

Departmental Comments provided by: June Ingram

This paper reports on the sixth review of the need for the restrictions and requirements in the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 (“the No. 2 Regulations”), required by 22 January 2021. The review has concluded that the current restrictions and requirements are a necessary and proportionate response to the epidemic at this time.

The current restrictions and requirements are summarised in Annex A of the paper.

The sixth review has been guided by the four principles that the Executive agreed in May 2020: focus on purpose; necessity; proportionality; reliance on evidence.

The paper summarises:

- Developments since the fifth review
- The course of the epidemic since the fifth review
- The capacity of the Health and Social Care system
- Health protection services: Test, Trace and Protect etc.
- Health protection services: COVID-19 Vaccination Programme Phased Plan

- Wider health, societal and economic impacts of the regulations
- Wider Impacts on health
- Human rights impact assessment

Duration of current restrictions

The Executive had agreed to the current restrictions being in place until 6 February 2021, subject to this review. The paper sets out that the impact of this third wave of COVID-19 on the health and social care system is currently extreme and indicates that the Executive will wish to avoid any further increase in cases numbers until such times as HSC services and pressures are more sustainable.

Although estimated to now be at its peak, Minister Swann does not now expect the pressures on the health system to have eased sufficiently within the next two weeks or indeed for a number of weeks beyond that. He indicates that hospital occupancy and ICU pressures need to be reduced to low levels before any relaxations are made and that circumstances that would enable consideration of any relaxation of the current measures and restrictions will not occur in early February.

Annex C of the paper contains the most recent modelling information. This shows projections relating to acute inpatients (figure 1) and ICU patients (figure 2). The modelling suggests this coming week could be the toughest week in the current cycle in terms of hospital pressures. This does not take account of the potential impact of the B.1.1.7 variant.

Minister Swann indicates that whilst the vaccine programme is proceeding at pace, vaccines are not 100% effective, and there will not be 100% coverage particularly in the near-term, and that the premature relaxation of non-

pharmaceutical interventions (NPIs) could lead to a further epidemic wave particularly in the context of the B.1.1.7 variant if contact between people becomes frequent enough to allow R to become greater than one and epidemic growth to return. The risk associated with a further wave will be reduced in future with higher vaccine coverage, particularly among the most vulnerable groups, and if community prevalence is successfully reduced and maintained at low levels.

New variants which have emerged globally have been associated with rapid growth in cases, which could be due to increases in transmissibility, or because they are not susceptible to naturally acquired immunity or to vaccine acquired immunity. The B.1.1.7 variant, first detected in England is now highly likely to be dominant in ROI, and increasingly so in NI. This strain is more transmissible than previously circulating lineages, possibly 40-70% more transmissible. There is emerging evidence suggesting the possibility that some of the recent variants may not respond to vaccines, but as yet no firm conclusions can be drawn in this regard. Therefore it is prudent to continue to ensure transmission of any kind is minimised, so that if variants do emerge they are not able to become dominant.

Recommendation

Based on current data, Minister Swann recommends that the Executive agree to extend the current restrictions by four weeks – until 5 March 2021– with a review to take place 2 weeks prior to this on 18 February 2021.

He indicates that:

- he believes this is necessary and proportionate to the ongoing pressures being faced in our health system, which are also impacting non-COVID treatment, and the emerging risk of new variants which are more transmissible

and may be or become vaccine-resistant. **Making a clear decision this week to extend restrictions will also provide much needed certainty to businesses and citizens;**

- the learning from wave 2 in the autumn of last year shows that significantly relaxing restrictions when cases continue to be at a high baseline quickly led to an escalating situation where restrictions needed to be reintroduced to arrest growth of the epidemic. Consistency in approach with restrictions and public messaging is important in ensuring public support. Therefore it is critical that case numbers are reduced as far as possible, that pressures on our health service are more sustainable and that the vaccine programme is well advanced before any relaxations are introduced, to avoid if at all possible returning to a situation where we need to reintroduce significant restrictions again;
- whilst he is recommending an extension to the restrictions at this point for 4 weeks, he believes it is possible that yet further extensions will be required beyond that, potentially postponing the easing of restrictions until around the Easter holidays. This is being discussed between officials across the four nations currently and will need to be considered by the Executive when we review the position again next month. The more certainty we can provide on the way forward, the easier it will be for all sectors to plan ahead;
- expectations should also to be managed about the level of easing which will be possible in the first instance, a step-wise approach of gradual loosening of restrictions will be necessary.

In parallel Minister Swann asks that TEO bring forward proposals for us to consider in terms of a refreshed 'Pathway to Recovery', building on the approach the Executive published last May. This would provide a road map on the

easements which takes account of the learning we have gained since we relaxed restrictions following the first pandemic wave in spring 2020 and our experiences in the autumn during the second wave. An improved strategic narrative is required, something which is easy for the general public to follow, and which advises a clear path ahead.

Recommendation / Decision sought

Minister Swann recommends that the Executive agree that:

- i. the requirement in regulation 3 for a review of the need for the restrictions and requirements in the No. 2 Regulations has been duly met;
- ii. the current restrictions and requirements in the No. 2 Regulations, as amended, are at this point in time an appropriate and necessary response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Northern Ireland;
- iii. overall the restrictions and requirements imposed by these Regulations continue to be proportionate to what the Regulations seek to achieve, which is a public health response to that infectious disease threat in the context of the increasing rate of infection in Northern Ireland since September;
- iv. the current restrictions are extended until 5 March 2021 (a 4 week extension);
- v. the restrictions are reviewed on or before 18 February 2021; and

- vi. TEO lead and coordinate the development of a refreshed ‘Pathway to Recovery’ and bring recommendations to the Executive on the process and methodology for relaxing restrictions before the next review of the regulations on 18 February 2021.

Comments

The paper sets out clearly the range of factors and pressures facing the health service and the developing context.

While the proposed extension of the regulations will create further economic difficulties, it also brings greater certainty. It will be important to continue to reinforce public messaging regarding adherence and behaviours.

The suggestion that a step-wise approach of gradual loosening of restrictions will be necessary should be further explored and the Minister may wish to raise the possibility of investigating whether this could be introduced before 5 March, for example consideration of the reintroduction of click and collect, considering whether some close contact services might be allowed to be provided where face to face positioning is not required.

Any decision to extend the period of restrictions must be accompanied by an extension of our support to the businesses impacted, and I look forward to working with the Finance Minister to ensure there is adequate budget cover in addition to that proposed to be allocated in January monitoring.

An extension should also consider the impacts on schools and workers.

The suggestion that TEO lead and coordinate the development of a refreshed ‘Pathway to Recovery’ and bring recommendations to the Executive on the process and methodology for relaxing restrictions before the next review of the regulations on 18 February 2021 is to be welcomed.

This should take on board lessons learned from easing of restrictions following the previous two waves of the pandemic. Those in the tourism and hospitality

sectors continue to reiterate the need for notice of any easing of restrictions to prepare their businesses for re-opening.

I note also reference to possibility that easing of restrictions may not be considered until Easter. Given this is a popular time for social gatherings and families wanting to take a short break, aligned with the fact that many tourism businesses have had little/no income since Spring 2020, worth reiterating the need for advance notice as to what (if any) easements will be expected by this period.

The extended period will also defer the 'recovery' phase for NI's air connectivity, both domestically and internationally.

It will be important that a recovery strategy reflects on the economic evidence that can be provided by DfE and that it seeks to ensure the timing and design of the overall recovery approach can promote as strong and sustained an economic bounce-back as possible. It must also take account of those that have been disproportionately impacted across society including young workers, females and those in low paid jobs.

FROM: DIANE DODDS MLA

**Our Ref:
Your Ref:**

DATE: January 2021

TO: ROBIN SWANN MLA

Sixth review of Health Protection (Coronavirus, Restrictions) (No. 2) Regulations

Thank you for your draft Executive paper of 20th January 2021 regarding the above.

The paper sets out clearly the range of factors and pressures facing the health service and the developing context. I would like to pay tribute and express my gratitude to all those providing care and dealing with such difficult circumstances.

While the proposed extension of the regulations will create further economic difficulties, it also brings greater certainty. It will be important to continue to reinforce public messaging regarding adherence and behaviours.

The suggestion that a step-wise approach of gradual loosening of restrictions will be necessary should be further explored and I would like to raise the possibility of investigating whether this could be introduced before 5 March, for example consideration of the reintroduction of click and collect, considering whether some close contact services might be allowed to be provided where face to face positioning is not required.

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It must also take account of those that have been disproportionately impacted across society including young workers, females and those in low paid jobs.

I am copying this to the Attorney General, Departmental Solicitor's Office, First Legislative Counsel and to Executive Secretariat.

DIANE DODDS MLA