

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (STEPS ETC.) (ENGLAND)
(REVOCAATION AND AMENDMENT)
REGULATIONS 2021

HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (SELF-ISOLATION) (ENGLAND)
(AMENDMENT) REGULATIONS 2021

HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (SELF-ISOLATION) (ENGLAND)
(AMENDMENT) (NO. 2) REGULATIONS 2021

Monday 13 September 2021

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Friday 17 September 2021

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The Committee consisted of the following Members:

Chair: † SIOBHAIN McDONAGH

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|---|---|
| † Allin-Khan, Dr Rosena (<i>Tooting</i>) (Lab) | † Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab) |
| † Atherton, Sarah (<i>Wrexham</i>) (Con) | † Richards, Nicola (<i>West Bromwich East</i>) (Con) |
| † Baynes, Simon (<i>Clwyd South</i>) (Con) | † Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con) |
| † Brereton, Jack (<i>Stoke-on-Trent South</i>) (Con) | † Smith, Greg (<i>Buckingham</i>) (Con) |
| Cryer, John (<i>Leyton and Wanstead</i>) (Lab) | † Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Cummins, Judith (<i>Bradford South</i>) (Lab) | † Timms, Stephen (<i>East Ham</i>) (Lab) |
| † Dorries, Ms Nadine (<i>Minister for Patient Safety, Suicide Prevention and Mental Health</i>) | † Trott, Laura (<i>Sevenoaks</i>) (Con) |
| † Double, Steve (<i>St Austell and Newquay</i>) (Con) | Chloe Freeman, <i>Committee Clerk</i> |
| Dowd, Peter (<i>Bootle</i>) (Lab) | † attended the Committee |
| Fovargue, Yvonne (<i>Makerfield</i>) (Lab) | |

Third Delegated Legislation Committee

Monday 13 September 2021

[SIOBHAIN McDONAGH *in the Chair*]

Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation and Amendment) Regulations 2021

4.30 pm

The Chair: I can confirm that we are quorate. Before we begin, can I encourage Members to wear masks when they are not speaking? This is in line with current Government guidance and that of the House of Commons Commission. Please also give each other and members of staff space when seated and when entering and leaving the room. Members should send their speaking notes by email to hansardnotes@parliament.uk. Similarly, officials in the Gallery should communicate electronically with Ministers.

The Minister for Patient Safety, Suicide Prevention and Mental Health (Ms Nadine Dorries): I beg to move,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation and Amendment) Regulations 2021 (S.I. 2021, No. 848).

The Chair: With this it will be convenient to consider the Health Protection (Coronavirus, Restrictions) (Self-isolation) (England) (Amendment) Regulations 2021 (S.I. 2021, No. 851) and the Health Protection (Coronavirus, Restrictions) (Self-isolation) (England) (Amendment) (No. 2) Regulations 2021 (S.I. 2021, No. 864).

Ms Dorries: The regulations lifted most of the legal restrictions when we moved to step 4 of the road map on 19 July and eased the self-isolation requirements from 16 August to allow those who are fully vaccinated and a number of other groups to be exempt from self-isolation if they are the close contact of a positive case. These are significant milestones in our country's journey as we learn to live with the virus. We have certainly come a long way since the Prime Minister set out the details of the Government's road map out of lockdown in February.

Moving to step 4 and easing a huge number of restrictions was a great progress. It is testament to the grit and determination of the public and to the expertise and dedication of all those involved in our country's response to the virus and the phenomenal vaccination programme.

The Government's road map charted a cautious approach to easing lockdown, guided by the data rather than the dates. When we moved to step 4 on 19 July, most restrictions enforced in law were replaced with guidance. Businesses are now open across all sectors. All remaining limits on social contact have been removed and there are no restrictions on how many people can meet in any setting. We are seeing our communities thriving again,

with familiar social, sporting and community events returning to our English summertime. It was wonderful to spend treasured time with family, friends and loved ones without legal restrictions on our social contacts.

While we are enjoying those freedoms, we know that this is not yet a return to normal. The pandemic is not over, and the virus will remain part of our lives. We must continue to act carefully to protect ourselves and those around us. The test, trace and isolate system remains one of our best defences against the virus and it is one of the key ways in which we can protect ourselves, our loved ones and our communities.

Owing to the steady progress we have made and the tremendous success of the vaccination programme, we have been able to make important changes to ease the self-isolation requirements from 16 August while maintaining vital measures to reduce spread of the virus. The amendments to the self-isolation regulations that we are debating today allow those who are fully vaccinated and a number of other groups to be exempt from self-isolation if they are the close contact of a positive case. That includes an exemption for close contacts who can evidence that they are unable to be vaccinated for medical reasons. That is because we recognise that some groups are not able to be fully vaccinated.

The exemption further includes close contacts of those under the age of 18. We know the risk of covid-19 to children is very low and there are also unquantified harms to children's educational, emotional and social outcomes as a result of self-isolation. We have ensured that the amendment also provides for an exemption for individuals who have been named contacts who have taken part in, or who are taking part in, the Medicines and Healthcare Products Regulatory Agency's approved trial for covid-19 vaccines.

Although the requirement to self-isolate has changed for those groups, it is still important that the close contacts of a positive case act with caution. Close contacts who are exempt from self-isolation are advised to take a polymerase chain reaction test as soon as possible to check whether they have the virus. They are also advised to consider other precautions, such as wearing a face covering in enclosed spaces and limiting contact with others, particularly those who are clinically extremely vulnerable. It is important to remember that anyone who develops symptoms should self-isolate immediately and take a PCR test. Anyone, whether double vaccinated or not, who goes on to test positive for the virus is legally required to self-isolate.

The measures allow us to continue to manage the virus proportionately and effectively. We know that self-isolation can be difficult. I sympathise with respect to the burden and the challenges that self-isolation creates. Since September last year, the Government have provided councils with £280 million to provide support payments to those who may face financial hardship as a result of self-isolation. Between March and September this year, we provided up to £100 million to councils to offer practical support to those who most need it in the community. We know that thousands of people have benefitted from that support.

We continue to review the self-isolation regulations and guidance, and shortly we will update Parliament on plans for autumn and winter. Although we are undoubtedly in a better place than when we embarked on the road

map out of lockdown in February, I echo my earlier statement that this is not yet a return to normal. We must all continue to act carefully and to follow the latest guidance to protect ourselves and those around us—for example, by getting tested when showing symptoms and self-isolating if required, ensuring good ventilation when meeting indoors, and getting the vaccine.

While the lifting of restrictions and the easing of some requirements to self-isolate have been welcomed by many, I know that some people may feel nervous, particularly those who are immuno-suppressed or immuno-compromised. We continue to bolster our vaccine wall of defence against the virus and to follow the advice of the Joint Committee on Vaccination and Immunisation. We are now offering vaccines to 16 and 17-year-olds and extensive planning for a booster vaccination programme is well under way.

This is the biggest and most successful vaccination programme this country has ever seen. It is a staggering achievement that over 80% of individuals aged 16 or over in the UK have received two doses of a covid-19 vaccine. It is estimated that the vaccines have so far directly prevented more than 143,600 hospitalisations. Estimates of the direct and indirect impact of the vaccination programme suggest that the vaccines have saved more than 105,900 lives.

As we enjoy our hard-fought-for freedoms, we can look to the future with a sense of optimism. However, we know that the autumn and winter months will be challenging. We cannot rule out the possibility of the Government needing to take further measures to manage the virus during periods of high risk, including this autumn and winter. We will, as far as possible, avoid reimposing social and economic restrictions, but that cannot be ruled out entirely as they might be needed. We continue to monitor the situation closely, informed by the latest data and scientific evidence, to ensure that the NHS does not face unsustainable pressure.

Finally, I am sure members of the Committee will join me in extending immense gratitude to all those involved in the vaccination and the test, trace and isolate programmes—the NHS, the social care sector and wider support services, including the many volunteers who have helped us get to this point and who continue to support our country's response in this next phase.

It is a matter of regret that we are debating the regulations only now. It was essential to introduce them at the earliest opportunity, and we have always been clear that restrictions would be in place only for as long as they were needed. The content of each step of the road map has the prior approval of Parliament and we debated the oral statements setting out the shape of step 4, as well as that announcing the move to step 4. As ever, I welcome the scrutiny of Parliament and the valuable contributions of hon. Members to that end. I commend the regulations to the Committee.

4.40 pm

Dr Rosena Allin-Khan (Tooting) (Lab): What a pleasure it is to serve under your chairwomanship, Ms McDonagh.

At the time of restrictions lifting, we opposed, and still oppose, the decision to remove the requirement to wear a face covering indoors and on public transport. Risk of transmission inside a crowded bus or train will be incredibly high. Last week, the Office for National

Statistics believed that one in 70 of us in England had covid. The capacity of a double-decker bus is about 70, and a full tube or train carriage can carry up to 140 passengers, which means that last week each full carriage could have contained two infected passengers, with little ventilation and no legal requirement to wear a mask.

With no requirement to wear a mask coming from the Government, mask-wearing has dropped considerably. However, people learning to drive and their instructors are still required to wear a mask inside cars, although we do not require people to wear masks on a crowded bus. That makes no sense.

The explanatory memorandum to the statutory instrument states:

“The rationale for revoking these regulations is that the success of the vaccination programme means that at Step 4 we can move away from strict legal restrictions and towards personal responsibility and informed judgement.”

What assessment has been made of the rates of infection in areas where it is still compulsory to wear face coverings on public transport—for example, here in London?

We supported the removal of some restrictions on gatherings, but the Government did not have to go so far, so fast. The announcement that all limits were being removed again came too late, meaning that businesses were left to scramble owing to confusing and contradictory advice. Ministers have passed the buck to businesses and individuals with vague and unclear guidance encouraging, but not mandating, the use of masks, as well as the NHS covid pass.

The Government's explanatory document states:

“Our assessment of the risks is not fundamentally changed by new Variants of Concern”,

but what about the rate of deaths and hospitalisations? There is talk of an October lockdown. What impact have these changes had on the rate of infection? Bars and restaurants have resumed service as normal, but what public health assessment has been made of transmission rates since social distancing was scrapped and face coverings were deemed not to be necessary?

Due to the unpredictability of the virus, it would be negligent completely to remove the ability to reinstate any restrictions if required locally, so we are pleased that regulation 3 powers for local authorities are being extended. However, the Government must back up local authorities with a proper package of support should they impose restrictions. Allowing local authorities to limit the capacity of venues and allowing them to mandate certain social distancing measures may become essential in preventing localised spreads. That may not have seemed necessary over recent weeks, but with cases, deaths and hospital admissions all rising, some local authorities might be forced to impose measures and the Government must—absolutely must—support those businesses and councils.

With contact tracing now voluntary, and with the requirement to book a table before entering premises removed, we are in the dangerously perilous position of not really knowing who is entering venues. During the summer, there has not as yet been a requirement for further restrictions, but with the winter months closing in, this type of contact tracing might become invaluable in battling a fourth wave if we are indeed to avoid lockdowns.

[Dr Rosena Allin-Khan]

Removing that requirement altogether has meant that its importance has been lost to most people, and reapplying it would be an uphill task. It must also be said that while contact tracing in establishments could have been used effectively to target specific outbreaks of the virus, we know the Government did not really use the data and instead relied on the test and trace app. For a multi-billion pound test and trace system, I would have expected far more for my money.

There is no longer a need for people to check in at bars and restaurants, but is there contact tracing data that can be shared with us? How many new cases of covid have had their contacts successfully reached? One of the most important aspects of any contact tracing system is ensuring that anyone identified as a close contact of someone with the virus self-isolates as a precaution. However, the roll-out of the vaccine coinciding with the reopening of the economy requires that to be adapted.

We supported removing from people who were double-vaccinated and had come into contact with someone with covid the requirement to self-isolate, unless they returned a positive test, but that could have been done sooner. The Government had no real logic behind their chosen date in August and they still cannot explain why they chose 16 August when Wales and Scotland had removed the requirement a week earlier, enabling thousands of non-infected people to get to work. Someone who has been double-vaccinated is far less likely to get a serious infection from covid, and transmissibility is reduced as well.

Paragraph 7.7 of the explanatory note to the self-isolation statutory instrument stated that

“public health modelling suggests that the rise in case numbers we are experiencing will have peaked by mid-August so introducing this change then will reduce the risk of transmission, hospitalisations and deaths.”

However, that was not the case. Instead, cases continued to rise. What further assessment has been made of case rates? Following the scrapping of self-isolation among the vaccinated, what assessment has been made of the direction of travel of such cases? There is also an exemption from self-isolation for children. We are still early in the school year, but what assessment has so far been made of the spread of covid in schools this term?

Although we will not oppose the regulations, our concerns regarding certain aspects of them have been put on the record. I hope the Minister can provide answers to my questions. Fundamentally, these decisions must be driven by data and science, not pressure groups and lobbyists.

This has been an incredibly difficult time for everybody, and we understand how challenging it has been for people to self-isolate and to manage work with their children at home, but we must state that we know cases are on the rise. It is incredibly difficult to predict how case numbers will proceed over the winter months, so I would welcome answers to my questions so that we can ensure that the public are kept as safe as possible.

4.46 pm

Ms Dorries: I was trying to look up some of the more specific answers to questions, particularly the one about children as vectors, or transmitters, in education settings.

I will write to the hon. Lady with that answer, particularly on young children, but as she knows, children in school settings are vectors rather more than they display infection themselves. However, there are more specific answers, and I will get the data and the numbers to her.

I thank everybody who has attended the debate and thank the hon. Lady for her thoughtful contribution. As I mentioned in my opening remarks, the move to step 4 of the Government's road map out of lockdown and the easing of self-isolation requirements are significant achievements that have been welcomed by many across the country. We have charted a cautious approach to easing lockdown. Normally, when I am in this place putting forward restrictions, I am beaten down by the Opposition, so it is interesting to be easing restrictions while still having to deal, quite rightly, with the arguments on the other side.

We have charted a cautious approach and we have been guided by the data. We have always been guided by the data in everything we have done with the aims of avoiding a surge in cases putting unsustainable pressure on the NHS and saving more lives. That is, fundamentally, at the root of everything we have done throughout the pandemic. Moving to step 4 does not mark the end of the pandemic, and our test, trace and isolate system remains essential in tackling variants of concern and ensuring we are not putting unsustainable pressure on the NHS. The UK has conducted more than 274 million covid tests and reached more than 15.9 million people who either tested positive or were in contact with someone who had tested positive, who may otherwise have spread the virus.

Sensibly adapting the self-isolation regulations to allow those who are fully vaccinated and a number of other groups to be exempt from self-isolation if they are the close contact of a positive case is an important step as we learn to live with the virus. These changes ensure self-isolation is targeted on those who have the virus or who are most at risk.

Throughout the pandemic, our objective has been to protect lives and livelihoods, and that remains our priority as we face the months ahead. We have moved to a new phase of the Government's response to the pandemic as the country learns to live with the virus. It will continue to circulate at home and abroad, and this winter covid-19, combined with a resurgence of influenza and other respiratory diseases, may cause additional strain on top of normal winter pressures on the NHS. As the Government set out in the guidance “COVID-19 Response: Summer 2021”, we may need to take further measures to manage the virus during periods of high risk, including this autumn and winter. It is the job of a responsible Government to make the contingency plans for such scenarios, and we are doing just that.

The Government are assessing the country's preparedness for autumn and winter, and, as part of that, will consider whether to continue or to strengthen public and business guidance. We will, as far as possible, avoid reimposing social and economic restrictions, but those cannot be ruled out entirely if they are needed. We will update Parliament on plans for autumn and winter shortly, and we will of course continue to keep the data under review and monitor the latest available science. We have always been clear: restrictions would be in place for only as long as they were absolutely necessary. We will keep any remaining restrictions under close review and remove them when it is safe to do so.

I recognise that, for some, the easing of restrictions is worrying, particularly those who are extremely clinically vulnerable or otherwise at greater risk from the virus. The Government advise that people should remain cautious given the continued risk. This is not a return to normal, as I said in my opening remarks. While cases are high, everybody needs to continue to be cautious and to make informed decisions to manage the risk to themselves and to others. I think that speaks to the hon. Lady's question about public transport and the wearing of face coverings.

I once again thank everyone for the sacrifices they have made over this period despite the hardships covid has imposed. Everyone has continued to act carefully and proportionately to manage the risks to themselves and to others. I would like to take a moment to reflect, as I did earlier, on the tremendous efforts and achievements of everyone involved. I commend the regulations to the Committee.

Question put and agreed to.

**HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (SELF-ISOLATION)
(ENGLAND) (AMENDMENT)
REGULATIONS 2021**

Resolved,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (Self-isolation) (England) (Amendment) Regulations 2021 (S.I. 2021, No. 851).—(*Ms Dorries.*)

**HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (SELF-ISOLATION)
(ENGLAND) (AMENDMENT) (NO. 2)
REGULATIONS 2021**

Resolved,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (Self-isolation) (England) (Amendment) (No. 2) Regulations 2021 (S.I. 2021, No. 864).—(*Ms Dorries.*)

4.53 pm

Committee rose.

