

EXECUTIVE MEMORANDUM E (20) 297 (C)

HEAD OF THE CIVIL SERVICE

DATE: 21 DECEMBER 2020

EXECUTIVE MINISTERS

COVID: ADHERENCE AND ENFORCEMENT

Summary

This paper responds to the Executive's request for further information and advice in respect of how the Taskforce's work on adherence will be taken forward. It has a particular focus on the six week period from 26 December 2020 when the Executive has already decided to introduce additional restrictions and includes information about the steps being taken and those planned in respect of enforcement.

Current position

2. In response to the restrictions put in place by the Executive, there is significant work already being done to maximise the level of adherence to the restrictions and to ensure there are a range of actions available to those with enforcement powers where those restrictions are not being followed. This includes:

- Consistent multichannel communications reinforcing the basic health message (hands, face, space etc);
- Regular Ministerial messaging emphasising the issues facing the Health Service and the importance of following the regulations;
- Engagement with all sectors affected by the guidance to ensure they are properly understood and to trouble shoot as problems arise;
- PSNI and Covid ambassadors having a profile in major urban areas to reinforce messaging and provide advice and guidance as needed;

- Robust enforcement activity to intervene where house parties are taking place and to address any breaches on licensed premises;
- The PSNI's annual Christmas campaign (Seasons Greetings) involves a combination of high visibility policing in town and shopping centres to manage the public space, interaction with the night time economy focused on licensed premises and house parties, and regular vehicle checkpoints to identify drink driving.

Enforcement

3. The actions taken to date have been focused on ensuring a full understanding of the current law by the general public, on encouraging adherence to that law and intervening where there are obvious breaches of it. The PSNI has focused on enforcement where its attention is drawn to problems and has only been attending private dwellings where there is reason to believe there is a breach ongoing. Ultimately widespread behavioural restrictions require the consent of the public to be effective. It is therefore important that the restrictions at any given time are seen to be commensurate with the level of public health risk.

4. The numbers of fines issued have been circulated regularly to Ministers (and the latest update is attached for ease of reference at Annex A). It is clear that the threat of enforcement alone is not sufficient to change everyone's approach.

Adherence

5. Nonetheless, it is also clear that many people abide by the regulations all of the time and many more do so the vast majority of the time. In the work on adherence, a key focus will be on drawing out the impact that the steps taken by this vast majority are having and to reinforce the community support for the actions needed to support the health service and save lives. Some work on this has already

commenced through the use of short social media pieces from voices in communities, including young people, to amplify the message coming from Ministers. Alongside that it will remain critical that there is robust enforcement for those who choose not to follow the standards the community as a whole has adopted so that there are consequences in those cases. It will be equally important to demonstrate that enforcement is happening as part of the overall campaign.

Restrictions

6. From 26 December, there will be six weeks of further restrictions additional to those currently in place. In particular the first week will see substantially more restrictions including introducing a 'stay at home curfew' type arrangement from 8pm to 6am with exceptions only for very specifically defined purposes.

7. It is likely that following normal patterns, the start of the first week will see lower levels of activity in any case with non-essential shops closed (and no sales season), no sporting events to attend and the curfew in place. The risk is that as the week goes on, this becomes harder to sustain with New Years' Eve a particular risk point.

8. The approach to managing this period will include:

- Messaging after the first couple of days (possibly PSNI) focusing on how strong adherence has been and acting as an encouragement to continue in that vein. Further media in the run up to New Years' Eve (possibly health professional led) would then highlight the continued pressures on the Health Service and encourage the public to demonstrate their support for the Health Service and save lives by continuing to stay home especially at night time and on New Years' Eve;
- Sustained policing activity with a continuation of the Season's Greetings campaign. The PSNI has already rostered for additional police officers to be

available from 28 December to manage EU Exit risks and this resource will also be available to encourage adherence to and where necessary enforce against Covid regulations. Evidence from the March travel restrictions was that the public quickly felt that policing was being unduly intrusive and this led to some frustration and adverse reaction. The PSNI will therefore maintain their neighbourhood policing effort during this period to provide ongoing community level reassurance with familiar faces as well as acting robustly where regulations are deliberately being flouted;

- Community and voluntary sector activity to minimise risks that people who literally stay home throughout the period are not completely isolated. The messaging needs to be nuanced enough to encourage exercise provided it is only with members of the same household and ask people to keep in touch with those living alone – but without visiting them;
- During the first week, the messaging will focus on making sure the maximum impact is made for that period. Evidence will be gathered about how successful this has been and will inform the approach to the following 5 weeks.

9. It is likely that levels of infection and the challenges faced by the Health Service will still be rising during and after this period as a result of the greater levels of social interaction which will occur in the run-up to Christmas. As fewer people may present for testing during the post Christmas period, this may not be obvious from the figures until around New Year.

10. In order to advance the Executive's desired approach, the adherence strand of the Covid taskforce will procure behavioural science expertise early in the New Year to assist with the future positioning of Executive policy and messaging to secure maximum adherence. This will be based on enhancing the understanding of what approaches work most effectively, how best to secure greater buy-in for the key adherence messages from specific sectors of the community and what can be done to keep messages fresh and reduce the risk that fatigue will lead to lower levels of

adherence. There will also be a focus on engaging those the messages are aimed at as well as identifying other credible community voices to reinforce key messages.

11. An important part of the wider effort will be to develop a picture of what the future will look like in terms of how the rollout of the vaccine will impact the way we all live our lives. I understand that there is work being done in this area. The fact that these restrictions are not going to be here forever will be important in encouraging continued adherence.

Regulations

12. The Health Minister has raised the question of whether in particular the curfew arrangements should be put into regulations. That is designed to provide the PSNI with additional clarity about the role they can play when they come across people outside their homes after 8pm. The model which could be adapted for this purpose is the Welsh regulations. While these are not based on times of the day, they empower police officers to direct people to leave premises and return home or not to continue their journeys etc. The enforcement is initially by way of a Fixed Penalty Notice and if necessary by summary prosecution thereafter.

13. The PSNI has indicated that it will enforce whatever law is agreed by the Executive. The Chief Constable has noted that these provisions would involve policing intervening in the private lives of citizens to an unparalleled extent and has expressed some concern about the long term impact of how policing will be viewed by the public especially as there have already been criticisms of the way policing managed previous travel restrictions and the Black Lives Matter protest during the summer.

14. From a public policy perspective, the key is to understand any gap in the current enforcement arrangements and the extent to which additional powers would

assist. The PSNI can already intervene through its Seasons Greetings campaign to advise and guide the public and then enforce at the point where it is clear that individuals are coming together illegally whether in private homes or licensed premises. As they can only act in line with 'legitimate policing purposes', that means they could not stop people purely to check why they are outside their house unless they have a basis in law to do so. It is noteworthy that Police Scotland issued a statement at the weekend indicating that even though the Scottish Government have acted to ban travel from England they consider it would not be proportionate to put vehicle checkpoints in place on the major routes from England to Scotland - though there will be a greater police presence in these areas.

15. As there are also practical considerations (such as putting in place regulations which have the desired effect in time and the significant delay in being able to secure new Fixed Penalty Notices as evidenced from previous Executive changes to levels of penalty), it is proposed that the issue of further regulations in this area be reviewed in the New Year taking account of the experience of the post Christmas week.

JENNY PYPER

Annex A

Since March, the PSNI has issued:		
2101 COV1 Penalty Notices	905 COV2 151 Commercial / 754 Private Prohibition Notices issued to licensed premises or for restriction of gatherings in a private dwelling	51 COV3 Failure to Isolate (£1,000 fine)
1358 COV4* Penalty Notices (COV4 now replaces COV1 with fines starting at £200)	32 COV5 Penalty Notice issued to a business and/or premises for breach of the regulations (starting at £1,000 to a max of £10,000)	1749 CRNs Community Resolution Notices