

FROM THE MINISTER OF HEALTH



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TO: ARLENE FOSTER & MICHELLE O'NEILL
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CORONAVIRUS RESTRICTIONS ON INTERNATIONAL TRAVEL

I am writing regarding coronavirus restrictions on international travel and the potential for the other departments to lead on a number of workstreams to assist with the management of this complex policy area.

I am sure you are well aware that the Department of Health is a relatively small Department and we have been at the very centre of the response to the coronavirus pandemic from the outset. This is to be expected given that the origin of the crisis has been a threat to public health, and we have mounted a sustained medical response to deal with the impacts on people's health and to save lives. In addition, the structure of the legislation is such that, although the decisions regarding coronavirus restrictions are Executive decisions due to their reach into every corner of our lives, society and the economy, the responsibility for taking through legislation under emergency procedure can only lie with me under the Public Health Act (Northern Ireland) 1967.

The intensity and burden of both the domestic restrictions regulations and the international travel regulations, as well as the management of our critical care response, social care and the non-COVID health care pressures, has led to a situation where staff in my Department are beginning to show serious signs of fatigue and stress, with some highly critical senior staff absences. I am extremely concerned about the wellbeing of my staff and it is my duty to ensure that they suffer no more excessive harm from the workloads and expectations they are facing on a daily basis.

We have sought to bring additional staff resources into my department through loans and transfers from other departments but, aside from some isolated cases of relatively short term help (for which I am very grateful), there has been nothing in the way of material long term assistance. I suspect that this is because none of the senior officials in other departments felt able to yield staff at the expense of their own Minister's stated priorities – while this is understandable from that individual perspective, I feel we are now at the point where we need to consider this more holistically, if we are to maintain our strategic response to COVID-19 – the simple reality is that my Department cannot continue to meet the growing demands on it. I firmly believe that the true test of our strategic leadership is how we prioritise resource across the whole spectrum of the NICS to deliver on the priorities for our community as a whole, without personal or partisan interests dictating.

I am currently in a position, after more than a year of operating in crisis mode, where my department needs urgent assistance from others. If staff can't be transferred to my department, even on loan, then I need to explore urgently whether we can transfer work to other departments, to both protect the core health response and ensure the Executive's COVID-19 response is not put at risk.

It is for this reason that I am now writing to you with a very specific request, which is that another department or departments in this Executive take on the lead for a very limited number of strands of the work on international travel policy and regulation, with immediate effect.

International travel policy and regulation

My department currently leads on all policies relating to coronavirus restrictions on international travel, with the exception of the recent work to establish managed quarantine arrangements which is being taken forward through a time-limited cross-Departmental Task and Finish Group led by The Executive Office. This is in contrast to the arrangements in England where the Department for Transport (DfT) has led a cross-Whitehall Programme Board to take forward this complex work programme from July last year.

Over the course of the past year it has become very evident to me that this work is requiring skillsets and stakeholder relationships that are not core to my department's remit, and with which I believe other departments would be better placed to deal. In addition, the complexity of these issues, combined with growing numbers of workstreams, is putting increased pressure on resources in my department while the same teams are simultaneously managing the very broad-reaching and dynamic domestic coronavirus restrictions regulations.

I therefore would like to ask whether the policy areas outline below could be progressed under the remit of another department.

The associated regulations relating to the policies will continue to be made by the Department of Health as they are, in the main, amendments to The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 and The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) Regulations (Northern Ireland) 2020, which are made under the Public Health Act (Northern Ireland) 1967 for which I have lead responsibility.

The three areas of policy I am proposing you consider are:

1. Managed quarantine, including contract management
2. Enforcement of Passenger Information and Operator Regulations
3. Passenger Locator Form (PLF)

Managed Quarantine, including contract management

Managed quarantine (MQ) was introduced in England and Scotland on 15 February 2021. The reason for its introduction is to prevent the entry into the UK of a virus variant of concern (VOC). England has restricted the MQ requirement only to travellers coming from 'red list' countries. From 9 April there will be 39 countries listed as 'red', although this is under continuous review and can be amended as is necessary based on VOC risk. Scotland requires MQ for all international arrivals. Wales has yet to introduce MQ as there are currently no direct international flights.

ROI introduced MQ on 26 March 2021 for their red list countries only. The ROI red list has diverged from the UK list and this will continue to be a challenge (currently the ROI list contains many more countries than the UK list, and the UK list, from 9 April, will include three countries which are not on the ROI list).

We have agreed, as an Executive, that managed quarantine will be introduced for NI. This will apply to those travelling to NI from red list countries only and must be in place by 16 April at the latest, as the first international flight is due to land in NI on 19 April. Currently travel from red list countries is prohibited so this will only impact those returning from these countries who are nationals or residents of NI and would therefore be permitted entry.

The ongoing management of MQ, once the work of the TEO-led Task and Finish Group has concluded, will involve complex contract management, expertise which does not sit within my department. Contracts will need to be established with providers of accommodation for MQ, in line with the DHSC contract in place, and a significant budget will be attached to this.

As described above, the MQ regulations will differ in other regions within the CTA. Should there continue to be differences between the countries to which each MQ service applies, the handling of cross border implications will be a key policy area needing to be further developed and managed. Transportation may need to be explored for arrivals into Dublin to allow them to access MQ in NI, should ROI not align with the NI policy.

The stark fact of the matter is that my department does not have the resource or skills in place to progress this work. I am simply unable to force anything more onto my staff who are already valiantly dealing with impossible workloads. Therefore we are now rapidly approaching a crisis point where this Executive will not be able to deliver on expectations unless a solution is found.

Enforcement of Passenger Information and Operator Regulations

The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) Regulations (Northern Ireland) 2020 came into operation on 31 October 2020. The Regulations require the operators of vessels and aircraft bringing passengers into Northern Ireland from outside the CTA to provide passengers with information at four specific points during the booking process: at booking, at check-in, 48 hours before departure, and on route. The information currently required to be provided by transport operators includes public health information and guidance on the requirement to complete a passenger locator form (PLF) and to self-isolate for 10 days on arrival in line with the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020. The Regulations further prescribe the content of the required information and the manner in which it is to be provided.

An operator who fails to comply with the information requirement is guilty of an offence. If the booking or check-in process is not managed directly by the operator, they must demonstrate that they took reasonable steps to ensure that the person managing the process would provide the required information. There is provision for a fine not exceeding £10,000 upon summary conviction.

While the Department of Health shall continue to make these regulations, there is a strong rationale for another department to adopt the policy lead owing to the close links already established with the Maritime and Coastguard Agency (MCA) and Civil Aviation Authority (CAA) who on an operational basis carry out enforcement of the regulations. I believe this would be mutually beneficial.

The enforcement of the travel regulations more generally, including the management of compliance checking, could be usefully managed by another department. This includes telephone calls (currently daily) to those self-isolating, and onward referral to PSNI where potential compliance issues have been identified.

With the MOU with ROI being finalised, a contract is needed for a verification process for those coming to NI via ROI, as the majority of these travellers do not complete a UK PLF. With the introduction of NI managed isolation and mandatory testing for all arrivals into NI, it becomes much more important to ensure ROI is not a way to avoid requirements as this would threaten the success of the public health measures for NI.

Passenger Locator Form (PLF) policy

The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 require those arriving into Northern Ireland who have been outside of the CTA within the previous 10 days to complete a passenger locator form (PLF) online; provide evidence of a negative COVID-19 test prior to travelling to NI and self-isolate for 10 days from the time they entered the CTA. The PLF is an important tool in ensuring compliance with self-isolation and for contact tracing purposes. The importance of this tool is further increased owing to the risk of mutated variants of coronavirus being detected worldwide. The questions on the UK PLF are currently being reviewed in order to simplify the process for travellers and which should help improve compliance. Border Force manage enforcement of the PLF, the penalties for non-completion begin at £500 with subsequent laddering to £4K.

Department for Trade (DfT) in England has developed and led on the policy for the PLF since early in the response to the pandemic. It is expected this will continue to be the case and as the PLF is mainly an operational tool created through liaison with DfT and Border Force officials, I believe this policy for NI would be best managed elsewhere in NI assuming the already close ties between aligned UK government Departments.

Policy responsibilities remaining with Department of Health

My department would retain the lead policy responsibility for the following workstreams, in addition to making any necessary amendments to the Regulations:

1. Monthly review of sectoral exemptions;
2. Assessments of country risk levels, including countries with Variants of Concern;
3. Mandatory testing and connected enforcement provisions
4. International certification;
5. Pre-departure testing; and
6. Intra-CTA travel policy.

I would be very grateful for urgent consideration of the points raised in this note – I must again emphasise that my Department cannot sustain these issues going forward.

Personal Data

Robin Swann MLA
Minister of Health

Working for a Healthier People

