



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 27TH JANUARY, 2022**

**The States resolved as follows concerning Billet d'État No II
dated 21st December, 2021**

**POLICY & RESOURCES COMMITTEE, COMMITTEE *FOR* HEALTH & SOCIAL CARE, AND
COMMITTEE *FOR* HOME AFFAIRS**

**LIVING RESPONSIBLY WITH COVID-19
P.2021/144**

- I. After consideration of the Policy Letter entitled 'Living responsibly with COVID-19' (dated 20th December, 2021): -
 1. To direct the Committee for Health & Social Care to bring proposals as soon as is practicable to amend the Public Health Ordinance, 1936, to confer powers on –
 - a. the Medical Officer of Health, in respect of any one person, and
 - b. the Committee for Health & Social Care, in respect of any class or group of persons,to order the self-isolation of, and impose other restrictions or requirements on, persons already within the Bailiwick who are infected, or suspected of being infected (e.g. contacts of cases), with Coronavirus; and also to confer on the Committee for Health & Social Care the power to make regulations to extend the powers to other notifiable diseases, further to its consideration of the clinical judgement of the Medical Officer of Health and the advice of Her Majesty's Procureur.
 2. To direct the Committee *for* Health & Social Care when bringing proposals under Resolution 1 to include proposals designed to provide suitable checks and balances on the exercise of any powers conferred on the Medical Officer of Health and the Committee, as the case may be, including that:
 - a. powers shall be exercised by the Committee following consideration of the clinical judgement of the Medical Officer of Health and the advice of Her Majesty's

Procureur and with regard to the advice of the Medical Director with regards the Bailiwick's medical resources and the wider positive and negative impacts and equity for the community and having consulted with the Policy & Resources Committees and, if practicable, with such other Committees of the States as may be appropriate,

- b. powers shall be exercised only when necessary, urgent and proportionate,
 - c. any restriction or requirement imposed under a conferred power must be reviewed at regular periods, the precise frequency of which shall reflect the severity of the interference with the freedom of the person subject to the restriction or requirement,
 - d. there shall be a suitable mechanism for appealing against any decision of the Medical Officer of Health to exercise his or her powers, and
 - e. any order made by the Committee –
 - (i) must be laid before the States as soon as possible and, having been so laid, shall be capable of being annulled by Resolution of the States, and
 - (ii) may not exceed 6 months in duration unless it has, within that period, been extended for such further period as the States may by Resolution approve.
3. Having noted that in February 2014 the States of Deliberation *inter alia* resolved:

That a new Public Health (Enabling Provisions) Law be drafted.

That the [Health and Social Services] Department consults on and then proposes reforms to the current legislation under this new Law in order to legislate on provisions relating to hygiene, health, nuisance, disease control and other public health issues and the powers and duties of its statutory officers; the new Ordinances and subordinate legislation should include the necessary human rights protection and appeals mechanisms

and in December 2017:

To agree that the Committee for Health & Social Care should report back to the States on the legislative changes needed to disband the roles of Medical Officer of Health and Chief Medical Officer and, where relevant, transfer their functions to existing services or statutory officials whilst exploring the potential for creating reciprocal arrangements for the independent challenge and peer review of respective health and care policy on a regular or ad hoc basis by other small jurisdictions

and given that these Resolutions remain extant, to direct that the Policy & Resources Committee, having consulted with the Committee for Health & Social Care, shall give full consideration to the discharge of these Resolutions in the Government Work Plan

Update to be debated in June 2022 to include resource requirements and the impact of any prioritisation of this work during this term of government on the phasing and achievability of other actions in the Government Work Plan.

4. To direct the Policy & Resources Committee, having consulted as it deems fit but specifically with the Scrutiny Management Committee, to submit in time for consideration by the States at their meeting to be held on 27th April, 2022, a Policy Letter and suitable Propositions setting out proposals for a review of the States of Guernsey's strategic response and their effectiveness in the management of the impact of the COVID-19 pandemic on the Bailiwick and its residents, covering the period from the meeting of the Civil Contingences Authority on 12th March 2020 when an emergency was declared until the end of January 2022 , to include –
 - (a) terms of reference, which should draw on and scrutinise as necessary the outputs of reviews established by the Tactical Co-ordinating Group that are establishing lessons learned in terms of emergency response on an operational level, but not duplicate effort to the detriment of resourcing the Bailiwick's continuing recovery, and
 - (b) details of the resources required to undertake such a review;for the approval of the States.
5. TO NEGATIVE THE PROPOSITION To direct the Civil Contingencies Authority to submit for consideration by the States a Policy Letter and suitable Propositions for the approval of any blueprint or strategy for the ongoing management of COVID-19.

S.M.D ROSS
STATES' GREFFIER