



Department of Health & Social Care

Rt Hon Harriet Harman MP
Chair, Joint Committee on Human Rights
Committee Office
House of Commons
London
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*From the Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care*

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22 April 2020

Dear Harriet,

Thank you for your letter raising important points in relation to current measures in place to combat the current outbreak of coronavirus as we reviewed the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

As you rightly highlight, it is important that our response to the pandemic balances the need to address the significant public health risk with respect for human rights, while also considering how we can address the social, economic and infrastructural impacts of the outbreak.

I would like to take this opportunity to assure you that any measures which impact human rights have been adopted specifically because they are considered absolutely necessary and proportionate to the crucial aim of protecting life.

I have grouped your questions as follows:

- **Communications on current regulations** to the police and the public, in response to questions a, b and c.
- **Ensuring a proportionate response** to the Coronavirus outbreak, in response to questions d and f.
- **Managing the impacts of social distancing measures on certain groups of the population**, in answer to questions e & g.

Communications on current Regulations

This fast developing national health emergency has necessitated production of effective guidance and regulations, many of which are unprecedented in modern times and therefore very new to both the public and the police. As such, our police forces face unique challenges as they play the critical role of maintaining public order. It has been important for us to move quickly to give the police the powers and guidance needed.

We have worked with our policing partners to ensure that they have the powers and guidance needed to support compliance with essential social distancing measures.

Additional operational guidance has been sent to all forces on new Regulations and the powers available to them, and we will continue to update this guidance as necessary as the situation changes. This is a living document that will be kept under review.

The Home Secretary is in daily contact with our police partners to ensure that these new powers are used proportionately and effectively.

We continue to work with the police to ensure that any changes to the Regulations or guidance are understood and implemented consistently. In addition, the Home Affairs Select Committee has published a report¹ that assesses the police response to Covid-19 measures to be proportionate and effective.

We also note your point about statements by Government representatives and can assure you that we will ensure full and timely guidance is available for everyone on gov.uk, including as and when there are any changes to government measures.

Ensuring a proportionate response to the outbreak

As a government we must balance the health impact in reducing transmission of Covid-19 and the health, social and economic impacts of placing restrictions on people's lives through social distancing measures. Of course, the purpose of the government's actions is to protect the human rights of those whose lives are at risk from Covid-19, or who might otherwise suffer greatly as a result of it.

It is imperative that we safeguard our proud and longstanding model of policing by consent, for which a good police and community relationship is vital. As such, the initial police response will encourage voluntary compliance through engaging directly with individuals, groups and businesses. The police response follows the four-step escalation principles of engaging, explaining, encouraging, and then, as a last resort, enforcing. The police will apply the law in a system that is flexible, discretionary and pragmatic. This enables officers to make sensible decisions and employ their judgement.

As you are aware, all social distancing measures are formally reviewed every 21 days. Between these formal reviews, measures are regularly monitored, and I am obligated to revoke any restrictions as soon as I consider them no longer necessary. As you will be aware, as announced by the First Secretary of State on 16 April, the available evidence means that the current measures remain necessary. He was clear that, before changes are made to these measures, the following five tests need to be satisfied:

- The NHS must have capacity to provide critical care across the UK
- There must be a sustained and consistent fall in daily death rates
- Data must show the infection rate is falling to manageable levels
- There must be sufficient testing and PPE to meet demand

¹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/home-office-covid-19report-published-19-21/>

- There must be sufficient confidence that any proposed changes will not lead to a second peak.

Managing the impacts of social distancing measures on those with specific concerns

In response to concerns expressed for groups that may be impacted in specific ways by social distancing measures, such as those who have a specific health condition that requires them to leave their home to maintain their health, I would like to reassure you that our policies and guidance in this area are under regular review. For example, on 7 April, we clarified that individuals with autism or learning disabilities that require specific exercise in an open space two or three times a day are permitted to do this under social distancing guidance and the regulations.

The Government is monitoring key data on a daily basis, and also engages consistently with representative of key stakeholder groups, to ensure we can understand how these measures are impacting on specific groups. We will keep the guidance under review and will provide further clarification where that is judged necessary for additional groups of the population.

Finally, in response to your question regarding steps being taken to facilitate reasonable and safe outdoors access for those living in cities, the Government's priority is to save lives, and for everyone the best way to protect yourself and others from Covid-19 is to stay at home. However, exercise remains important for people's physical and mental wellbeing, and officials from the Ministry for Housing, Communities and Local Government are in weekly contact with members of the Park Action Group, consisting of representatives from the sector, to ensure that access to parks and green spaces remains effective and proportionate.

People can leave their homes to exercise and councils should, by default, keep parks open where possible. People can go to the public outdoor spaces such as parks, but only alone or with members of their own household. While outside, people should keep two metres apart from others who are not part of the same household at all times so as to minimise the risk of infection, thus saving lives.

Full guidance on access to public outdoor spaces is available on gov.uk and through communications on various media on how and when people can reasonably and safely access outdoor spaces. As part of the ongoing review of restrictions contained in the Regulations, we will continue to review whether and when guidance on public spaces should be revised.

I hope that this response has sufficiently answered the questions raised in your letter, and thank you again for raising these important points.

Yours ever,



MATT HANCOCK