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

29.03.2021



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

These have been amended by The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 and apply in England only (including the English territorial sea).

- The amendments came into force on 29 March 2021.
- This pack outlines the police role and police powers in relation to these Regulations.
- The pack has been updated to reflect the following amendments to the Regulations:
 - NHS Test and Trace can provide police with 'contextual information' ([see page 3](#))
 - Additional exceptions to self-isolation have been added ([see page 6](#))
- 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](#)

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 notifications are received 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 in self-isolation*
- Where NHS Test and Trace confirm that an individual should be self-isolating, forces will risk assess the report and, if appropriate, constables 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.
- Constables 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 relevant person, if requested, of the address at which they will self-isolate
- (only if tested positive for coronavirus) notify the relevant person 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 relevant person, if requested, of the address at which the child will remain
- (only if the child has tested positive for coronavirus) notify the relevant person 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
- escape 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 which they are self-isolating (the different place must satisfy the same requirements as per [page 5](#))

Self-isolating exceptions (continued)

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

- attend a testing site to take a test for the detection of coronavirus (this also includes a responsible adult accompanying a child so that the child can take a test for the detection of coronavirus)
- post a completed home test for the detection of coronavirus carried out by themselves or any person living in the same household
- agree to participate in a testing scheme where that agreement cannot be given from the place where they are self-isolating (this also includes a responsible adult giving agreement on behalf of a child)
- take part in coronavirus related research, subject to conditions set out in Regulations 2A(4) and 2B(2) or (3)

Where the person has been notified as a close contact and, at the mother's request:

- accompany an expectant mother to any medical appointment related to the pregnancy
- attend an expectant mother giving birth

Note: New Regulation 2D provides that a person who is a close contact but participating in a testing scheme approved by the Secretary of State need not self-isolate provided they remain eligible and their latest test result is negative.

Police powers

If a constable 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
- where the authorised person is a constable, remove that person to the place where they are self-isolating

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

Constables 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 group commits 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. (£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 person who, without reasonable excuse:

- contravenes a requirement in or imposed by, Regulation 10 (Enforcement) 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.)

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. Constables 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 constables/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:

- a constable 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, a constable 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.

Police and local authority enforcement

Police will lead enforcement in relation to breaches of requirements placed on **individuals**.

Officers should continue to engage members of the public and explain changes. If necessary they should offer encouragement to comply. However if the individual or group do not respond appropriately, then enforcement can follow without repeated attempts to encourage people to comply with the law.

We police by consent. The initial police response should be to encourage voluntary compliance. Policing will continue to apply the four-step escalation principles:

- **Engage**
- **Explain**
- **Encourage and only**
- **Enforce as a last resort**

Enforcement action in relation to breaches by **businesses** will be led by Local Authorities (Environmental Health Officers and Trading Standards Officers). The police should only be required as a last resort and to provide support as required.