



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

Health Protection (Coronavirus, Public
Health Advice for Persons Travelling to
Northern Ireland) (No. 2) (Amendment)
Regulations (Northern Ireland) 2020

14 January 2021

NORTHERN IRELAND ASSEMBLY

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Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) (Amendment) Regulations (Northern Ireland) 2020

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Members present for all or part of the proceedings:

Mrs Pam Cameron (Deputy Chairperson)
Ms Paula Bradshaw
Mr Jonathan Buckley
Mr Gerry Carroll
Mr Alan Chambers
Ms Órlaithí Flynn
Ms Cara Hunter
Mr Pat Sheehan

Witnesses:

Ms Elaine Colgan	Department of Health
Ms Gillian Hynes	Department of Health

The Acting Chairperson (Ms Bradshaw): We will now consider three statutory rules (SRs) regarding travel restrictions. All are subject to negative resolution. In her report yesterday, the Examiner of Statutory Rules highlighted the fact that all three statutory rules were laid in breach of the 21-day rule but advised that she is content with the explanation given by the Department. The Examiner of Statutory Rules further drew attention to a drafting error in SR 2020/326, item 12, but advised that the Department has undertaken to correct it at the earliest opportunity.

An official from the Department of Health is here to brief the Committee on the regulations and to take questions. We will then consider each SR in turn. I welcome, by video link, Ms Elaine Colgan, who is chief of staff to the Chief Nursing Officer. Elaine, would you like to brief the Committee?

Ms Elaine Colgan (Department of Health): As members are aware, the international travel regulations are reviewed weekly, primarily to review the list of countries on the exemption from self-isolation list. We use the weekly reviews to make other changes as necessary.

The three regulations under discussion are primarily related to changes to the travel corridor list. Regulation 344, which is amendment No 26, omits Namibia, Uruguay and the US Virgin Islands from the travel corridor list, given an increase in the risk rating.

Similarly, regulation 326, which is amendment No 25, had a decrease in the risk rating for Botswana and Saudi Arabia, and they were added to the exemption list, which means that travellers do not need to self-isolate when they arrive from those two countries. In the same regulation, the Canary Islands are omitted from the list, and travellers from there are required to self-isolate.

The SR also makes changes to the sectoral exemptions from self-isolation, which are those that apply to a person due to their work. For the most part, the exemptions allow persons to leave self-isolation only for work purposes, and, when they are not in work, they should be self-isolating. We included in this regulation a new exemption for persons involved in high-end TV production, similar to the previous film exemption that we had in place, and a new exemption for accredited journalists. As the Chair highlighted, there was an error in this amendment, which we will correct very quickly.

Amendments to the sports exemptions were also applied in this regulation for newly signed elite athletes. We also introduced an enforcement mechanism for those who fail to pay a fixed penalty notice. It was intentional that that was not done originally as it was hoped that a light-touch enforcement regime would be sufficient. However, it has been proven that we need a more intensive enforcement regime, so that was introduced in December.

The final policy change made by this regulation is a reduction in the self-isolation period from 14 days to 10 days. That was in line with the reduction of the self-isolation period for close contact with a positive case, which was also reduced to 10 days at the same time. That was a UK-wide reduction agreed by all the Chief Medical Officers (CMOs), following a review of the evidence.

As a consequence of that policy change, the regulations regarding the provision of information to passengers by operators also has to be amended, and this is the final SR — regulation 325 — that I am here to discuss this morning. It amends the information to be provided to passengers that the self-isolation period is now for 10 days rather than 14 days.

That is a summary of today's three regulations. I am happy to take questions.

The Acting Chairperson (Ms Bradshaw): Thank you. For the record, I gave your job title incorrectly: it is chief of staff to the Chief Medical Officer.

Ms Colgan: Do not worry.

The Acting Chairperson (Ms Bradshaw): Thank you very much for that.

I have a couple of quick questions. The self-isolation period is reduced from 14 days to 10 days. How does that compare with the World Health Organization's advice and practice elsewhere?

Ms Colgan: The scientific advice for that reduction was considered for the two sets of self-isolation periods together. It was based on the evidence available for when a person is infectious. Ian Young is the best person to provide detail on that, so, if you want more scientific information, I am happy to get it from him and provide the Committee with it. Generally, it is about when a person is likely to be spreading the virus, and 10 days is a more appropriate period for capturing the virus in the vast majority of those cases.

The Acting Chairperson (Ms Bradshaw): OK, thank you.

Secondly, will you update us on any progress on resolving the North/South data-sharing issues that the Committee raised previously?

Ms Colgan: Yes. The Minister has this as a priority and wrote to his counterpart in the South again yesterday. We have some agreement — maybe agreement is too strong a word, but we hope that we will be able to get an agreement to share the information, for limited purposes, with the South, and we continue to work with officials on that. We do not have the information-sharing arrangements in place yet. On our side, we continue to look at what we would do if we had it so that, if we were to get the information, we would be ready to react quickly and to use it as *[Inaudible]* need to. Unfortunately, there is not too much more that I can say on that at this point.

The Acting Chairperson (Ms Bradshaw): Thank you, and I would appreciate it if you could keep the Committee updated on that work.

Ms Colgan: Certainly.

Mr Buckley: Thank you, Elaine, for coming here today. Is China on the approved list for travel to Northern Ireland?

Ms Colgan: Gosh, you are testing me now, Jonathan. I honestly do not know all of them, so I would need to check on the nidirect website. I suspect that it is not and that it is one where you need to self-isolate, but I cannot give you a firm answer without looking it up.

Mr Buckley: My understanding is that it is not, which leads me on to my question. At the weekend, it was brought to my attention that Queen's University had taken the decision to charter a flight to bring Chinese students from Beijing to Belfast. Given our situation at present, there has been much conversation surrounding international travel. We have seen our schools closed, children being homeschooled and universities providing the majority of their interactions online. What is the Department's view on whether it is appropriate or acceptable to charter such a flight to Northern Ireland when we are in the midst of a pandemic? What interactions does an institution like Queen's University have with the Department of Health, or, indeed, the Public Health Agency (PHA), on a significant issue such as this? Can you answer those questions?

Ms Colgan: Certainly. I guess that it is up to Queen's to decide whether that is appropriate. We would not give a definitive view on that. Obviously, anyone travelling to Northern Ireland, whether on a chartered or commercial flight, needs to ensure that they comply with the guidance and public health advice here, and that they self-isolate, if that is required for the country from which they have come.

Your final point was about the interaction between Queen's and the PHA. I know that contacts are made between those two organisations, and I imagine that they have discussed any mitigations that might be in place, although I have not been party to those conversations.

Mr Buckley: In line with your understanding of the restrictions and regulations that are in place, are such travel arrangements deemed necessary?

Ms Colgan: For international travel, the Department does not say in regulations what is or is not essential travel. That is done by guidance, and it is up to each person travelling to determine whether they believe that their travel is necessary. Within the domestic situation in Northern Ireland, we have the "Stay at home" message, which is clear in the guidance: there should be only essential travel within Northern Ireland. However, there is no provision in the international travel regulations to prohibit travel in any particular circumstance, if that makes sense.

Mr Buckley: OK. What safety precautions or arrangements would be put in place for such an arrangement? I am conscious of the fact that you may not have that information to hand, but that is certainly of considerable concern to me as a Committee member and to the wider public.

Ms Colgan: You highlighted the first requirement, which is that, if self-isolation is required, guidance and arrangements need to be place for all passengers on the flight. The other safety arrangements would probably be more along the lines of public health guidance. As you have found, that is not really my strength, so, if you like, we can liaise with public health colleagues and get a bit more information for Committee members on what mitigations might be put in place in such a scenario.

Mr Buckley: This is an issue of great public concern, given where we are at present and in light of the decisions to close many of our schools and stop universities' face-to-face interaction. Why is it appropriate for Queen's University Belfast to charter a flight to bring students into Northern Ireland to isolate in halls and provide them with online learning in Belfast as opposed their learning remotely from Beijing? I would appreciate the Department looking into that and coming back with a comprehensive answer detailing the restrictions, how they apply and the safety precautions therein.

Ms Colgan: No problem.

Mr Carroll: I would like clarity on the amendment to the self-isolation period. Is it for people travelling from Britain to the North or is it for everybody? This is by no means a dig at you, Elaine, but I do not think that it is good enough for the Committee to be told that there is evidence out there for this but not to be provided with the rationale for reducing the isolation period. It may well be in line with best practice, and it may well be safe, but, to be blunt, we cannot take the word of the Department. We need the rationale for that to be explained.

On sectoral exemptions, my understanding is that this regulation provides a greater remit for people working in TV to work outside their home than is the case in Britain and, potentially, the South. Do we know how many people are affected by the regulation? People are being told to stay at home and

leave home only when it is essential or if they cannot work at home. If large numbers of workers are being forced to work outside the home, that would be a concern.

Finally, I am concerned about the university issue, which was referred to, for multiple reasons. There is a real ratcheting up of fines and the regulation of individuals' daily lives. It seems to be that universities act with impunity or, at least, that their actions have limited repercussions. For me, at the very least, international students have been sold a pup. There will be no face-to-face teaching, and students will be stuck in halls for a long time, as has been referred to. For those reasons, I am very concerned about that.

Ms Colgan: On the reduction in the self-isolation period from 14 days to 10, the legislation applies only to those who have been outside the common travel area. However, we have introduced guidance asking those who have come to Northern Ireland from any of the UK regions or the South to self-isolate if staying for more than 24 hours. That allows for essential travel. Routine travel is permitted, so those living in border areas would not see their day-to-day lives impacted on by that. Whilst it is not in legislation, it is in the guidance, and we still ask people to self-isolate, given the transmission rates at the moment.

I will undertake to see whether any of the evidence is publicly available and what we can provide to Committee members. I am happy to take that away.

On the sectoral exemptions for people working in TV, I am not familiar with what the other regions have in place. We can look that up. However, the exemption is only for high-end TV. It is more or less in line with the film exemption that we already have in place, and it involves a much smaller number than the number involved in all TV production. The Department for Digital, Culture, Media and Sport is responsible for that exemption, so it will keep a watch on the use of it. We will be involved in those conversations and working to make sure that it is not being overused.

I am happy to take away the query on the university. We can look into the situation.

Ms Flynn: Thank you, Chair, and thanks, Elaine, for today's update. It would be useful for the Committee to get some information, even in written form, on the scientific evidence that led to the decision to move the period of self-isolation from 14 days to 10 days. That would be useful to know.

On international travel, SR 2020/326 refers to the definition of "a new domestic elite sports person" arriving into the North". It talks about:

"written evidence from a United Kingdom or English sport national governing body".

Was there any outreach to any of the Irish governing bodies, or was it a case of a copy and paste from models being used in England? Did the Department of Health take any evidence, guidance or advice from the Irish Rugby Football Union, for example?

Finally, the Minister said this morning that international travel is still an issue. It is unbelievable that we still saying, so many months later, that there is still an issue with passenger locator forms coming from North to South or South to North. I hope that that problem is rectified very soon. Has the Department of Health been monitoring how many people have been coming in internationally? Do we have those figures or figures for how many people have received follow-up calls to see whether they are carrying out the isolation? Thank you, Elaine.

Ms Colgan: The Department for Digital, Culture, Media and Sport lead on the sports exemption generally. Once we get any changes that it wants to make, we send them to the sport leads in the Department for Communities. They undertake any arrangements needed and tell us of any Northern Ireland-specific events that need to be added but which were not considered by any of the other regions. Although the Department of Health does not speak directly to the governing bodies, there is a process for that information to be checked and to make sure that the regulations that we have here are appropriate for us. They could also advise that they do not need specific events and not list them, although we are less concerned about that. If we have too many events listed, it is better than missing one. For most of the GB events, it is unlikely that people will transit through Northern Ireland, but it gives that cover in case it were to happen.

I agree with you on information sharing. I would have loved that to be resolved long before now. For international arrivals, we have data on the number of people who complete passenger locator forms

and put down a Northern Ireland-based address. We get that weekly, and it helps us to keep a handle on the numbers coming in. We do not get that broken down by country; we get a total number and information on whether they have declared as exempt from self-isolation. Again, we do not know the reason for their declaring as exempt from self-isolation. That could be because of the country that they have come from rather than their job. We also get data on the number of calls made to Northern Ireland landlines. The number is quite low, and it could be misconstrued that not very many people from Northern Ireland are being called. In reality, the vast majority of people put mobile numbers down on their passenger locator form, and we cannot tell where the mobile numbers are from. For data protection reasons, the Public Health England contractor making the calls gets only the data that is essential for contacting the person. That does not include the address, so we cannot verify whether the person who has been called lives in Northern Ireland, which makes it very difficult to be sure of the exact number of people who get follow-up calls here. We know that they happen. It is ongoing, and we are part of the same sampling process as England.

Ms Flynn: Chair, may I come back in?

The Acting Chairperson (Ms Bradshaw): Yes, go ahead, Órlaithí.

Ms Flynn: Elaine, thanks very much. That is really useful information. Landline numbers were spoken about many months ago at the Health Committee, and I know that there were issues. I assume that, even if someone puts down a mobile phone number, they receive a call with the advice that they need to isolate. Is there no way that some sort of system could be put in place between our Department of Health and the agencies making the phone calls so that they could find a way to track whether it is someone from the North? It is important that we have that data.

Ms Colgan: Yes, it would be really useful to have that data. All we can really do, which we do periodically rather than regularly, is get a proxy number. We compare the number of people in England and Northern Ireland who give mobile numbers with the number who give landline numbers and try to do a proxy calculation of roughly how many people are likely to have been called. As you say, it does not give that definitive data.

The main issue is data protection and the fact that we cannot, and should not, give contractors more data than they need, and all that they need to contact a person is their mobile number. They would not have a reason to ask a person where they were other than for data collection purposes, which does not really give us enough, in data protection terms, for that information to be captured at that point. The only thing that could be done is matching the data back to the full data set once the call takes place, but that would be quite onerous on the system, and we would need to build some digital solution into that. This would be only a small part of the ongoing work, and a lot of technology capability is absorbed within regular reviews of the passenger data form, for example, so it would detract from some of that work, and is not one of the higher priorities at this point. Perhaps, in the future, we will get some downtime, and they will be able to look at things like that.

Ms Flynn: Elaine, it could even be a small footnote at the bottom of the form so that, if someone is from the North, they could proactively ring a local number to confirm that they have gone through that process. Not everyone will do it, but if there was reference to it on the form, it might help the Department with that data.

Ms Colgan: Yes, we could look at how we could make it more proactive when the person self-identifies, if they put in a mobile number, as being a Northern Ireland resident in some way. We can have a discussion with the Border Force team to see whether something could be done on that.

Ms Flynn: Thank you.

Mrs Cameron: Thank you, Elaine. Once again, Órlaithí has asked most of my questions. I was going to ask how those who are not compliant with the self-isolation period are detected. If, for example, someone simply does not fill out the travel locator form, is there recourse for the authorities? Is that possible? Are some of these locator forms simply not being filled in?

Ms Colgan: Yes, it is happening, Pam, and I imagine that, most of the time that it happens, it is with travel from Dublin. We recently strengthened measures with Border Force for arrivals directly into the UK, and an enhanced enforcement protocol is in place now. That has led to an increase in compliance and in fixed penalty notices issued to those who have not complied. That is in line with the

strengthening of the enforcement position generally, which was described in one of the regulation changes that we made in December. For those who do not complete a form, yes, enforcement of self-isolation is still happening. The PSNI get referrals not just from Border Force but from members of the public who are concerned about those who they know have travelled but are not self-isolating. The PSNI has issued fixed penalty notices and continues to do so. Regardless of whether the person has completed a passenger locator form, the PSNI can issue a fixed penalty notice.

Mrs Cameron: OK. Elaine, that brings up the importance of the public making these reports. It is very important for the public to do that. Many of us do not like the idea of touting on neighbours and that type of thing, but, in terms of safety, it is important.

The Acting Chairperson (Ms Bradshaw): Do any other members have questions?

Elaine, thank you so much for your attendance at Committee today. It was very useful. There were a lot of answers to questions that we had all been pondering. I wish you well in your work.

Ms Colgan: Thank you.

The Acting Chairperson (Ms Bradshaw): We will now consider each of the SRs in turn, starting with SR 2020/325. It amends the information to be provided by operators to passengers to advise that the self-isolation period be reduced from 14 days to 10 days. The rule also adds a reasonable defence clause for operators relating to any amended information to be provided to passengers if it was not reasonably practicable to do so.

Do members have any issues that they would like to raise in connection with that statutory rule? Can we formally agree that the Committee for Health has considered SR 2020/325, the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) (Amendment) Regulations (Northern Ireland) 2020, and has no objection to the rule?

Mr Carroll: I am raising my hand now, Chair, before you move on. I do not have this information in front of me: what is the final date by which we have to make an assessment on this? It is quite concerning that we are being asked to accept it when we do not have the medical or scientific rationale for the reduction in the isolation period. What is the final date by which we have to reach a conclusion on it?

The Acting Chairperson (Ms Bradshaw): Apologies, Gerry. I thought that your hand was still raised from your previous question.

Mr Carroll: No problem.

The Acting Chairperson (Ms Bradshaw): I will check with the Committee Clerk.

The Committee Clerk: These three travel-related regulations are subject to negative resolution. The end of the statutory period for the first one is 2 February, so 21 January is the last opportunity for the Committee to agree to object and to seek to lay a motion to annul. However, various other things, in addition to the move to 10 days, are caught up within that. The reduction from 14 days to 10 days in this regulation reflects wider decisions in other regulations, so there are wider implications than this particular regulation to be borne in mind.

The Acting Chairperson (Ms Bradshaw): Does that answer your question, Gerry?

Mr Carroll: Yes — a bit. Thanks. Can we hold off on making a final decision until next week pending getting the scientific rationale to the Committee?

The Acting Chairperson (Ms Bradshaw): We can defer it if other members are content to wait.

Mr Buckley: It depends on the additional information that we receive. Is there an indication that it will really change? The change from 14 days to 10 days is across the board. It is not happening just in Northern Ireland; it is UK-wide and, in fact, maybe beyond. Are we just deferring something that will not change anyway?

The Acting Chairperson (Ms Bradshaw): People performing their scrutiny role would be more content if they had all the information in front of them. Gerry, do you want to propose that we defer?

Mr Carroll: Yes. If we defer, we can seek the information that is informing the decision. People may well make the same decision as they were intending to make today, but, as you said, it is important that everybody in the Committee has all the information in front of them before they do so. I am happy to propose that.

The Acting Chairperson (Ms Bradshaw): Thank you, Gerry. Do we have someone to support that?

Mr Buckley: Are we asking for the provision of additional information or is additional information already in the public domain?

The Acting Chairperson (Ms Bradshaw): I think that it is the information that we have asked for today. That is my understanding.

Mr Buckley: I was not quite sure from Elaine's presentation that it was going to be forthcoming in terms of —

The Acting Chairperson (Ms Bradshaw): In the timescale?

Mr Buckley: — the general scientific evidence to support this decision.

The Committee Clerk: The suggestion from the official was that the Chief Scientific Adviser was best placed to advise on the wider rationale and the four-nation approach to self-isolation being reduced from 14 days to 10 days for those who are contacts of cases. That was the background to this particular travel-related outworking. I have it in the notes of the meeting to pursue that with the Department.

Mr Buckley: My conclusion from the advice was that the information was already in the public domain; it was just that the Chief Scientific Adviser was better placed to explain it. What I am saying is that the information that we have before us will be, essentially, the same, but a different person will explain it. That was my understanding.

The Committee Clerk: I do not want to make a judgement on that, but I am happy to get whatever information we can and send it to members, whether it is in the public domain, the Department or both.

The Acting Chairperson (Ms Bradshaw): We still have time to defer for a week. I take the point that there is wider information in the public domain. However, to allow full scrutiny by the Committee, it would be useful to have that information to hand.