
STATES OF JERSEY



COVID-19 (SAFE DISTANCING) (JERSEY) REGULATIONS 2020: MEDICAL OFFICER OF HEALTH REPORT 1 AND RESPONSE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES

**Presented to the States on 17th June 2020
by the Minister for Health and Social Services**

STATES GREFFE

Regulation 5 Covid-19 (Safe Distancing) (Jersey) Regulations 2020: Report 1

Date: 11 June 2020

Background to report

1. Covid-19 (Safe Distancing) (Jersey) Regulations 2020 (“the Regulations”) were adopted by the States Assembly on 28 May 2020. Regulation 5 of the Regulations requires the Medical Officer of Health (MoH) to report to the Minister for Health and Social Services on:
 - a. changes (decrease, increase or otherwise) in the risk of the spread of Covid-19 in Jersey
 - b. the foreseeable likelihood of any change to that risk in the next 14-day period
 - c. whether any such change or likelihood of change leads the MoH to recommend that the Minister should consider taking any action with regard to the Regulations.
2. The MoH must report to the Minister at intervals of no more than 14 days. This report (Report 1) is made on 11 June 2020, that date being 14 days after the adoption the Regulations. Report 2 will be made on, or before, 25 June 2020.
3. The purpose of the report is to:
 - a. set out information about Covid-19 infection rates in Jersey and foreseeable likelihood of change (Section 1)
 - b. set out recommendations to Minister and rational for those recommendations (Section 2)

Section 1: Covid-19 in Jersey (case and mortality data)

4. Table 1 below provides information about Covid-19 on the dates:
 1. 28 May 2020: date the Regulations adopted were adopted
 2. 04 June 2020: day 7 post adoption of Regulations
 3. 10 June 2020: day 13 post adoption (Report 1 being written on day 14).
5. The table show the prevailing very low rate of Covid-19 cases in Jersey, with the number of confirmed cases increasing from 308 to 313 during that period (5 new confirmed cases) whilst the numbers of people tested for Covid-19 increased from 5837 to 8281 (increase 2,444 of tests). The ratio of tests to confirmed cases has

increased from c.19 tests to 1 confirmed case on 28 May, to c.26 tests per 1 confirmed case on 10 June 2020. This indicates that whilst the number of cases has increased – which is to be expected as testing capacity increases – the rise in cases should not be construed as significant or unexpected.

6. The latest small increase in active cases over the period 4 to 10 June arises in the main from intra-household transmission and does not, therefore, materially increase the risk level to the Jersey population as members of the households are self-isolating.

7. Table 1

	Item	28/05/2020	04/06/2020	10/06/2020
Tests	Negative tests	5904	7400	9207
	Pending results	413	751	588
	Total samples tested	6630	8465	10113
	Total results received	6217	7714	9525
	Total people tested	5837	7340	8281
Cases	Confirmed cases	308	309	313
	Female positive %	60%	60%	60%
	Male positive %	40%	40%	40%
	Average age tested positive	55	55	54
	Known Active Cases		3	5
	Hospital occupancy rate (%)	50%	42%	42%
	Number of patients with Covid-19 in hospital	2	0	1
Mortality	COVID 19 deaths registered to date	29	30	30
	Number of laboratory proven deaths	14	15	15
	Number of presumptive deaths*	15	15	15
	Deaths in General Hospital	13	13	13
	Deaths in St Saviour's Hospital	3	3	3
	Deaths in care homes	12	12	12
	Deaths in domestic properties	1	2	2
	% registered deaths aged 50-59	3%	3%	3%
	% registered deaths aged 60-69	7%	10%	10%
	% registered deaths aged 70-79	28%	27%	27%
	% registered deaths aged 80-89	38%	37%	37%
	% registered deaths aged 90+	24%	23%	23%
	Female deaths %	38%	37%	37%
Male deaths %	62%	63%	63%	

Recoveries	Total recovered	287	290	292
	Female recovered %	62%	62%	62%
	Male recovered %	38%	38%	38%
	Average age recovered	53	54	54

*where there is no laboratory result or a negative result, but cause of death is certified as 'probable' based on clinical history, examination, and investigation

Section 2: Recommendations

8. The MoH is required under Regulation 5(2)(c) to recommend whether the Minister should - based on changes to risk of the spread of Covid-19 or the foreseeable likelihood of changes to that risk - give consideration to taking action under Regulation 5(5).
9. Action under Regulation 5(5) could include the Minister, if satisfied that it is no longer necessary and proportionate for persons to be subject to criminal sanction for failure to comply with safe distancing, either:
 - a. suspending the offences set out in the Regulations, or
 - b. bringing a proposition to the Assembly to amend or repeal any part of Regulation 2 (which provides for safe distancing of 2m and the associated offence) or Regulation 3 (which provides for responsibility for children and the associated offence).
10. Based on the very low prevailing rates of Covid-19 in Jersey, the MoH anticipates that Report 2 - which must be provided to the Minister by 25 June 2020, if not before - will recommend that the Minister take action under Regulation 5(5) and suspends the offences set out in Regulation 2(2) and 3(1). These being of the offences of wilfully failing to comply with a direction to:
 - a. cease breaching safe distancing or
 - b. stop a child breaching safe distancing.
11. In the intervening period the MoH recommends that the Minister maintain the Regulations as they currently stand, including the associated offences.
12. The Minister is asked to note that:
 - a. the MoH will not recommend in Report 2 to suspend the offences if, in the intervening period, there is an increase in the Covid-19 infections rates (accepting that increased testing capacity will result in increased identification of case of infection, as distinct from increased numbers of case)
 - b. whilst the MoH may recommend suspension of the offence in Report 2, the MoH anticipates the public health advice will nevertheless set out that people should

maintain at least 1m distance from other people who are not members of the same household but 2 metres wherever possible.

13. The MoH anticipates:

- a. recommending the suspension of offences in Report 2 on the basis of:
 - the prevailing very low rate of Covid-19 cases in Jersey
 - the likely of continued very low rates infections
 - capacity available in the acute care setting in the event of future increase
 - increase testing capacity, coupled with enhanced track and tracing facilities
 - concerns that the negative effect of ongoing restrictions on people's wellbeing could be judged to outweigh the potential risk of increased transmission given the current very low rates.
- b. public health advice being amended to recommend a minimum 1 metres safe distancing, with 2 metres where possible, in light of recent scientific evidence, as reviewed by the Scientific and Technical Advisory Cell (STAC). That evidence shows that 1 metres does provide protection against risk of transmission albeit the evidence also shows *some* further protection at 2 metres compared to 1 metre. 1 metre better enables day to day activities, such as shopping, schooling and outdoor socialising, plus there is sufficient observational evidence to suggest that members of the public are not observing/finding it difficult to observe 2 metre distancing.

14. Noting the factors set out above, the MoH nevertheless recommends that the Minister maintain, for the time being, the 2-metre 'safe distance' in law, with the associated offences, as it cannot yet be known if the move to Level 2 of the Safe Exit framework may impact Covid-19 transmission rates in Jersey. The MoH cannot therefore, recommend at this stage, that the Minister should take action under Regulation 5(5).

Dr Ivan Muscat
Deputy Medical Officer of Health
11 June 2020

Regulation 5 Covid-19 (Safe Distancing) (Jersey) Regulations 2020

Statement by Minister in response to Medical Officer of Health Report No. 1

Date: 15 June 2020

Background to Minister's statement

1. Covid-19 (Safe Distancing) (Jersey) Regulations 2020 ("the Regulations") require the Medical Officer of Health (MoH) to report to the Minister for Health and Social Services, at intervals of no more than 14 days,
 - a. changes in the risk of the spread of COVID-19 in Jersey
 - b. the foreseeable likelihood of any change to that risk in the next 14-day period
 - c. whether the MoH recommends that the Minister should consider taking any action with regard to the Regulations.
2. The Minister is required, within a reasonable period, after receiving the MoH report to prepare a statement in response to the MoH report and lay the MoH report and any statement before the Assembly.
3. In accordance with the Regulation, the MoH submitted a report to the Minister on 11 June 2020 (Report 1 attached). The Minister's statement in response to Report 1 is set out below.

Minister's statement

4. I would like to thank Dr Ivan Muscat for his report dated 11 June 2020 (Report 1). Dr Muscat is Deputy Medical Officer of Health and made the report in the absence, on health grounds, of the Medical Officer for Health.
5. In that report, Dr Muscat recommends that the COVID-19 (Safe Distancing) (Jersey) Regulations 2020 and the associated offences should, at this point in time, be maintained. Dr Muscat makes that recommendation because, as he states, it cannot yet be known if the move to Level 2 of the Safe Exit framework will impact COVID-19 transmission rates in Jersey. Level 2 commenced on 12 June 2020, the day after Dr Muscat provided Report 1. I accept Dr Muscat's recommendation; I recognise that

we must have some indication of the effect of moving to Level 2 before bringing forward changes to the Regulations.

6. I note that Dr Muscat anticipates that the MoH's follow up report (Report 2) - which must be submitted by 25 June 2020 - may recommend that I, as Minister, take action under Regulation 5(5). This action could include:
 - a. making an Order to suspend the offences set out in the Regulations, or
 - b. bringing a proposition to the States to amend the offences or repeal the Regulations in their entirety.

7. Dr Muscat also anticipates that, in addition to any recommendation that may be made with regard to the Regulations, public health advice may be amended to recommend that people should maintain at least 1m distance from other people who are not members of the same household, but 2 metres wherever possible.

8. For action to be taken under Regulation 5(5), I must, in accordance with Regulation 5(4), be satisfied that the risk of COVID-19 transmission in Jersey, or the foreseeable likelihood of changes to that risk, mean it is no longer proportionate or necessary for a person to be subject to criminal sanction for failure to comply with 2 metres safe distancing. I have therefore asked the MoH consider and address the following points in Report 2, all of which I consider as important in helping meet the requirements of 5(4):
 - a. the available evidence on the efficacy of 1 metre safe distancing
 - b. the monitoring evidence of changes in COVID-19 transmission that may have arisen from the move to Level 2 (for example, confirmed new cases)
 - c. the appropriate period to monitor evidence of COVID-19 transmission that may have arisen from the move to Level 2
 - d. the potential implications of existing travel restrictions being lifted in Jersey
 - e. any indicators of behaviour changes that could generate risk (for example, reported incidents of gatherings of large groups of people)
 - f. evidence from other key stakeholders, such as States of Jersey Police, about the implications of not legislating for safe distancing
 - g. factors for consideration in relation to children and their wellbeing.

Deputy Richard Renouf
Minister, Health and Social Services