



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

The Health Protection (Coronavirus,
International Travel) (Amendment)
Regulations (Northern Ireland) 2020

10 September 2020

to the travel corridor list and an exemption from the requirement to provide information when transiting Northern Ireland to reach parts of the Republic of Ireland.

Rather than taking the amendments individually, I will summarise the changes that have taken place as a result of them collectively. Apologies; this may be longer than my usual introductory remarks, but I will aim to be as succinct as possible without leaving anything out.

First, country exemptions for self-isolation: based on the joint biosecurity data, decisions are made locally, on a weekly basis, to remove or add countries to the exemption list. The underlying policy of broadly requiring self-isolation for countries with higher incidence than Northern Ireland has not changed. The aim is to ensure that decisions are made and published in alignment. However, that has not always been possible due to local factors in decision-making in each region. It has taken some time for us to get into a weekly rhythm of data production and analysis. However, we have now reached that position, and, broadly speaking, the majority of changes will come in on a Saturday at 4.00 am. Urgent changes will still be made outside of that if the data suggests that it is needed.

Travel from one part of Ireland to another via Northern Ireland has been referred to as "the Donegal issue" by some stakeholders. The Health Committee previously raised a concern with me regarding persons transiting Northern Ireland, when, technically and legally speaking, such journeys required a passenger locator form to be completed. Whilst, in practice, that was unlikely to be enforced since travellers would not encounter any Border Force staff, following concerns raised by the Committee, the regulations have been amended to remove that legal requirement. The amendment was made on 14 August and allows persons to travel through Northern Ireland without completing the form, provided that they remain in their vehicle at all times and do not take other passengers onto that vehicle. That wording is in line with the transiting provision for travel through non-exempt countries; for example, during connecting flights.

Regulation 4 allows people to leave self-isolation for a very limited number of reasons, and an amendment has been made to clarify that those in self-isolation may leave in order to exercise alone or with members of their household. The previous provision allowed only for exercise alone, which was impractical for those who require supervision at all times, such as children. The Chief Scientific Adviser (CSA) was content with this approach, and it was considered an important amendment to ensure that children and adults could avail themselves equally of that opportunity. This regulation was also amended to clarify that a person does not need to self-isolate from someone who is coming to them, to the place where they are self-isolating, for one of the following reasons: to provide emergency assistance to them; to provide care or assistance to them or someone else in their household; to provide medical assistance or veterinary services; and to provide critical public services.

The exemption for healthcare workers was removed on 31 July, following advice from the Chief Medical Officer. Whilst previously we retained that exemption for those travelling to Northern Ireland solely to provide healthcare, it was no longer felt to be justifiable to continue with that, given the risk of the introduction of infection to health and social care settings. This would not prevent healthcare workers from within Northern Ireland travelling to exempt countries.

We have also made an amendment to the list of specified competitions for which competitors are not required to self-isolate, and that included two golf tournaments in Northern Ireland this month.

Some minor and technical changes have been made to reflect drafting errors raised by the Examiner of Statutory Rules in her report and also to provide some clarity on terminology used in schedule 2, relating to sector exemptions.

I am happy to take any questions that the Committee may have. Gary Maxwell asked me to pass on his apologies. He had hoped to be able to join, as he kindly took over for some of the amendments while I was on leave. He has provided me with the information on those, so hopefully I will be able to answer any questions in his absence.

The Chairperson (Mr Gildernew): Elaine, thank you. I will start off by asking about the letter that we sent following our meeting on 23 July. We requested further information on the risk stratification and what the trigger points would be for exempting certain countries. It is disappointing to see that the reply refers to the engagement done with the Chief Scientific Adviser, but I am sure that the Department is well aware that that issue was not discussed and that, therefore, that information remains outstanding. Can you give us any further information about how those decisions are arrived at?

Ms Colgan: Apologies for that, Chair. There is not a specific set of trigger points, but there are a number of factors that are taken into consideration. Obviously, Ian would be much better at explaining this and advising. We get a weekly update from the Joint Biosecurity Centre, which considers things such as point prevalence per hundred thousand of the population and how that compares with the UK at the time. It also does some analysis for those countries that are considered borderline with the level of testing that is happening there and the positivity rates. Locally, we are also now starting to consider the numbers of cases that have been referred to the contact-tracing service in which people have stated that they have been travelling abroad. It has only recently changed in the past couple of days to mean that we have been able to do that. That is broadly how it works. For more detail, I would need to get that evidence from Ian. Apologies, I understood that that had been discussed, but that obviously was not the case.

The Chairperson (Mr Gildernew): Thank you. We asked a question about a range of languages and got a response back that it would not be possible because it would delay deployment. Could the English-language version not have been deployed? Some of these are the communities most vulnerable to the conditions within which coronavirus and COVID-19 can spread, including people from other countries and people who are working in food production and in domiciliary care. I am at a loss as to why the forms could not be in English, with work ongoing to provide them as quickly as possible in other languages. They are already out in Welsh, I believe. No one here would argue for holding the forms back until they are available in all languages, but why can it not be done in parallel?

Ms Colgan: I would have to take that question back to Border Force because it is responsible for the form. However, the form is changed regularly, and we have had to change it a number of times. A working group is also looking at how to simplify it. If it was a lot simpler to fill in, that would increase compliance. People can telephone the helpline if they have problems with filling it in, including having problems with the language. People there can talk them through and help them to do it a bit better. At this point, I understand that Border Force does not have any plans for large-scale translation of the form.

The Chairperson (Mr Gildernew): That seems to be risky and dangerous. Communication is part of the Executive's engagement with all our communities, so I do not know how we are engaging effectively if we are not providing key documents in the languages that may be some people's only language. That is an issue that we will have to give more consideration to.

In F3(3) paragraph (1) is a list of events that the restrictions do not apply to: cultural, entertainment, recreational — quite an extensive list. What type of gatherings would be excluded from that list?

Ms Colgan: I am sorry, but I am not sure what list you have in front of you. I am assuming that it is from schedule 4, which is a list of specified competitions. Is that it?

The Chairperson (Mr Gildernew): No, it is F3(3) paragraph (1). A key provision, restrictions on gatherings, states:

"[F3(3) Paragraph (1) shall not apply to—

(a) a gathering which is organised or operated for cultural, entertainment, recreational, outdoor sports, social, community, educational, work, legal, religious or political purposes".

What would be outside that list? That is in the general restrictions.

Ms Colgan: I am not involved in the general restrictions regulations. I am not familiar with them at all. Apologies for that.

The Chairperson (Mr Gildernew): OK. I go back to these restrictions. How many fines have been issued under the regulations?

Ms Colgan: Two fixed penalty notices were issued in Northern Ireland, at the end of August/early September, to two people who were not self-isolating, as they should have been.

The Chairperson (Mr Gildernew): Is there feedback at this stage on the effectiveness of the system, how robust it is and the level of follow-up?

Ms Colgan: The number of calls daily between Northern Ireland and England increased in the past week from 1,000 to 1,500. That is another 50% increase. We get a daily report that outlines generally how many calls are needed to make contact with 1,500 people and outlines the results of those calls. By and large, people are compliant.

Concerns are associated with fewer than 10% of those calls, and those are passed to the police for consideration. When the police investigate, not all of those are problematical. It is just that they were flagged by the callers. In Northern Ireland, from the middle of August, we had about 26 referrals from Border Force, and only two led to a fixed penalty notice.

The Chairperson (Mr Gildernew): We did understand that it was impossible to undertake formal public consultation on these issues given the circumstances in which they arose. I am keen to hear whether there has been any informal engagement to gauge the public's views on the effectiveness and workings of, or improvements to, the restrictions.

Ms Colgan: Not really. We have engaged with some stakeholders and with members of the general public when they have come to us with a query, but we have not reached out to do a wider consultation. We have not done anything like that. I spoke to the Committee on the Administration of Justice (CAJ) a couple of times to deal with some queries that it had. Other than that, we have not reached out to any specific bodies.

The Chairperson (Mr Gildernew): OK. Thank you. Are there any questions from members?

Mrs Cameron: Thank you, Elaine, for your attendance. If discretion can be given to organisers of funerals and wakes, why can families not be trusted to provide a risk assessment of reasonable family gatherings or occasions that are above the six-person and 15-person limits? We are coming up to the family holiday times of Halloween and Christmas, which will be very challenging.

Ms Colgan: Those are the general restriction regulations. I understand that Nigel and Liz are appearing before the Committee later. They will be able to address those queries.

Mrs Cameron: The electricity interconnector workers have been removed from the provision exempting certain categories of worker from quarantine. What was the rationale for that?

Ms Colgan: That was more of a technical correction to the wording. I will follow that up and confirm it but, as far as I know, it was more that we had got some of the wording and definitions wrong. It was one that the Examiner of Statutory Rules raised. I will double-check and come back to the Committee on that but, as far as I know, there is still something there.

The Chairperson (Mr Gildernew): I will just point out members that Nigel will be here later to address the issue of where the more general restrictions overlap.

Mr Carroll: Thank you for the presentation. There are a lot of SRs, so, apologies if this question relates to the later stuff. Are there any concerns, Elaine, that, as we read yesterday in 'The Irish News' data sharing from the South is not really happening, or is not happening to the extent that it should? Any comments on that would be helpful.

I understand, if I read the pack correctly, is that a lot of sporting events are exempt from quarantine. I understand that there has been a reduction in the number of people who can meet outdoors. Today, there may be a change to the number of people who can attend indoor meetings and family gatherings. I do not understand why groups of people who attend events like the Moët & Chandon July festival of horse racing do not have to quarantine but people here have to isolate, and there is a reduction in the number of people allowed to meet outdoors. I do not understand that. To me, there seems to be a contradiction in that approach.

A lot of countries are being added to, or removed from, the exemption list. It would be very helpful to have the R rate of those countries, or the number of cases per 100,000, published. A lot of information on countries is coming in, and I am unaware of their rate of infection.

Ms Colgan: I did not see the article that you are referring to about data sharing with the South. It is most likely to be about contact tracing. We have always struggled with travel, and we are still working with the South to try to get travel measures in place. In contact tracing, where a person is identified as

needing to be contact traced, the teams, North and South, are in contact with one another and can make referrals between them to pick up with that person. The public health risk is still managed effectively by the two public health agencies.

I am not overly familiar with the current indoor requirements, but the sports exemptions are for high-level elite athlete competitions. Those who compete in them generally travel between competitions in a bubble, and the teams adhere to additional requirements that are placed upon them in guidance published by the Department of Culture Media and Sport (DCMS) in England. Generally, they are tested a lot more frequently. There are other measures in place to mitigate the risk, but it is largely under the assumption that they are travelling around to elite events in bubbles rather than mixing with the local population.

If a country's R rate and cases per 100,000 are to be published, it would need to be published by the Joint Biosecurity Centre because it owns the data. I am happy to feed back to them the Committee's request for that to be published. The R rate is not normally part of that consideration, but the cases per 100,000 are. However, it fluctuates, especially when we are at the point of considering changing a country's status, particularly when it is a removal from the list, because the case rate per 100,000 can change drastically over a matter of days. Whilst, generally, we look at it weekly, if there is a particular concern, it will be looked at more frequently. I hope that that addresses your queries.

Mr Carroll: Thanks.

Ms Flynn: I will follow on from Gerry's point. Data sharing is referenced in the tabled papers, and you mentioned that discussions are ongoing. Are those discussions structured? Are they happening regularly, given that things can move quickly? There are two different health systems. When the Public Health Agency (PHA) gets details from a passenger locator form that someone has tested positive, does it contact its counterpart in the South? Is contact tracing an all-island process? Do you have any figures on how many times that has occurred?

Ms Colgan: The first challenge with data sharing, until very recently, was that the system in the South was paper-based. So, it was very difficult to share data in a meaningful way with us, even if we had access to it. The second challenge is that travellers from the South who are heading to Northern Ireland do not need to provide an awful lot of information on the form. They can state that they are heading to Northern Ireland and not fill in the whole form. We are having conversations with the South on data access and how to improve the overall situation. Yes, that is discussed at least weekly on the weekly CMO call, and there are more informal conversations that we are progressing with specific colleagues who are leading on travel in the South.

I will have to come back to you with figures for contact tracing. I do not work in a contact-tracing team, and we may have to do a specific data extraction. However, I will confirm whether those figures are available and, if so, try to get them for you.

Ms Flynn: That is great. Thank you. Also, the tabled papers state that, when people are travelling from the South to the North, UK passenger locator forms are completed online. Passengers can complete it any time within 48 hours prior to travelling to the North. The tabled papers also say that posters are displayed in Dublin airport. Apart from the posters in the airport, is there any follow-up to see whether passengers are, in fact, going online to complete the form before they come North?

Ms Colgan: No. Until we are able to get some data sharing in place with the South to follow up with those passengers, it will be very challenging. There is no data sharing at the moment. However, if the PSNI becomes aware through other means that a person is not self-isolating, it does not matter whether they have completed a passenger locator form. The self-isolation requirement can still be enforced, if needed, without the form. They are two stand-alone things.

Ms Flynn: Thanks very much. The issue of the specific risks in the North and how they are reflected in the list of countries specified in the travel regulations has been raised by the Chair and Gerry. I am conscious that we have not been able to get clarity on that today. It was not provided in the Department's response in the tabled papers. The Committee wrote to the Department to get a written answer. If those points could be confirmed in writing, that would be useful. Thank you.

Ms Colgan: Yes. I will do that. I will work with Ian to get that done. That is no problem.

I can provide some reassurance by saying that we do look at the data that is specifically for Northern Ireland and that, from this morning, we will now get regular reports from the contact-tracing service on the cases involving travel and the countries involved. We will therefore be able to take our own view on whether that presents greater or lesser risk to Northern Ireland when compared with other regions. The data is from the Joint Biosecurity Centre, and it develops the data, but it works for all four regions. There are understandings in place among all four Health Ministers to reflect that. The Chief Scientific Adviser then reviews all the data that comes through, in order to ensure that he agrees with both the Joint Biosecurity Centre's methodology and its results.

Mr Chambers: It is disappointing to hear about the shortfalls in data sharing between the Republic of Ireland and us. Some of us had concerns from the get-go about just how that would work. I realise that there are difficulties. It is, however, vital that we get that sorted out sooner rather than later. It is definitely a huge loophole in protecting against transmission of the disease.

Elaine, we are hearing a lot of criticism from disgruntled people who have perhaps been relaxing on a beach in an overseas country only to find out that that country has suddenly been put on the red list and that they therefore face a period of quarantine when they come home. Can you confirm that it is still the Department's position and message that people should undertake foreign travel only when it is absolutely necessary?

Ms Colgan: We really do not have a position on whether people should travel only when it is necessary. The advice that we do provide is that the countries on the list can change rapidly. We have always said that, from the very start, when the lists were introduced in July. There is information online that states that you should plan to self-isolate when you come home, regardless of whether the country that you are going to is on the exemption list when you leave, because there is always a risk that we will remove that country while you are there. We have always been clear on that, and we have done that. We have moved rapidly in a couple of situations over the summer in which people would not have had time to come home, if that was what they wanted to do in order to avoid self-isolation. We therefore do not get into the reasons for travel, but we do say that, if you are travelling, you should plan to self-isolate when you come home and have measures in place to enable you and your family, if they have travelled, to do that.

Ms Bradshaw: Comments were made by the chief executive of Belfast International Airport, I think this week, about the testing of passengers as they get off flights. Has there been any movement on that?

Ms Colgan: Yes. The current advice still stands, which is that testing is not at a place at which it has been sufficiently proven that it could be used to reduce the 14-day period. A single test certainly would not be sufficient. What we are trying to do across the UK is to put in place a couple of different testing pilots to see whether a second test, perhaps seven or eight days after a test on arrival, would be an effective means, if it produced two negative results, by which to reduce the 14-day period. The other thing that we are working on to try to put in place is a short-term survey of the prevalence of the virus amongst arriving travellers. Those travellers would get just the one test, but it would inform us about the level of prevalence to expect among incoming passengers.

We would like to get to a position at some point in the not-terribly-distant future in which we could reduce the 14-day period through one test or a combination of two tests. We just do not have the evidence at this point to say whether that is effective or a safe thing to do, however. We are working to put that in place, but it will probably take another few months. Given the speed at which we have worked previously, I would not be surprised if that were reduced over time. We just have to see how the results come back.

Ms Bradshaw: May I ask a follow-up question, please? Is one of the Northern Ireland airports going to be included in that pilot? Are you pushing for that?

Ms Colgan: Yes. I understand that Belfast International Airport is involved in the survey for the second one that I mentioned. I am not sure whether it will be involved in any of the other ones, but I do know that it is involved in that one.

Ms Bradshaw: OK.

The Chairperson (Mr Gildernew): Thank you for those responses, Elaine. It is regrettable that the letter came in so late, making it difficult for us to take everything into account. Thank you for committing to return to us with the additional information.

For now, that is all. Thank you for attending today, Elaine.

Ms Colgan: Thank you, Chair.

The Chairperson (Mr Gildernew): OK. Goodbye.

Members, we now have to consider formally each of the SRs in turn. Colin, I have just now seen your hand. The Examiner of Statutory Rules has reported on just two of those SRs, SR 2020/138 and SR 2020/140. All of the SRs are subject to negative resolution.

Colin, before I move on to the SRs, may I check whether you had a question for Elaine? Your hand was not up at the close.

Mr McGrath: Yes. Sorry, Chair. I just want highlight the fact that, when Elaine was speaking, my mute button went dark, and I was unable to control it. I was therefore not able to participate in the debate, because you could not see or hear me. It seems to be a technical problem. When another person was speaking, I was unable to control the buttons at this side.

It is OK. It was just a question. I can write to her and ask for an answer. It was nothing major.

The Chairperson (Mr Gildernew): OK. We will ask the technicians to check out the issue.

Members, we are going to go through the SRs one by one.

I remind members that SR 2020/138 exempts persons travelling from a list of exempted countries and territories from the requirement to self-isolate for 14 days after their arrival. It adds those involved in elite sports competitions and certain workers in the transport industry to the categories of persons exempt from the requirement to self-isolate on returning here. It also amends the exemption for healthcare workers to restrict it to healthcare workers coming to the North in order to provide healthcare. The Examiner of Statutory Rules has reported that this SR is in breach of the 21-day rule but that she is content with the Department's reason for that.

Have members any further issues that they wish to raise in connection with the rule?

Mr Carroll: Thank you, Chair. To follow on from Órlaithí and my comments and questions, I think, to be frank, that it is bizarre that we are being asked to support what is effectively already in place and to endorse lifting restrictions on countries when we have not got the R rates in front of us. There is a serious question here as to whether the Health Committee can do that. There may be a decline in the rates, but I have a major concern about the transparency of decisions and what the Committee decides without our having those figures in front of us.

The Chairperson (Mr Gildernew): Are members content that we pass the rule but that we write to the Department and ask it to provide us with that information to address that concern?

Mr Carroll: I am happy with that, Chair. The deadline is approaching for the SR, but it is a bizarre state of affairs that we are being told that we have to make a decision to pass the SR without knowing what the R rates are. I do agree with your proposal to write to the Department, but it is a strange state of affairs.

The Chairperson (Mr Gildernew): Yes.

The Committee Clerk: I advise the Committee that this is the last date on which the Committee can decide to object. The SRs are subject to negative resolution, so you have an opportunity to object to them. That would require tabling a motion for debate in the Chamber before the expiration of the statutory period. Today is therefore the last day, following our ordinary meeting schedule, when you could agree to object. If you were to object, you could then table a motion in the Business Office by, for example, Tuesday for the Business Committee to schedule it for the following week.

As the Chair said, the first two SRs are older ones that put the original framework in place. They are subject to the early deadline. The last opportunity to object to the later ones, SR 2020/154 and SR 2020/155, is next week. Otherwise, as the Chair said, you can, of course, take your decision and still write to the Department to say that, in future, that you wish to have the R rates provided.

The Chairperson (Mr Gildernew): Yes. It will be important on an ongoing basis to have all the evidence and information that we require in order to make those decisions. We understand that things have been done quickly in the circumstances, but we should expect that, as time allows, improvements will be built into our ability to scrutinise and assess all SRs.

I ask members to agree formally that the Committee for Health has considered SR 2020/138, the Health Protection (Coronavirus, International Travel) (Amendment) Regulations (NI) 2020, and has no objection to the rule.

Question put and agreed to.