take your own risk assessment of something and (pauses) do what you think is safe.*

*... It's like if I feel that something is safe, I personally – and I'm not causing a problem to myself or anyone else, then I'll do it. And that sort of transcends legal compliance with the letter of the law."*

*Participant P, Male, 61 years old.*

Our finding that people's rights consciousness was capable of undermining their normative commitment to legal compliance also has policy significance. In the context of a pandemic, given the extreme curtailment of normal life, it is, perhaps, inevitable that the rights consciousness of some people is offended. Yet, given that such rights consciousness mattered for legal compliance, governments face a challenge of persuading people about the acceptability of rights violations if they wish to maximise compliance with such laws.

Our finding that perceptions of the fairness of the law-making process were not significant was surprising. Research on why people obey the law has shown that compliance choices are sensitive to people's assessments of the procedural justice of legal authorities: positive assessments can enhance legal compliance (Walters and Bolger, 2019). Although the research generating these insights has traditionally focused on personal interactions between members of the public and legal authorities (e.g. police officers), we had hypothesised that the perceived procedural fairness of the pandemic law-making process would similarly enhance compliance with lockdown rules.

We constructed our 'procedural fairness' variable from four factors. We asked survey participants about the extent to which they felt government was: (a) listening to ordinary people about the effect of lockdown on their lives; (b) listening to scientific advice; and (c) being honest during the pandemic. Following a number of allegations about high profile individuals breaking lockdown rules, we also sought survey participants' view about (d), how fairly public officials and politicians themselves were acting during the crisis.

That we found no evidence of the significance of procedural justice to legal compliance is striking, particularly in light of the fact that the pandemic represented an exceptional moment of law creation. The pandemic was a moment where law creation, despite happening remotely in government, is likely to have felt unusually direct and personal. Accordingly, in Survey 3 we explored the issue again,

but examining people's compliance with a single restriction, rather than in relation to a group of 12 restrictions. Survey 3 focused specifically on face coverings, and we analysed (non-) compliance with the requirement to wear one while shopping, focusing on those who believed it to be a legal rule (86 per cent of the sample).

The path analysis (see Appendix 1, Table A1.3) was based on a smaller group of predictor variables. We were unable to include the variables concerning one's commitment to law abidingness, or one's sense of health vulnerability in the event of catching COVID-19.<sup>2</sup> Equally, as regards procedural fairness, we focused only on people's perceptions of the extent to which the government was listening to what ordinary people had to say about their feelings about the requirement to wear face coverings. However, we included one additional new variable in the analysis: given the context of wearing a face-covering, we included a variable concerning one's concern for their appearance (whether they felt wearing a covering adversely affected their appearance, and whether they cared).

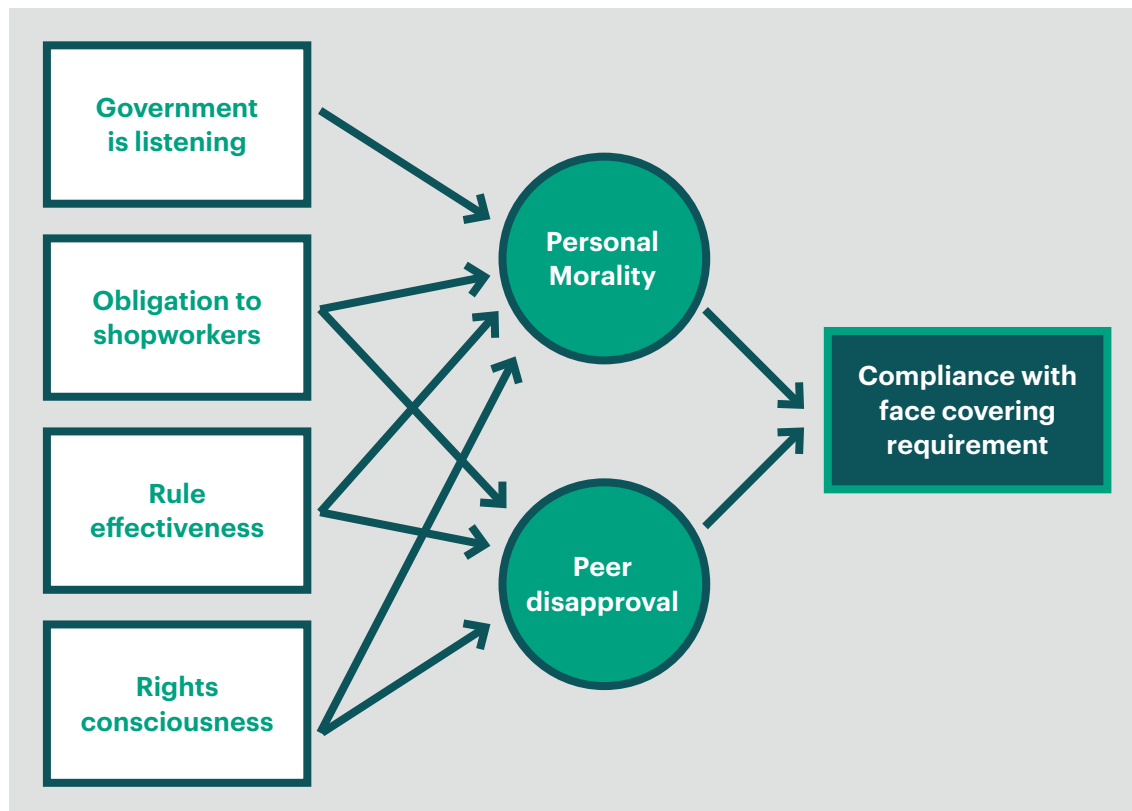
We predicted that there would be three main drivers of compliance with the face covering requirement: concern for one's appearance; one's sense of the moral wrongness of non-compliance; and the anticipation of peer disapproval for non-compliance. The prediction about concern for appearance was not confirmed. But, as with the path analysis for Survey 2, the predictions about the influence of people's sense of the moral wrongness of non-compliance, and about the anticipation of peer disapproval were confirmed.

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<sup>2</sup> The reduction in sample size, exacerbated by the fact that not all of Survey 3 participants had answered the respective questions in Surveys 1 and 2, prohibited this.

As regards the antecedent variables that influenced the above two direct drivers of compliance with the face coverings restriction, we explored a number of factors that had been examined in Survey 2: procedural fairness – whether people felt government was listening to them; obligation to others – specifically shopworkers; perceptions

of the effectiveness of the restriction in preventing the spread of the virus; and rights consciousness – whether people felt the face covering requirement violated a sense of basic rights. All of the antecedent variables were found to influence the two basic drivers of compliance. The overall findings may be displayed as follows:



The analysis of Survey 3 suggests that, in some situations, procedural fairness in the law-making process might be important for legal compliance, as well as being important in one-to-one interactions with legal officials. Although further exploration is required to understand the full nature and significance of procedural

fairness in law making, our findings are sufficient to suggest an important lesson for governments: that, when developing policies that directly affect people's lives, being open to what they have to say about their experiences may be significant for the policies' success.

### Further reading

Halliday, S, Finch, N, Meers, J, Tomlinson, J & Wilberforce, M. (Forthcoming) "Why the UK Complied with COVID-19 Lockdown Law" King's Law Journal (forthcoming)



## 7. CREATIVE NON-COMPLIANCE

**‘Creative non-compliance’ was evident in public behaviour. There was evidence of people caring more about the ‘spirit’ of the lockdown restrictions than their ‘letter’. This meant they were comfortable breaking the rules if they felt they were still abiding by the rule’s underlying purpose.**

Our study explored not only whether people complied with the COVID-19 restrictions, but also how they explained and justified their non-compliance behaviour. If they broke the rules, what was their justification? If they broke some rules but not others, how did they rationalise this? These questions – which form part of a well-established literature in criminology on “techniques of neutralisation” – are important to understanding people’s reasoning behind non-compliance and how these inform their responses to the restrictions (Kaptein and Helvoort, 2018).

To explore these issues, in our interviews and online focus groups, we asked participants who disclosed rule-breaking conduct to explain their thought process. How would they explain breaking the rule to someone else? What issues did they consider when deciding what to do?

Other studies of these justifications for non-compliance usually discover a form of “norm negating” rationalisation: namely, people justify breaking rules by undermining the purpose behind them, or the rule itself (Kaptein and Helvoort, 2018, Harris, 2020). However, we found the opposite. Participants who broke the rules rationalised their conduct not by undermining the purpose of the rules or the rule themselves, but by endorsing them.

Participants instead rationalised their conduct as falling within the law’s underpinning purpose, even if they thought their actions breached the strict meaning of the regulations themselves. Put another way, participants justified their non-compliance as within the “spirit of the law” if not the “letter of the law.” We found that this approach was defined by three main elements.

First, participants emphasised the purpose behind the restrictions over their legal form,

drawing a distinction between complying with the intention behind the restriction as opposed to a strict interpretation of its meaning. Participant A explained this using the language of the “spirit” and “letter” of the law, drawing an analogy with cricket.

*I think it can come down to the idea of whether you’re maintaining the spirit of the rules. It’s a little bit like being a cricket fan where there are the rules of cricket and there’s the spirit of cricket, which is not always exactly the same thing. I think that’s why, for some people, when they’ve not exactly followed the rules, they’ve done it because they thought it was for the best on a large scale. I mean, there are probably lots of examples of people doing nice things, like buying shopping for Mrs Smith next door and then taking it into the kitchen for her.*

*Participant A, Male, 40 years old.*

Participants underscored the importance of understanding the intention behind the underpinning restrictions over a detailed account of the “letter.”

Second, having established that participants undertake a purposive construction of the rules (distinguishing the “spirit” from the “letter”), we found that participants balanced the proportionality of their actions against their interpretation of the purpose of the restrictions. This weighing of potential consequences against the aim of restrictions often arose when participants were asked about “rule bending” versus “rule breaking.” Where such a proportionality assessment is passed, conduct was more likely to be seen as “rule bending” – a form of justified non-compliance – and when it was not, unjustified “rule breaking.” Participant

B draws on this distinction when talking about a visit to their father which they thought was prohibited by the regulations:

*I would say – so for example if, because my dad lives by himself so I have been to see him, but it has been outside the whole time; and maybe I did go on a walk with him before they said you were allowed to, but it's not like I've broken the rule by staying overnight and staying for a few days, then coming home. So I bent the rules slightly by going for a walk with him, but I didn't break the rule by going for a few days, then coming home, if that makes sense.*

*... because if I were, if I did have coronavirus and I did go into the house and touch everything, then that would increase the risk of him getting it. Whereas if we were outside, two metres distance, then the risk is limited ...*

*Participant B, Female, 18 years old..*

Not all restrictions were treated equally. Given that the consequences of breaking some rules were perceived as more acute than others, this factored into participants' balancing of the risk of noncompliance against the restriction's underpinning aim. Participant C spoke of a "hierarchy" of rules:

*... But the thing is, I think some are more, I don't think it's as black and white, because some are more justifiable than others. Like obviously if there was a rule in relation to sticking to 2m away from another person and you went 1.5m away, so what (laughs), like you know ...*

*But obviously if there are rules about not using public transport because obviously key workers need to be on there and then you need to maintain their safety, then that's slightly more, there's like a hierarchy isn't there, and not all rules have the same consequences, like the same outcomes if you break them.*

*Participant C, Female, 35 years old.*

What emerges from the data therefore, is an approach by participants that prioritises balancing the consequences of their actions against the perceived "spirit" of the law, rather than seeking loopholes or a creative interpretation of the "letter."

Third, there was an emphasis on law and “common sense.” The UK Government relied on a “common sense” framing of rules and guidance (Meers, Halliday and Tomlinson, 2021, 4). An emphasis on common sense reasoning is entirely consistent with “creative non-compliance” rationalisations. For instance, Participant D detailed a situation where she entered a friend’s house before it was permitted. When explain her reasoning, she adopted a familiar balancing approach detailed above, noting that this was encouraged by the Government:

*So, whilst we knew it was against the rules at the time, we also knew that it wasn't not sensible and safe. So it was conflicting, but we felt comfortable the whole time ...*

*The Government say “use your common sense” and I used my common sense. Even if that was a silly thing for the Government to say, I still followed my common sense. But it's fair enough to be critical when other people tweak the rules.*

*Participant D, female, 19 years old.*

Our data point to the Government’s emphasis on “common sense,” running parallel to the public health messaging, informing participants’ rationalisations. Our findings suggest that rationalisations may be one means via which the Government’s role as an “expressive agent” (Jackson and Bradford 2021) during the COVID-19 restrictions has an effect on overall compliance. Indeed, Government communications drawing on “common sense” analogies may in turn serve to drive “creative non-compliance” .

Our findings demonstrate that not complying with a COVID-19 lockdown rules does not mean that the individual rejects the need or basis for the rule. Instead, non-compliance can be informed by a commitment to the “spirit” of the rule. The public often prioritize an understanding of the underlying purpose behind the introduction of measures when rationalising their behaviour, as opposed to an understanding of the detailed content of the restrictions themselves.

### Further reading

Meers, J, Halliday, S & Tomlinson, J. (2021) “Creative Non-compliance’: Complying with the ‘Spirit of the Law’ Not the ‘Letter of the Law’ under the Covid-19 Lockdown Restrictions” Deviant Behavior DOI: <https://doi.org/10.1080/01639625.2021.2014286>

## 8. GENDER MATTERS

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**The experience of and response to lockdown laws was different between genders. We ran analysis on a range of demographics and the most salient finding was that women were more likely to breach certain types of law, and that these behaviours often stemmed from the rules themselves clashing with gender inequalities.**

In our analysis of the survey results, we explored the impact of a number of different demographic factors on compliance, including: ethnicity, work status, age, whether they were an NHS worker, educational status, whether they had young children, country and gender. Our analysis reveals that the experience of lockdown rules was different between women and men. For rules restricting meeting family and friends in the home, this had an impact on overall compliance: women were nearly twice as likely as men to break or bend the rule. Our data suggests that this stemmed from the rules themselves clashing with social realities.

Previous literature on covid-compliance has shown that women were more likely to be compliant than men (Galasso et al 2020). However, our study examined compliance with individual rules with the view that this might better highlight gender differences in compliance than overall compliance.

Our study shows that there was no difference between gender in terms of compliance for the rules, with one exception: women were nearly twice as likely as men to break or bend the rule of meeting friends and family in their home, even after for controlling for socio-demographic and covid-related factors (see Appendix 1, Table A1.2).

That meeting friends/family in their home was the only rule that women were more likely to break is potentially important, and so our study sought to understand why. Previous work has indicated that women were more likely to find it hard to adhere to covid social distancing due to care commitments (Keyworth, 2021), and more likely to break lockdown rules to provide and receive family, emotional and practical support (Wright et al, 2021). Thus, it may be

that women were more likely to find certain rules that interfere with prior caring commitments more challenging than others.

It is also likely that work commitments, and the need for childcare to fulfil these, had an important part to play, with women having to break this rule to access childcare to enable them to access paid work during lockdown. Indeed, the lockdown rules limited access to formal childcare for all except key workers. This assumed childcare would take place within the home, more likely by women. This overlooked, however, that women were more likely than their partners to be required to work outside their home during the lockdown, and the importance of informal childcare, especially by grandparents, as a source of childcare for parents (Gulland, 2020).

We drew on our qualitative data to further explore the reasons why women were more likely to have entered other people's homes even if they thought it to be illegal. Our study identifies a series of barriers to compliance that emerge for women participants in our data: the interdependency of caring arrangements, the compounding of caring obligations, and concern for the welfare of dependents.

Women participants in the qualitative study returned frequently to challenges of lockdown in terms of informal caring arrangements, both for children and other family members. We found evidence in our sample that the gap in legality of accessing informal childcare between formal childcare being available for non-key workers (on 1st June 2020) and the introduction of so-called "support bubbles" (on 13th June 2020 in England) meant that families who drew on informal

caring arrangements (for instance, via grandparents) would be breaching restrictions on household mixing. Participant E explains her decision to care for her grandchildren:

*So she's a key worker. Her husband is a builder. And she's got four children. Now, I used to have her youngest, two and a half year old, every week – childminding. When lockdown came on and you couldn't see your grandchildren – but if I had 'childminder' above my head I could look after the child. Makes no sense to me that, at all...*

*I did it before the bubble policy and to be fair, we didn't do it for eight weeks, nine weeks.... Well, because it was affecting her, she was having to do nights and stuff like that when her husband was supposed to leave early in the morning. He had to wait for her to come home.*

*Participant E, Female, Aged 56.*

Here, the realities of the interdependency of caring arrangements between households and concerns about the impact of a lack of easy access to childcare for her daughter, led to the participant breaching the household mixing rules.

However, even when the “support bubble” policy was in place in June 2020, participants highlighted a series of problems with how this policy interacted with caring obligations. Some highlighted the social dilemma on choosing how to exercise the limited “support bubble” exceptions to household mixing. Participant F – who had family members with caring needs across multiple households – underscored this dilemma and its possible impact on compliance:

*I suspect fewer people will stick to the restrictions. Now it is possible to have a bubble I suspect people will have more than one. I would have to choose between my mother for her needs and my daughter for mine. My friend will have to choose between her three children. It is really not easy and I think people will be unlikely to stick to the rules now.*

*Participant F, Female, Aged 71.*

What emerges from our study therefore, is evidence that caring obligations, particularly of children, may have led to non-compliance with household mixing rules by some women. The interdependency of households, especially where regular childcare had been provided by grandparents prior to the lockdown restrictions, was not reflected in early lockdown restrictions, which emphasised formal childcare and assumed households were autonomous caring units (Gulland, 2020). Even when the “bubble policy” was introduced, significant challenges remained, such as choosing between possible “support bubble” combinations.

A second theme that emerged was existing caring responsibilities being exacerbated for women during the pandemic. Our data suggests that this compounding of caring obligations may also, in turn, lead to non-compliance with housing mixing rules. For instance, at the start of the pandemic, Participant G was a full-time carer for her own children. She was approached by a family friend and asked if she could also care for their child, given they were home working:

*Now I look after this baby free of charge every Wednesday, okay, so it's not a monetary thing that, oh well let's keep doing it because I'm getting paid, because I'm not getting paid. That, I think, is a definite breach of all rules, right, as far as we can tell it is, so yes, we definitely have broken the rules.*

*Participant G, Female, Aged 48.*

Another mother, Participant H, underscored the difficulties facing households where parents have separated and share caring responsibilities. She felt there was a lack of clarity around arrangements for those in these circumstances, particularly at the start of the lockdown restrictions, leading to her looking after her children for far longer than if she felt able to share caring arrangements with their father. This compounding of existing caring obligations creates additional pressures on households which are heavily gendered.

In common with other studies, participants in our sample raised concerns about the impact of lockdown restrictions on their dependents and relatives, especially mothers of younger children or those with elderly parents. Our data suggest that concerns for dependents may in turn affect compliance with lockdown restrictions. Participant I explains the risks she perceives to the welfare of her baby, born prior to the first lockdown restrictions in the UK, of her continued compliance with restrictions:

*But I think as a parent, I just think well, actually to me the risks – there is a real ... there is like – I can see that [my baby] is very frightened of other people now and very, very attached to me and that's a real problem. The risk of her getting ill from Covid is (pause) isn't necessarily a real problem; it's a theoretical problem. And so as a mother I can see that actually, the real risk – the real impact on particularly social things is bigger and therefore I can see why a parent might say, "Go and see your friends."*

*Participant I, Female, Aged 31.*

Other participants expressed similar sentiments when discussing older relatives, such as Participant J's (Female, Aged 36) concerns for the "impact on the elderly community," especially her mother.

These findings illustrate the importance of analysing the gendered nature of compliance with reference to specific restrictions – failing to do so can hide important, gendered differences in compliance responses to different types of restriction.

### Further reading

Finch, N, Meers, J, Halliday, S, Tomlinson, J. & Wilberforce, M. (2022) "Beyond COVID-19 Lockdown Compliance: A Gender Analysis" in Germain, S & Yong, A (eds), *Beyond the Virus: Multidisciplinary and International Perspectives on Inequalities raised by COVID-19* (Bristol University Press).

## 9. REFLECTIONS AND RECOMMENDATIONS

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**In this report, we have set out our answer to our central question: what drove compliance with the law during the pandemic? We have also set out further insights we have derived about public behaviour in relation to law. There is a large and now rapidly growing literature on why people comply with the law in general, as well as legal compliance patterns during the pandemic (see section 6). Our particular contribution to this broader research endeavour was to focus on legal compliance from a subjective point of view: public adherence to lockdown restrictions that people believed to be underpinned by legal obligation. The use of legal obligation was a key tool for the governments of the UK during the COVID-19 pandemic. Our focus on legal compliance, and the role of legal culture in that compliance, should, we believe, reveal lessons for governments about the use of law as a response to future public health emergencies. To that end, we conclude the report in this section with some general reflections on what we have discovered.**

First, the general COVID-19 lockdown policy can be assessed from various perspectives. However, it was broadly successful in terms of securing public compliance. Compliance with lockdown law was broadly high during the period of our study. The public was generally willing to comply with COVID-19 lockdown laws and they generally did in fact comply. Compliance diminished over time and rules were “bent” on occasion, but not to an extent that it would detract from this general observation.

Second, whether a rule is perceived to have the backing of law matters. People were much more likely to comply with a lockdown rule if they thought it had the status of law and was not just guidance. If a lockdown rule is to be based in law or guidance – and the clarity with which that status is communicated – therefore ought to be seen as an essential component of the design and implementation of the policy intervention and not an unimportant formality.

Third, the key drivers of compliance with lockdown rules reflected the importance of the social environment to compliance behaviours, with drivers such as peer disapproval being significant. Similarly, linked to the point above, peoples’ general sense of morality in relation to both the need to comply with specific rules and the legal order drove compliance. Concern

for one’s health and the efficacy of the rules in protecting it was also significant. This reflected lessons from the general legal compliance literature, and can be the basis for thinking through more effective communications in the future.

Fourth, in relation to at least some rules in some circumstances, compliance may turn on whether people feel they are being listened to as part of the policy process. Although further exploration is required to understand the full nature and significance of ‘policy procedural justice,’ our findings are sufficient to suggest an important lesson for governments: that, when developing policies that directly affect people’s lives, being open to what they have to say about their experiences may be significant for compliance if it is implemented.

Fifth, our finding of ‘creative non-compliance’ – that non-compliance with lockdown rules was often the result of people attempting to further the underlying purposes of lockdown rules or still be sensitive to them, rather than rejecting them – showed how ‘rule bending’ may not equate to outright rejection of the rules. Moreover, our findings show clearly how Government communications are capable of influencing behaviour through their effect on rationalisations for non-compliance. Government messaging on

'common sense' approaches appeared to influence some participants, who mirrored some of the language from Government communications when justifying their non-compliant behaviour. The dominance of 'creative non-compliance' rationalisations within our sample suggests that public communications on large-scale restrictions should seek to marry the 'spirit' with the 'letter.' The public prioritises an understanding of the underlying purpose behind the introduction of measures when rationalising their behaviour, as opposed to an understanding of the detailed content of the restrictions themselves.

Sixth, the experience of and response to lockdown rules was different between genders. There is clear evidence that women were more likely to breach certain types of rules, but our analysis suggests these behaviours often stemmed from the rules themselves clashing with social realities that still divide along gendered lines. Though the lockdown rules applied generally to the public, the ground-level reality is that they are not experienced in the same way. Despite the initial need for rules to be drafted quickly, much more emphasis could have been placed on the diversity of social experience during the construction and revision of the rules.

### Five key recommendations for policymakers

1. Whether a particular public health rule is to be based in law or guidance – and the clarity with which that status is communicated – ought to be seen as an essential component of the design and implementation of the policy intervention and not an unimportant formality.
2. An understanding of key drivers of legal compliance should be used to inform effective public communications.
3. When implementing public health laws that directly affect the everyday lives of the population, it is important for compliance downstream that policymakers adopt a stance of being open to what the public have to say about their experiences of those laws.
4. Government communications and rhetoric are capable of influencing behaviour through their effect on rationalisations for noncompliance. Communications should detail the rationale behind restrictions, not just their substantive content.
5. Public health laws affect different parts of society in different ways, and it is therefore imperative that clear consideration is given to the diversity of social experiences during the construction of the laws.



## APPENDIX 1: TECHNICAL APPENDIX

Table A1.1 shows the odds likelihood of refraining from three of the twelve restricted activities according to whether the respondent thought these were prohibited by law, permitted, or whether they were unclear about the status relative to whether they thought it was advised against. The three rules were ‘meeting up socially outside in a group of more than 6 people’, ‘visited friends of family inside their homes or received family or friends into your home as opposed to your garden’ and ‘intentionally came within 2 metres of anyone outside who was not a member of your household’. We also controlled for other factors that may also impact the likelihood of refraining from the activity including ‘the considered risk of caring /spreading the virus if the rule was broken’, ‘how seriously the respondent thought they would be affected if infected’, whether they trust and support in government’s handling of the crisis, and the extent of peer disapproval (to what extent they thought five of the people closest to them would disapprove if they broke the rule).

It demonstrates that those who believed that meeting up outside was prohibited by law were significantly more likely - 2.65 times more likely - to refrain from that activity compared to those who thought the activity was merely advised against but not prohibited. However, those who thought the activity was permitted were not significantly more or less likely to refrain from the activity compared to those who thought it was advised against. In other words, the perceived legal status of lockdown rules made a significant difference as to whether the UK public complied with them. A similar picture can be seen when we look at the activities ‘meeting up inside’ and ‘the two metre rule’. Those who thought meeting up inside was prohibited were 2.57 times more likely to refrain from the activity compared to those who thought it was only advised against, and those who thought the two metres rule was not prohibited by law was 2.35 times more likely to refrain compared to those who thought it was merely advised against. Thus, even certain covid variables and socio-demographic factors are accounted for, the importance of the law in influencing the likelihood of refraining from the activity was upheld.

**Table A1.1: Multivariate Logistic Regression: The likelihood of refraining from three restricted activities: odds ratios (standard errors)**

	Meeting up outside	Meeting up inside	Two metre rule
<b>Whether considered rule to be:</b>			
<i>Advised against by government (ref)</i>			
Prohibited by law	<b>2.65** (0.83)</b>	<b>2.57*** (0.67)</b>	<b>2.35** (0.70)</b>
Permitted	<b>1.14 (0.40)</b>	<b>0.71 (0.29)</b>	<b>1.80. (0.94)</b>
Unclear	<b>2.83 (1.56)</b>	<b>1.94 (0.71)</b>	<b>1.66. (0.69)</b>
<b>Health Controls</b>			
<b>Risk of catching / Spreading virus if rule broken</b>			
<i>Lower risk (ref)</i>			
Higher risk	<b>2.19** (0.59)</b>	<b>2.40*** (0.43)</b>	<b>2.00***(0.36)</b>
<b>How seriously would you be affected if infected?</b>			
<i>Not very/ not at all. (ref)</i>			
Fairly/ very seriously	<b>1.73* (0.47)</b>	<b>1.02 (0.19)</b>	<b>1.25 (0.23)</b>

<b>Trust in government</b>			
<i>lot/a fair amount (ref)</i>			
not very much/not at all	<b>0.86 (0.32)</b>	<b>0.93 (0.24)</b>	<b>0.85 (0.22)</b>
<b>Support for government</b>			
<i>strongly supported/tended to support government (ref)</i>			
tended to oppose/ strongly opposed	<b>0.63 (0.25)</b>	<b>0.97 (0.26)</b>	<b>1.01 (0.27)</b>
<b>Peer disapproval</b>			
<i>not very much/not at all (ref)</i>			
a great deal/a fair amount	<b>2.60*** (0.69)</b>	<b>2.83*** (0.50)</b>	<b>2.13*** (0.38)</b>
<b>Demographic Controls</b>			
<b>Gender</b>			
<i>Male (ref)</i>			
Female	<b>1.29 (0.31)</b>	<b>0.72* (0.12)</b>	<b>0.99 (0.17)</b>
<b>Age</b>	<b>0.99 (0.01)</b>	<b>1.00 (0.01)</b>	<b>1.01 (0.01)</b>
<b>Educational qualifications</b>			
<i>Higher qualifications (ref)</i>			
Lower qualifications	<b>0.70 (0.18)</b>	<b>1.03 (0.19)</b>	<b>0.81 (0.15)</b>
<b>Have young children?</b>			
<i>No (ref)</i>			
Yes	<b>0.51 (0.22)</b>	<b>0.68 (0.22)</b>	<b>0.86 (0.28)</b>
<b>Married/ living as a couple?</b>			
<i>No (ref)</i>			
Yes	<b>1.18 (0.31)</b>	<b>1.11 (0.20)</b>	<b>1.17 (0.21)</b>
<b>Country</b>			
<i>Scotland/Wales/Northern Ireland (ref)</i>			
England	<b>1.30 (0.40)</b>	<b>0.99 (0.23)</b>	<b>0.96 (0.21)</b>
<b>Work status</b>			
<i>Does not work (ref)</i>			
Work	<b>0.88 (0.25)</b>	<b>0.72 (0.14)</b>	<b>0.87 (0.16)</b>
<b>Ethnicity</b>			
<i>Non-white (ref)</i>			
White	<b>1.81 (0.83)</b>	<b>1.02 (0.36)</b>	<b>1.19 (0.41)</b>
<b>N</b>	<b>870</b>	<b>896</b>	<b>893</b>
<b>Log Likelihood</b>	<b>-246.02313</b>	<b>-446.32161</b>	<b>-456.77919</b>
<b>P</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Pseudo r squared</b>	<b>0.1433</b>	<b>0.1326</b>	<b>0.0879</b>

Source: authors own analysis

\*p&lt;0.05 \*\*p&lt;0.01 \*\*\*p&lt;0.001

Table A1.2 shows the logistic regression predicting the odds of overall subjective non-compliance. It shows the likelihood of women breaking at least one rule they believed to be based in law. Three models are presented– one without any controls, one which included the socio-demographic controls and the third with both socio-demographic and covid specific controls. We were interested in the effect of gender on compliance after controlling for both socio-demographic and covid-specific variables. The covid-specific controls we included account for respondents' overall perception of the morality of not complying with lockdown rules, perceived seriousness for respondents' health if they caught the virus, perceived risk of catching or spreading the virus, and perceived peer disapproval (by asking respondents to what extent the five adults they know best in the UK would disapprove of them breaking each of the rules). We were not interested in the impact of the controls themselves, but in whether gender was still significant after controlling for these, and thus have not presented the odds ratios for the controls.

The first model without controls shows that women were 54 percent more likely than men to break at least one rule they thought was based in law. This remained significant after accounting for socio-demographic controls, although the odds ratio was slightly reduced, indicating other variables partly accounted for the increased odds. Once the covid controls were also included in the model the odds ratio did not change and remained significant. In other words, even after accounting for other factors that might impact upon compliance, women were still more likely to break at least one rule compared to men.

**Table A1.2: Logistic regression predicting the odds of overall subjective non-compliance by gender**

	Broke/bent one or more rule they believed based in law		
	Without controls	With socio-demographic controls	With socio-demographic and covid controls
<b>Female (ref: Male)</b>	<b>1.54**</b> (0.21)	<b>1.51**</b> (0.21)	<b>1.51**</b> (0.23)
<b>Chi 2 p-value</b>	<b>0.0016</b>	<b>0.0001</b>	<b>0.0000</b>
<b>Pseudo R2</b>	<b>0.0080</b>	<b>0.0268</b>	<b>0.1182</b>
<b>Log Likelihood</b>	<b>-616.70849</b>	<b>-605.05622</b>	<b>-548.19312</b>
<b>n</b>	<b>932</b>	<b>932</b>	<b>932</b>

( )=standard errors

\*=p<0.05 \*\*p<0.01 \*\*\*p<0.001

Table A1.3 presents results from a Structural Equation Model (SEM) of compliance with face covering laws. SEM analysis permits an exploration of both direct and indirect relationships. That is, important explanatory factors might have causal pathways that are only revealed through their associations with other variables.

The SEM identifies that perceptions of peer disapproval of non-compliant behaviours, and a sense of moral obligation, were both directly (and negatively) related to the chance of breaking or bending face covering laws. However, these two explanatory factors themselves were correlated with other important variables.

The greater the sense of duty to protect shop workers from covid, the greater the sense of both moral obligation to wear a mask, and also the greater the sense of peer disapproval from not doing so. Similarly, the more an individual perceived that catching and spreading covid was a risk to people's health, the more people would feel moral obligation and peer disapproval in relation to their mask-wearing decision. However, countering these effects,

the more that an individual felt that their rights were being impeded by mask-wearing laws, the less they would feel moral obligation to wear a mask, or peer disapproval for not doing so. Finally, the SEM showed that moral obligation to wearing a mask depended partially on perceptions of whether the government was listening to the voices of citizens.

**Table A1.3: Structural Equation Model of compliance with face covering legislation.**

Dependent variable	Independent variable	Estimate (Standard error)	p value
<b>Broke or bent rule</b>	Care for appearance	0.225 (0.124)	0.070
	Peer disapproval	-0.183 (0.062)	0.003
	Moral obligation	-0.393 (0.050)	<0.001
<b>Moral obligation</b>	Whether government listens	0.258 (0.096)	0.007
	Duty to shopkeepers	1.293 (0.162)	<0.001
	Risk from covid	1.034 (0.084)	<0.001
	Rights consciousness	-0.815 (0.132)	<0.001
<b>Peer disapproval</b>	Risk from covid	0.677 (0.081)	<0.001
	Duty to shopkeepers	0.908 (0.152)	<0.001
	Rights consciousness	-0.431 (0.130)	<0.001

Also included: Age, gender

WLSMV estimation. n=961, RMSEA=0.013, CFI=0.998, TLI=0.995.

## **APPENDIX 2: ACCESSING OUR DATA AND FURTHER FINDINGS**

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Our study has established important insights into how people respond to rule-based policy interventions during a public health emergency. We are keen to ensure we optimise the value of the data we have collected for the wider community.

We are continuing to analyse our dataset for further insights. The project's website – [www.lawandcompliance.uk](http://www.lawandcompliance.uk) – has now become a repository for all our published work relating to the project.

We will open up our dataset and make it public by the end of 2023, so that our data can be used by other researchers to develop an understanding of this public behaviour during this important period.

## APPENDIX 3: THE RESEARCH TEAM

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Dr. Joe Tomlinson is Senior Lecturer in Public Law at the University of York

Professor Simon Halliday is Professor of Socio-Legal Studies at the University of York

Dr Jed Meers is Lecturer in Law at the University of York

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Dr Naomi Finch is Lecturer in Social Policy at the University of York

Lucy Stuttard and Emese Mayhew provided valuable research assistance on the project

*The research team wish to express their gratitude to the Nuffield Foundation for their support for this project.*

## APPENDIX 4: THE ADVISORY GROUP

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**The project Advisory Group provided guidance on the design and management of the research. We are grateful for their time and expertise. The Advisory Group has no responsibility for the conduct of the project or its outputs.**

The members of the Advisory Group were:

Professor Karen Bloor, Professor of Health Economics and Policy, Department of Health Sciences University of York

Professor Paul Daly, Chair in Administrative Law and Governance, Faculty of Law, University of Ottawa

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