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# Coronavirus Act 2020 (The Act)

**Support Public Health** – exceptional powers for exceptional circumstances only

**The response to coronavirus is evolving. We are learning more as the situation develops and we will brief you again in due course. This briefing is to get the most up to date information out to you as quickly as we can, but it is subject to change.**

- **This pack covers The Coronavirus Act which provides powers relating to potentially infectious persons and powers to the Secretary of State to issue directions relating to events, gatherings and premises.**
- **The Health Protection Coronavirus, Restrictions England Regulations 2020 contain powers in relation to business closures with powers to disperse gatherings and restrictions on movement. A separate briefing is available.**

**This briefing makes numerous references to public health officers. Public Health England have advised that in the first instance you should contact their local health protection teams (who are on call 24 hours) to find out who your local public health officer is. Contact numbers can be found at: [gov.uk/guidance/contacts-phe-health-protection-teams](https://www.gov.uk/guidance/contacts-phe-health-protection-teams) (just type in a postcode and it will give you the contact details of the relevant team).**

## Coronavirus Act 2020 – Introduction

**Use of powers under this legislation will be public health led.** The purpose of these powers is to support Public Health in the testing and treatment of individuals, where needed, to avoid further transmission of the virus.

**These powers should only be used in response to coronavirus. You must obtain the advice of a public health officer before exercising these powers unless it is totally impractical to do so.**

These new powers are designed to enable police officers to support public health officers much as we do now under the Mental Health Act 1983. Partnership arrangements with Public Health and collaborative decision making are key to enforcing these provisions and appropriate communication methods will be established locally.

**We cannot impress on you strongly enough, that these powers are for use in conjunction with Public Health – if you come across someone in the community with suspected coronavirus, Public Health should either be directing you or you will be taking their advice before action. We do not envisage you ever acting without their express request or on their advice.**

## Coronavirus Act 2020 – Powers summary

### Public health officer



- A public health officer can direct or remove a person to a place suitable for screening and assessment. They can ask a constable to support this process if necessary. **This should be the absolute exception.**
- A public health officer can require a person to undergo testing, go into isolation or place certain restrictions on them.

### Police officer



- If a constable has reasonable grounds (see next slide) to suspect a person is potentially infectious they may direct or remove that person to a place suitable for screening and assessment or keep the person at that place until a public health officer can undertake the screening and assessment. **This should be the absolute exception.**
- Police are able to use reasonable force to enforce these powers where necessary, however we anticipate the majority will comply with directions.

Remember: **Engage, Explain, Encourage, Enforce.** Enforcement is your last option.

## Reasonable grounds

If a constable has reasonable grounds to suspect a person is potentially infectious they must consult with a public health officer before exercising any powers, as far as practicable. A constable may exercise the powers when:

1. there are reasonable grounds to suspect the person is or may be infected or contaminated with coronavirus **and** there is a risk that the person will contaminate others **or** the person has been in an infected area within the preceding 14 days.
2. the constable considers it is **necessary** and **proportionate** to exercise the powers in the interests of the person, for the protection of other people, or for the maintenance of public health.

**Police officers should obtain advice from a public health officer when considering whether they have reasonable grounds (because they are not a medical practitioner). Advice can be over the telephone. Coronavirus symptoms can be vague and it is important we do not turn to these powers in haste if we see someone with a cough or temperature.**

## Children



An individual with responsibility for a child must, as far as reasonably practicable, ensure the child complies with any directions, instructions, requirements and restrictions. They must provide information and assistance as necessary and practicable in the circumstances.

Public health officers can place requirements or restrictions on a child, but this cannot be done without the presence of a responsible adult, except for in the most exceptional circumstances.

## Offences summary

**If an individual commits any of these offences, then simply follow the ordinary criminal justice process. Go through the usual risk assessment criteria and adjust that process for the circumstances as they present themselves. We must reiterate the appropriate place for sick individuals is a medical facility, custody will always be a last resort.**

Medical advice should **always** form part of your planning.

There are **five main summary offences** created by the legislation. These offences are punishable on summary conviction (magistrates court) by a fine not exceeding level 3 on the standard scale (£1,000).

A person commits an offence if they:

- fail without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction
- abscond, or attempt to abscond, while being removed to or kept at a place of detention or isolation
- knowingly provide false or misleading information in response to a requirement to provide information
- obstruct a person who is exercising or attempting to exercise a power
- fail without reasonable excuse to ensure that a child they have responsibility for complies with any direction, instruction, requirement or restriction given to or imposed on the child, or to provide such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

You must satisfy the reasonable grounds criteria for someone to have committed an offence.

## Police powers to direct, remove and detain

There are powers afforded to you under the Act to **direct** and **remove** a potentially infectious person to a medical facility for screening and assessment. You must tell them the reason for the instruction and that it is an offence to fail to comply. But your first response should be to advise them:

‘you need to go to hospital for treatment/testing’

‘you need to go home and seek medical advice, call 111’

Or with the prior advice of a public health officer, you could take them to hospital or a prearranged medical facility as a suitable place for testing\*.

**All this activity should be pre planned with medical practitioners and contingencies and risks discussed – there should be local procedures in place enabling this process to happen. You should escalate through your command structures where there is a dispute or discrepancy with health as to how to deal with these issues.**

\***Note:** A ‘suitable place for testing’, is similar to a ‘place of safety’ under the Mental Health Act 1983 in that there is not an exhaustive list of places. The public health officer would need to determine where a suitable place is and most likely this will be a medical facility or potentially someone’s home, we should avoid custody suites being used for this purpose.

## Police powers to direct, remove and detain (continued)

**Detention** poses further considerations.

In consultation with a public health officer, a constable may keep a person at a place suitable for screening and assessment for up to 24 hours. This can be extended by a superintendent (or above) by another 24 hours, if the constable thinks it's necessary and proportionate to do so. We do not anticipate officers routinely guarding patients for this length of time, we expect hospital security staff to undertake this role or to replace the officer at the earliest opportunity.

**Your job as a police officer is to be there if the detained person does not comply with the requests of a public health officer.** If the detained person tests positive for COVID-19 or the test is inconclusive, the **public health officer** can impose requirements and/or restrictions on them. Most people will comply. Where they don't or they try to abscond or refuse to self isolate, the police can detain them where these requirements can be fulfilled. **Where** they are dealt with needs to be discussed locally ahead of intervention. Custody is a last resort.

## In summary

**You should not be acting unless Public Health give you clear, unequivocal guidance that the individual with whom you are dealing either has the virus or they are a risk, in which case it is appropriate to act.**

Our advice is to never act without the prior advice of Public Health, but the Act does make provision for you to do so of your own accord, therefore it is ultimately the decision of your chief constable how these provisions are to operate for you locally.

In operational practice, there are two states (1) prior to testing and (2) post testing; police officers have a greater justification for intervention if the individual in question has been subject to a positive test for coronavirus.

We are developing operational scenarios to assist you, but we see several scenarios that may present themselves where this may become more challenging. This may be when dealing with instances where:

1. one party alleges the other has coronavirus, as part of some other dispute.
2. someone alleges the presence of coronavirus, for some immediate apparent gain, such as accommodation.
3. someone alleges they have coronavirus to avoid some other sanction.
4. at the point of release from custody you suspect the detainee has coronavirus (untested), but there is no lawful power to detain them any further.

In each instance there is no reason you cannot seek advice from a public health officer even if this is remotely.

We don't expect you to use these powers in the course of ordinary duty and you really shouldn't unless asked by a public health officer.

## Closing remarks

**We expect most responses to these types of incidents to be pre planned. Your chief officer teams should be liaising with directors of public health in order to make arrangements for the safe detention and provision of advice to officers on how these powers are to be used.**

Local arrangements should provide for escalation processes through force command structures to deal with disputes or discrepancies in deciding on the most appropriate police response.

**If you are dealing with a non compliant individual you must balance the risk to your self and wider public before deciding to engage. Consider what tactical options are at your disposal to increase your margins of safety. What would allow you to gain control without direct contact with the individual for example negotiation or containment measures? The greater the distance you can maintain for your personal safety the better. Reasonable force can be used to achieve the aim, some equipment; masks, gloves and spit guards etc. may provide additional protection.**

Your role, in most cases, is to standby and prevent a breach of the peace while health officers perform their public duty. These powers are similar to those provided in the Mental Health Act 1983 which you will already be familiar with.

If you have any concerns, refer to a supervisor and seek advice. Think about the tactics you can deploy to increase your margins of safety.

# Personal safety



## Wash your hands frequently

Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water. Wash hands or use sanitiser before going into any address and after exiting any address.



## Maintain social distancing

Maintain a distance of at least two metres (six feet) between yourself and anyone.



## Avoid touching your eyes, nose and mouth

## Practice respiratory hygiene

Make sure that you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or a tissue when you cough or sneeze. Dispose of the used tissue immediately.



## Use the PPE equipment that your force has provided

We are making sure that stocks of PPE equipment are replenished and available for use.

