Written evidence from Ms Lesley Summerland (COV0169)

Dear Chair,

Please treat this as a submission to the Joint Committee on Human Rights. It concerns the impact of the Statutory Covid regulations on couples living in two separate households. I write in the light of my own personal experience

At the end of March, Jenny Harries, the Deputy Chief Medical Officer announced in a Downing St briefing that:-

"If the two halves of a couple are currently in separate households, ideally they should stay in those households," Harries said.

"The alternative might be that, for quite a significant period going forwards, they should test the strength of their relationship and decide whether one wishes to be permanently resident in another household."

Her statement appears predicated on assuming all such relationships are inevitably working either towards permanent co-residency, or relationship failure – the intervening time being temporary. Further comments made that day implied a presumption such relationships were likely to be between younger individuals. However, many couples elect to live permanently in circumstances wherein their two separate home remain their preferred choice, especially after each partner has already raised a family with a former partner, in a longstanding family home. The comments addressing the situation of couples with two separate households did not appear to embrace such a possibility.

The interaction of different restrictions applying concurrently was challenging to disentangle. For example, overnight stays, were permissible to assist a vulnerable person, (such as a person over 70years old), so where one member of a couple was over this age, and sometimes required assistance, did that enable the couple to be together during some but not all nights? When the regulations for moving house were eased, this permitted couples to then live together for the first time, but did this also signal that couples hitherto separated might now 'move' into one of their two homes if they had they not done so at the commencement of the regulations – or did you have to actually purchase a property to gain this right? In each of these instances, which part of the Statutory regulations was super-ordinate? There are in fact other seeming anomalies, but those two suffice to illustrate the lack of clarity to lay persons.

The March lockdown required couples living in two households to precipitously enact a one-way choice – live together or live apart for the duration of the restrictions. However, separate homes come with separate and practicable incompatibilities – such as pets and security issues that cannot be summarily combined or abandoned.

Not the least concern is the requirement of most standard household insurance policies regarding the limit of time a home may be left unoccupied without invalidating insurance cover. Those sorts of arrangements cannot be made in only hours – as might readily be possible for a young couple both of whom still reside in their respective parental homes. A two-way choice is only valid if it presents two plausible and equally viable alternatives – it is otherwise a 'fait-accompli'.

The precipitous time frame removed the one extra safeguard couples in two households could have applied to safeguard themselves from Covid, simply by electing to live separately for two weeks, then to live within one household knowing for a certainty neither were incubating the disease. This safeguard was not possible for couples already living together – and was then inexplicitly also denied to couples who live in different households.

It is difficult to see why co-residency was presented as a strictly 'one time' only choice. Clearly, couples who opted to live together, only to find this failed, must have retained an unequivocal right to return each to their own homes? Therefore, it is challenging to understand the logic as to why a couple who had each self-isolated for any given number of weeks, could not sensibly defer or delay a decision to live together at a later time into the lockdown.

The over-simplicity of the verbal presentation of the Statutory regulations, (most especially the decision not to explain to the public that Regulation 6 on the list of 'reasonable excuses' was not exhaustive – and the failure to clarify the difference between Statutory regulations and guidance), had in combination with the March ban on linked households, engendered a quasi-moral vigilantism by neighbours and the Press of 'non-standard' life-styles, this most particularly so of public figures. The hunt for such couples made for many a salacious press 'revelation' – (generally of people not actually breaching the statutory regulations if a proper inspection was applied - but rather of members of the public believing this to be so, as was the circumstance pertaining to my own personal experience).

A new-found appetite for this puritanical style of 'popular' moral judgement, appears to emulate the former intolerance of non-binary relationships, or co-habitation of the unmarried – rather than this having any real connection to the reduction of the spread of a pandemic virus.

The expression of this is recognisable only as belonging to earlier decades of the 20th century. Implicit within the Covid regulations is an assumption that protected 'couple' status requires co-residency. Certainly, to have enabled those co-residential couples conforming to conventional and traditional life style choices to continue their relationships as ever they have, whilst at the very same time banning others from meeting, does not appear to sit well in an era of 'equal opportunities'. This is most especially so given the possibility this selectivity may impact disproportionately on

older couples where a bereaved partner may wish to retain a longstanding family home, rather than seek a single shared residence with a new partner. The former may be indispensable to their family history, and thus the management of grief. The regulations do thus appear to be framed with an implicit bias that addresses the situation of younger couples capable of enacting a speedy decision to co-reside in either respective parental home.

The logical rationale for the subsequent June 1st amendment to the regulations, whereupon overnight stays of people living in two separate households were explicitly banned, is entirely baffling – firstly because it raised the possibility that overnight stays had in fact not actually been banned prior to that date, and secondly because it came at a time when announcements to the Nation were about relaxing the regulations. The epidemiological rationale for the then reversal of this only 15 days later is equally baffling.

The sequence of restrictions and prohibitions has operated to cause older couples with separate homes to endure protracted isolation, and possibly harassment by neighbours and the Press, who might instead each have safely offered the other all the benefits of companionship and support afforded by co-residential established relationship. This appears to have been enacted withs no commensurate or proportionate reduction of risk of exposure to or transmission of the virus.

I hope the Committee will consider if, in the light of hindsight, the restrictions on the relationships of couples living in separate households, prior to the introduction of 'linked households', was a proportionate and reasonable loss of their normal HRA protections in the context of managing viral contagion.

Yours faithfully,

Lesley Ann Summerland.

18/07/2020