

COVID-19 – Policing brief in response to Health Protection Regulations (International Travel) – updated



England

This pack covers **The Health Protection (Coronavirus, International Travel) (England) Regulations 2020**.

- **These are amended Regulations that apply to England only.**
- This pack outlines the police role and police powers in relation to these Regulations.
- The Regulations will be reviewed at least once every 28 days.

Note: Other resources to help police forces respond to the coronavirus pandemic are available at the **COVID-19 hub**.

The police role

- The Regulations set out requirements for people arriving in England to provide passenger information in a passenger locator form and self-isolate for 14 days.
- Public Health England (PHE) will contact arrivals who are required to self-isolate, to check that they are self-isolating.
- If PHE have concerns that a person is not self-isolating, they will refer this information to a triage centre.
- The triage centre will review this information and, where there is a requirement for follow-up enquiries and action, they will make referrals to police forces.

The police will only become involved once a referral from the triage centre is received and support is requested. The process is set out below:

- The police force will risk-assess the referral and, if appropriate, police officers will visit the address provided by the individual as the place where they are self-isolating within the 14-day period to determine compliance with the Regulations.
- Police forces will collate and email all referral outcomes to the triage centre (officers must be aware of their local force process).
- The four-step escalation principles (**Engage, Explain, Encourage, Enforce**) apply and enforcement should be a last resort.

Police powers

If you have reasonable grounds to believe that a person has left, or is outside of, the place where they are self-isolating (and that no exceptions apply – see next page) you can:

- direct that person to return to the place where they are self-isolating
- remove that person to the place where they are self-isolating
- where it is not practicable or appropriate to take either of the two actions above, remove that person to accommodation facilitated by the Secretary of State for the purposes of their self-isolation

Reasonable force may be used, where necessary, in the exercise of the powers to remove.

Officers should only use these powers where it is a necessary and proportionate means of ensuring compliance with the requirement to self-isolate. They must ensure that they have made all attempts to Engage, Explain and Encourage before moving on to Enforcement.

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine.

Where you have reasonable grounds to believe a person who is 18 or over:

- has breached the requirement to self-isolate
- has without reasonable excuse breached a requirement, such as a direction to return
- has without reasonable excuse wilfully obstructed an officer acting under the Regulations

They may be served with a fixed penalty notice for £1000 payable within 28 days. Court proceedings may be brought in cases of non-payment.

Self-isolating: exceptions

During the period of their self-isolation, a person may not leave, or be outside of, the place where they are self-isolating, except:

- **to travel in order to leave England**, provided that they do so directly
- **to seek medical assistance**, where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical or health practitioners, including services relating to mental health
- **to access veterinary services**, where this is required urgently or on the advice of a veterinary surgeon
- **to fulfil a legal obligation**, including attending court or satisfying bail conditions, or to participate in legal proceedings
- **to avoid injury or illness, or to escape a risk of harm**
- **on compassionate grounds**, including to attend a funeral of:
 - a member of their household
 - a close family member, or
 - a friend (if no household or close family members are attending)
- **to move to a different place for self-isolation specified in the passenger locator form**
- in exceptional circumstances such as:
 - **to obtain basic necessities**, including food and medical supplies for themselves or for others (including any pets) in the same household where it is not possible to obtain these provisions in any other manner
 - **to access critical public services**, including social services and services provided to victims
 - **to move to a different place for self-isolation**, where it becomes impracticable to remain at the address at which they are self-isolating (**Officer discretion is key**)

Note:

- Schedule A1 to the Regulations lists exempt countries and territories which, alongside the common travel area (Channel Islands, Ireland, Isle of Man), are exempt from the requirement to self-isolate. The requirement to self-isolate does not apply to an individual who arrives in England from within the common travel area or from an exempt country and territory – provided they have not been in a non-exempt country or territory in the 14 days before the date of their arrival in England (exceptions apply). These individuals will be screened in or out ahead of the referral process but officers should be aware that these exemptions exist and that further detail can be found in Schedule A1 to these Regulations.
- Schedule 2 to the Regulations provides a list of people who do not need to comply with the requirement to self-isolate, such as road hauliers. These individuals will be screened out ahead of the referral process. Officers should be aware that these exceptions exist and that further detail can be found in Schedule 2 to these Regulations.
- Officers should also be aware that arrivals can update their self-isolation address. If the officer is satisfied that an arrival is self-isolating at a different address, they should advise that individual to go to [gov.uk/provide-journey-contact-details-before-travel-uk](https://www.gov.uk/provide-journey-contact-details-before-travel-uk) and update their address details. No further action needs to be taken.

Practical examples

The force will collate and email all referral outcomes to the triage centre (officers must be aware of their local force process). This will enable other agencies to take potential action where it has not been possible for the police to do so, for example, where the person cannot be contacted at their provided address.

A number of practical examples are set out below. These do not represent a statement of the law.

Police visit the address where the person has stated they are self-isolating. The person is present and can account for any concerns raised in the referral from the triage centre.

No immediate further action by police.

Police visit the address where the person has stated they are self-isolating, but there is no answer. Additional follow-up visits are suggested. If there is still no answer, the times and dates of the visits should be recorded for feedback to the triage centre, along with any further enquiries (eg, talking with neighbours).

No immediate further action by police. This will result in a referral to Border Force via the triage centre.

Practical examples (continued)

Police visit the address where the person has stated they are self-isolating, but there is no answer. The person is present at the address on a subsequent visit. Police should engage, explain the purpose of the Regulations and encourage continued compliance with the requirement to self-isolate.

If this is accepted, no immediate further action by police.

Police find a person at an address or location that is different to the address provided for self-isolation. The police should engage, ascertain why the person is away from their provided address, and establish whether any exceptions apply. If they believe the person is not self-isolating in accordance with the Regulations, the police should explain the Regulations and encourage the person to return to the provided address.

Only if all attempts to **Engage, Explain** and **Encourage** have failed should the police, as a last resort, remove that person back to the provided address.

Police visit the address where the person has stated they are self-isolating, but the officer's enquiries confirm that nobody with that name is known at the address.

No immediate further action by police. This will result in a referral to Border Force via the triage centre.

Note:

- The person does not have to self-isolate from other members of the household at the provided address (for example, friends or family residing at the provided address).
- Officers may encounter an individual who they believe is not complying with the Regulations. In these instances, relevant information or intelligence will be collated by Force Control Rooms and sent to the Home Office, who will assess whether further enquiries and action are required. This may take up to 24 hours.

Recording

These are non-recordable offences and cannot be punished by imprisonment.

Ensure that you are adhering to your own force protocols and force management system recording.

Biometrics are not required to be taken.

Powers of arrest

The necessity test for arrest under Section 24 PACE has been temporarily amended for these Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply. Officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection.

Children and young people

If a person under 18 has left, or is outside of, the place where they are self-isolating and they are accompanied by an individual who has responsibility for them:

- You can direct that individual to take the child to the place where they are self-isolating.
- The responsible individual must ensure that the child complies with any direction given, as far as reasonably practicable.
- Where there are reasonable grounds to believe that the child is repeatedly failing to comply with requirements, you can direct the responsible individual to ensure, so far as reasonably practicable, that the child complies.

These powers should only be used where it is a necessary and proportionate means of achieving compliance.

An FPN may be issued to a responsible adult who fails, when directed, to stop a child from breaching the requirements to self-isolate where it is reasonably practicable to do so. It is the breach of the direction that can result in an FPN.

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