

Guidance for managing those who are unwilling to self-isolate when symptomatic with COVID-19

Worcestershire County Council

Herefordshire & Worcestershire CCG

West Mercia Police

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Purpose

The purpose of this document is to prevent the need for the use of the Coronavirus legislation by promoting active engagement of professionals, individuals and advocates. It gives clarity on the process that is required when all ways of assisting self-isolation have been exhausted. It clearly defines roles, responsibilities and escalation pathways.

Background

Current UK government guidance recommends that individuals presenting with Coronavirus like symptoms, a cough and/or a fever, should self-isolate for 7 days. The Coronavirus Act 2020 was introduced on 10th February 2020 to enable the imposition of proportionate requirements (e.g. screening and isolation) and other appropriate restrictions, on individuals where a Public Health Officer (PHO):

“Has reasonable grounds to suspect that an individual in England is, or may be, infected or contaminated with coronavirus and considers that there is a risk that they will infect or contaminate others, or where they have reasonable grounds to believe the individual has recently travelled from a specified infected area.”

The advice given in this document aims to provide professionals managing individuals who are reluctant to self-isolate when symptomatic, with options that can be explored to enable safe self-isolation and prevent the use of the Coronavirus Act.

Prevention

- Clear accessible communication before a person develops symptoms can help to prevent anxiety and confusion when symptoms develop. Ensure the people you support have a clear understanding of what is expected of them if they develop symptoms; if they have tested positive for COVID-19, or if they are requested to isolate due to an ‘outbreak’ in the setting where they are living.
- Ensure the involvement of support workers and others (eg friends/family where appropriate as well as professionals) who have established and positive relationships with the individual and knowledge of their previous care, support needs and patterns of behaviour.
- Offer reassurance that COVID-19 is a mild illness for the majority of people and they will continue to be cared for even if they develop symptoms.
- Develop clear pathways of how an individual can self-isolate safely if they become symptomatic. Ideally these pathways should involve as little disruption to the individual’s living situation as possible.

Resources

It is important that this information is communicated in different formats so that it is as accessible as possible.

There have been many resources developed in multiple formats aimed at specific groups which you may find useful to help communication with your service users, several of which can be found on these websites:

www.worcestershire.gov.uk

www.nhs.uk

www.phe.gov.uk

Consider whether there is anybody else that can help the person to understand the information if needed, for example:

- An advocate or representative
- A family member
- A friend

What to do if a symptomatic person does not wish to self-isolate?

The position of Public Health England (PHE) on the use of powers issued under the Coronavirus Act 2020 is clear. The PHOs involved will seek every way to avoid use of the powers outlined and work towards voluntary compliance. All reasonable measures should be taken to persuade people to voluntarily comply with requirements for isolation or testing. Where there is doubt regarding the person's capacity to understand what is being asked of them, then appropriate assessments under the Mental Capacity Act should be undertaken. It may be necessary for them to have a formal mental health assessment.

As the professional currently involved with and concerned about the person, you should take on the role of lead professional unless it is agreed that another professional should take on this role. As the lead professional for the person you are best placed to understand the needs and specific barriers to self-isolation that this person has. In Worcestershire we advocate exploring every possible option before enacting the Coronavirus legislation.

If a situation develops where a COVID-19 symptomatic individual refuses to self-isolate then you should consider:

What can be done for this person to aid their self-isolation within existing relationships?	Can others be re-located away from them? Can they be moved somewhere else where they would prefer to self-isolate? Has self-isolation been discussed in a clear and calm manner? Is there another provider of care to this person who could help with communication or self-isolation? Eg Substance misuse services
Can the person be persuaded to self-isolate?	Has the individual been reassured that care provision will continue? Has the reason for self-isolation been explained? Can general reassurance be provided? Can things be done to make the individual more comfortable?

In order to fully consider the questions above, it is recommended that a multi-agency meeting is brought together, so that all avenues of support can be explored. Any practitioner can call a multi-agency meeting. This meeting should consider if the person has been given every opportunity to understand the information being provided and has been supported in doing this.

Testing should be organised for the symptomatic individual, if possible, so that it can be established if they have a Coronavirus infection. The person should self-isolate while waiting for the test result.

If restrictions or requirements under the Coronavirus Act 2020 are applied to a person, that person has the right to bring forward an appeal through the magistrates' court.

Mental Capacity Act 2005

- Where the person lacks the mental capacity to understand the risks associated with the decision not to self-isolate, the Mental Capacity Act should be followed as far as possible. This includes supporting the person to understand the issues in order that they can make their own decision and looking at how self-isolation could be achieved in a way that is least restrictive of their rights and freedoms. This may involve providing accessible information and exploring concerns the person has regarding available accommodation. Speak to your organisation's safeguarding lead and/ or see the Worcestershire Safeguarding Adults Board Mental Capacity Act 2005 Guidance and Policy for Staff for further information. If the relevant steps have been taken and the person is found to lack capacity or has fluctuating capacity and is refusing to self-isolate, then it may be necessary to use PHO powers.

Mental Health Act 1983

- Mental Health Act 1983 cannot be used to compel people to undergo testing, receive treatment or isolate themselves if these measures are unconnected to the person's mental disorder.
- Mental health professionals do not have the power to use reasonable force for the purposes of enforcing Schedule 21 of the Coronavirus Act.

If No Other Option

If the lead professional has identified that all professionals involved with the person agree that nothing can be done to persuade or enable the individual to self-isolate safely, then the following steps should be taken:

- PHO through Health Protection Team – **0344 225 3560** ->**option 0** ->**option 2**. Request to speak to Public Health Officer (PHO) regarding use of Schedule 21 Powers - Coronavirus Act 2020. **The out of hours number** to call PHE in the West Midlands is **01384 679031**
- The PHO will then consider if one or more of the following are met:
 - (i) has tested positive for coronavirus;
 - (ii) is presenting with symptoms of coronavirus (regardless of whether the person has been tested);

(iii) is, or has been, in contact with another person with symptoms of coronavirus, regardless of whether that other person has been tested for coronavirus, or

(iv) has arrived within the last 14 days from an infected area.

- If test met, context fully understood and when appropriate to do so, PHO will speak to individual concerned (or their advocate / responsible adult) to outline area of non-compliance and legal power available.
- Early liaison with West Mercia Police will ensure that the appropriate support can be identified and provided to support any subsequent enforcement.
- If individual remains non-compliant and it is appropriate to do so, Incident Management Team (IMT) will be convened.

IMT To Consider
<ul style="list-style-type: none">• Has person been given every opportunity to understand information being provided and supported in doing this?• Where the person will be taken for screening and assessment – facility must be suitable for screening and assessment. E.g. an isolation facility, an NHS facility or any other agreed facility (as long as it is suitable for screening and assessment)?• How the person will be moved to a place for screening or assessment?• Will facility be able to accommodate any complex needs of the individual.]]?• Will transport for the person be required (and if so how)?• Will security arrangements be required (and if so how)? <p style="text-align: center;">Are there associated costs and how these will be paid?</p>

If you require any further assistance with this information please contact your safeguarding lead.

Appendix 1: Communication Resources

<https://www.dementiauk.org/get-support/coronavirus-covid-19/leaflets-and-information/>

<https://groundswell.org.uk/coronavirus/>

<https://www.ageuk.org.uk/information-advice/coronavirus/>

<https://www.gypsy-traveller.org/advice-section/guidance-for-gypsy-traveller-and-liveaboard-boater-communities-on-coronavirus/>