

Rapid Review of Covid-19 related Fixed Penalty Notices

This is the biggest opportunity we will ever have to understand the hidden values that shape human nature, that create global diversities, and drive evolutionary change.

The traditional model of top down, authoritarian government is simply no longer accepted as relevant by the majority of the young people most likely to break the very regulations which are in place to protect them.

The forces that influence and shape individuals, that connect people within organizations and across communities, and which secure the rise and fall of nations and cultures must all be understood if we truly wish to bring our country along with us. This is about creating change within the very desires and designs of human systems and 21st century leadership. This is about making relevance, relevant.

Summary

At the Cabinet sub-committee on justice meeting on 30 September, ministers requested a rapid appraisal of the use of Fixed Penalty Notices (FPN) for different elements of the Covid regime and consideration of whether the use of such FPN's is a fair and effective way to drive desired behaviours.

Initial analysis has identified that

- The majority of Fixed Penalty Notices escalate from £60 for a 1st offence and double up to £1920 for a sixth offence.
- Such penalties suggest that a potentially life-endangering action by an individual is no more serious than a parking offence.
- Organising an unlicensed music event has a penalty of £10,000
- Breach of Passenger Information Regulations have FPN's of £4000
- There are no offences related to self-isolation in the event of a positive coronavirus test in Wales, nor any legal basis to remain in isolation if symptomatic of the virus. This is not the case in Scotland or in England.
- There is a requirement in Wales to isolate following international travel from certain countries, subject to a £1000 FPN per offence.
- No FPN's have been issued in Wales for (OR IS IT THAT THESE ARE NOT OFFENCES IN Wales?) participation in indoor gatherings or outdoor gatherings of any size.
- 22,672 FPN's have been issued by the police in Wales since 27 March up to and including 21st September. This equals 14% of all FPN's issued on an England and Wales basis
- The majority of all FPN's issued in both England and Wales relate to offences concerning restrictions of movement
- 76% of FPN's issued in Wales were to males
- In both England and Wales those aged between 18-24 are most likely to receive a FPN; followed by those aged 25-29 and then those aged 30-34.

isolation far in excess of those experienced by prisoners in solitary confinement in the United Kingdom who at least have some daily contact with a prison guard.

Writing in the forward to 'Deep Custody: Segregation Units and Close Supervision Centres in England and Wales⁶', independent research facilitated by the prison service, Lord Woolf, Chair of the Prison Reform Trust and a former Lord Chief Justice, said:

"Segregation, though it may sometimes be necessary, must not be prolonged or indefinite. Care must be taken to avoid, as far as is possible, the damage to mental health that exclusion will bring. Equally, care should be taken to avoid the use of segregation as a holding operation (for people who should be transferred swiftly and humanely to a secure hospital or psychiatric unit.)"

The indefinite nature of being prevented from seeing a friend or relative who may need to visit from other parts of the United Kingdom will, for some precipitate mental health conditions.

Undiagnosed mental health issues have the potential to be seriously detrimental to an individual's wellbeing and health, and may have lifelong, or indeed life-limiting, consequences. Those at most risk of loneliness and indeed suicide due to enforced isolation will conversely be at least risk of suffering covid and will have the greatest desire to ensure that any visitor does not convey the virus to them.

The picture painted above is deliberately stark to make clear that there may be compelling, reasonable grounds for individuals to break covid-19 regulations. Being of a subjective nature, it is not possible for the police to decide what constitutes a reasonable excuse to break regulations and nor should it be. Nor should individuals fear being fined or prosecuted for caring for others.

In the circumstances outlined above, the potential adverse impact of any offending behaviour in spreading the virus is minimal and restricted to very few individuals who take a conscious decision to meet.

Yet despite the compassionate reasons for such travel, the legislation and guidance is not at all clear on whether such a meeting is a permitted activity with the recent removal of the rights for extended households to meet – *unless located in the same county*. Something which is impossible for many who have retired to Wales, or moved around Wales for work.

Contrast the above situation which has potential adverse impact on very few people with 'the right to protest'. Individuals have a legal right to organise a protest, protected by the rights to freedom of expression and freedom of association (Articles 10 and 11 of the European Convention on Human Rights).

The public perceived that mass protests related to Black Lives Matter, Extinction Rebellion and others breached coronavirus regulations and yet were completely tolerated by potential enforcement agencies with protestors travelling on public

⁶ http://www.prisonreformtrust.org.uk/Portals/0/Documents/deep_custody_111215.pdf

transport across the country. These mass protests did not result in mass FPN's yet risked totally undermining all of the efforts and sacrifices undertaken by the most vulnerable of individuals in the preceding months.

Such inconsistency risks totally undermining the cultural norm of British Society which previously has been to comply with the law and the police. It provides individuals with the licence they need to interpret what they hear about the law, the 'rules' and the guidance (none of which correlate) with what they feel is reasonable for them to do and legitimises an individual approach to the rule of law and to justice.

The genie is very much out of the bottle and for the public sector to regain the confidence of the public, to regain trust and belief in the need for restrictive legislation, a new approach needs to be developed.