
COVID-19 – Policing brief in response to Health Protection Regulations (Self-Isolation)

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This pack covers the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.

- **These are new Regulations that apply to England only.**
- The Regulations come into force on 28 September 2020.
- This pack outlines the police role and police powers in relation to these Regulations.
- The Regulations will expire 12 months from the date of commencement and must be reviewed within six months.

Note: Other resources to help police forces respond to the coronavirus pandemic are available at the [Covid-19 Hub](#), including separate Regulations that cover self-isolation requirements relating to international travel.

The police role

- The Regulations set out requirements on individuals to isolate if they are notified to have:
 - tested positive for coronavirus
 - had close contact with someone who has tested positive for coronavirus

Note: this does not apply where individuals have been notified by the NHS Covid-19 app.

Members of the public may contact the police to report an individual(s) they believe is not complying with the Regulations, for example, via 101. The process for forces to follow should this happen is set out below:

- Police forces can contact NHS Test and Trace to check if an individual should be self-isolating.
- Where NHS Test and Trace confirm that an individual should be self-isolating, forces will risk assess the report and, if appropriate, police officers and/or PCSOs will visit the address provided by the individual as the place where they are self-isolating to determine compliance with the Regulations.
- Police officers and PCSOs must be aware of their local force policies and processes for progressing enquiries.
- The four-step escalation principles (**Engage, Explain, Encourage, Enforce**) apply.

Requirement to notify and self-isolate

A notified person must:

- self-isolate from the moment of notification for the period specified in Regulation 3 (if applicable, this will be provided by NHS Test and Trace)
- notify the Secretary of State, if requested, of the address at which they will self-isolate
- (only if tested positive for coronavirus) notify the Secretary of State of the name of each person living in the same household

In the case of a notified child (aged under 18), a responsible adult must:

- secure, so far as reasonably practicable, that the child self-isolates for the specified period from the moment of notification
- notify the Secretary of State, if requested, of the address at which the child will remain
- (only if the child has tested positive for coronavirus) notify the Secretary of State of the name of each person living in the same household as the child

Self-isolating – the place where the notified person can isolate

A notified person must self-isolate in:

- their home, or
- the home of a friend or family member, or
- bed and breakfast accommodation, accommodation provided or arranged under sec 4, 95 or 98 of the Immigration and Asylum Act 1999, or other suitable place

If the notified person is a child they must self-isolate in the home of the responsible adult (or the home of the responsible adult's friend or family member).

Self-isolating, exceptions

During the period of their self-isolation, a person may not leave the place where they are self-isolating, except where necessary 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, or
 - services relating to mental health
- access veterinary services, where this is required urgently or on the advice of a veterinary surgeon
- fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings
- avoid a risk of harm
- attend a funeral of a close family member
- obtain basic necessities, such as food and medical supplies for those in the same household (including any pets or animals in the household) where it is not possible to obtain these provisions in any other manner
- access critical public services, including social services, and services provided to victims
- move to a different place*, where it becomes impracticable to remain at the address at which they are self-isolating

Police powers

If an officer or PCSO considers that a notified person is away from the place where they are self-isolating (and that no exceptions apply), they can:

- direct that person to return to the place where they are self-isolating, or
- remove that person to the place where they are self-isolating

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

Officers and PCSOs should only use these powers where it is a necessary and proportionate means of ensuring compliance with the requirement to self-isolate.

Note: Regulation 2(5) states that, 'If the Secretary of State; a person employed or engaged for the purposes of the health service; or a person employed or engaged by a local authority notifies an individual, or responsible adult where the individual is a child, that a notification referred to in paragraph (1) [tested positive for coronavirus or had close contact with someone who has tested positive for coronavirus] in respect of the individual is withdrawn, such notification shall be deemed never to have been given for the purposes of these Regulations.' **In these cases the individual will not have committed any offences under these Regulations.**

Offences/FPN amounts

The Regulations provide for the following offences that are punishable on summary conviction by a fine:

- A notified person who contravenes a requirement to **self-isolate or provide required information** (exceptions apply) without reasonable excuse commits an offence (£1,000 for the first FPN, £2,000 for the second FPN, £4,000 for the third FPN, £10,000 for the fourth, and any subsequent FPN).
- A notified person who contravenes a requirement to self-isolate without reasonable excuse and in doing so:
 - has reason to believe they will come into close contact with another person or group
 - does then come into close contact with another person or group
 - is reckless as to the consequences of that close contact for the health of that other person or groupcommits an offence (£4,000 for the first FPN, £10,000 for the second and any subsequent FPNs).
- A notified person who **knowingly provides false information** relating to the address where they are isolating or (if they have tested positive for coronavirus) the names of persons living in the same household commits an offence (£1,000 for the first FPN, £2,000 for the second FPN, £4,000 for the third FPN, £10,000 for the fourth, and any subsequent FPN).

Offences/FPN amounts (continued)

A person who obstructs, without reasonable excuse, any person carrying out a function under:

- these Regulations, including any person who is an authorised person* for the purposes of Regulation 10 (Enforcement) commits an offence. (This offence does not currently have FPN amounts associated with it – if the offence is committed complete a report of circumstances so that a decision on appropriate prosecution can be made at a later date).

A person who, without reasonable excuse:

- contravenes a requirement in or imposed by, Regulation 10 (Enforcement) commits an offence. (This offence does not currently have FPN amounts associated with it – if the offence is committed complete a report of circumstances so that a decision on appropriate prosecution can be made at a later date).

Note: The Regulations also place a requirement on employers of workers required to self-isolate (Reg 7); notification by workers of requirement to self-isolate (Reg 8); and notification in respect of agency workers (Reg 9). Contravention of these Regulations without reasonable excuse is an offence and subject to FPNs. Police officers and PCSOs may come across an individual who is failing to self-isolate because they have been attending work. In these circumstances the employer may also have committed an offence and police officers/PCSOs should establish the name and address of the employer and pass it on to the local authority as they will be responsible for assessing compliance and enforcement.

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:

- an officer or PCSO may 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, an officer or PCSO may 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.

Recording

These are non-recordable offences. They can't 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 under Section 24 PACE has been temporarily amended by these Protection Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and 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. Officers may also wish to determine if breach of the peace powers apply.

The police response will be to follow the **four-step approach**:

- 1 Engage**
- 2 Explain**
- 3 Encourage**
- 4 Enforce**

We **police by consent**. The initial police response should be to encourage voluntary compliance.

This could be through asking **individuals, groups or businesses** whether they have heard about the new Regulations, and how quickly they can comply with it. This should be done by stressing the risks to public health and the NHS.

There is no power to **'stop and account'**.

The police will apply the law in a system that is **flexible, discretionary and pragmatic**. This will enable officers to make sensible decisions and employ their judgement. Enforcement should be a last resort.