

PUBLIC HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020

GUIDANCE IN RESPECT OF THE USE OF FACE COVERINGS

The Chief Secretary makes the following guidance in relation to face coverings, in accordance with Regulation 6C of the Public Health Protection (Coronavirus) Regulations 2020 ("the Regulations")

1.0 Introduction

1.1 The government has introduced new measures in response to the Coronavirus (COVID-19) Omicron variant to slow its arrival and spread and to protect the health and care system on the Island.

1.2 You **must** wear a face covering when:

- travelling inside a public transport vehicle; and
- when in a health and social care premises

For the purposes of this Guidance, a health and social care premises includes, but is not limited to, any indoor premises where health or social care services are provided to the public, including a hospital, GP surgery, dental practice, opticians or optometrist practice, pharmacy, residential home, care home, vaccination hub or other premises at which vaccinations are administered, or testing centre for the purpose of administering tests for Coronavirus.

1.3 You do not have to wear a face covering if you are exempt or have a reasonable excuse (see part 3 and 4 of this guidance below).

1.4 Wearing a face covering is a mandatory legal requirement, set out in the Regulations. Copies of the Regulations and the Direction regarding health and care settings can be found here: www.gov.im/about-the-government/departments/cabinet-office/the-office-of-the-chief-secretary/.

2.0 Face Coverings on Public Transport

2.1 Public transport includes vessels, vehicles, trams, trains, taxis, aircraft, light aircraft, helicopters that are available for public use, but does not include vehicles when they are being used for private use and not containing a member of the public.

2.2 Face coverings are largely intended to protect others, but also provide some protection for the wearer, against the spread of infection because they cover the nose and mouth, which are the main confirmed sources of transmission of the virus that causes COVID-19 infection.

2.3 Face coverings must be worn by passengers and all users and operators of public transport unless they are exempt or have a reasonable excuse (see part 3 and 4 below).

- 2.4 Operators must make sure that they communicate this information, either by:
- displaying appropriate notices prominently, where possible, on public transport vehicles;
 - taking other appropriate measures to ensure that passengers and users of public transport are aware of this requirement, for example through regular public announcements, reminders delivered to individuals directly by staff or through a website.
- 2.5 It is advisable that operators do both of these steps, and communicate to passengers in advance of travel, where possible to promote compliance with the requirements.
- 2.6 Operators should also not prevent any person from wearing a face covering or ask them to remove it, except where briefly required to verify a person's identity.
- 2.6 Operators should be mindful and respectful that:
- some people are not able to wear face coverings and the reasons for this may not be visible to others; and
 - a face covering may inhibit communication with people who rely on lip reading, facial expressions and clear sound.
- 2.7 Passengers who do not wear a face covering because they are exempt or have a reasonable excuse should not be refused access to transport services.

3.0 Exemptions to wearing a face covering of public transport

- 3.1 The requirement to wear a face covering when using public transport services does not apply to:
- a. a child who is under the age of 12;
 - b. on a ferry where the part of the ferry which is open to passengers is entirely outdoors;
 - c. where a person is allocated a cabin, berth or other similar accommodation on the vehicle, at any time where that person is in that accommodation —
 - (i) alone;
 - (ii) only with members of the persons household or a member of the household's carers.
 - d. where —
 - (i) a person is permitted or ordinarily required to board and to stay in a vehicle when using the public transport service;

- (ii) the vehicle is not itself used for the provision of a public transport service; and
 - (iii) the person stays in that vehicle.
- e. On a cruise ship;
- f. On an aircraft which neither took off from, nor is to land at, a place in the Island;
- g. On a vessel which does not dock at a port in the Island.

4.0 Reasonable Excuse to not wearing a face covering on public transport

4.1 The circumstances in which a person has a reasonable excuse to not wear a face covering on public transport, includes but is not limited to:

- a. where a person is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 7 of the Equality Act 2017);
- b. where a person has to remove a face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
- c. where a person has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
- d. where the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering i.e. escaping an immediate threat of violence;
- e. where the person has to remove the face covering to —
 - (i) take medication;
 - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (i.e. due to the length of the journey, or where eating and drinking is an essential element of that journey i.e. the provision of a dining experience or where food or drink is an essential part of the transportation service and in any case only at the time of eating or drinking);
- f. where the person is asked to remove the face covering by —
 - (i) police constable acting in the course of their duties; or
 - (ii) The operator of a public transport service, an employee of the operator or a person authorised by the operator. (See 4.2 below).

4.2 The circumstances where the transport operator, employee or person authorised by the operator may ask a person to remove their face covering is limited to:

- i. where, following the completion of an appropriate risk assessment, an operator determines that in the interests of health and safety an employee should remove their face covering to ensure their own or another's health & safety and appropriate physical mitigation is in place to remove or reduce the risk of

transmission to others i.e. sealed Perspex screens, this can be a policy or a one off risk assessment but must be regularly reviewed;

- ii. where there is a requirement to confirm the identity of a user of the public transport but this should be limited to the minimum time necessary to achieve that purpose.

5.0 Face coverings in Health & Social Care Premises

5.1 A Health and Social Care Premises includes but is not limited to any indoor premises where health or social care services are provided to the public, including a hospital, GP surgery, dental practice, opticians or optometrist practice, pharmacy, residential home, care home, vaccination hub or other premises at which vaccinations are administered, or testing centre for the purpose of administering tests for Coronavirus.

6.0 Exemptions to wearing a face covering in a Health and Social Care Premises

6.1 The **only** exemption to the requirement to wear a face covering is for a child under the age of 12.

7.0 Reasonable Excuse for not wearing a face covering in a Health and Social Care Premises

7.1 The circumstances in which a person would have a reasonable excuse to not wear a face covering in Health and Social Care Premises, include —

- a. where a person is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 7 of the Equality Act 2017);
- b. where a person is undertaking an activity and wearing a face covering during that activity may be considered to be a risk to their health;
- c. where a person has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
- d. where a person has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
- e. where a person is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;
- f. where a person has to remove the face covering to —
 - (i) take medication;
 - (ii) eat or drink, where reasonably necessary;
- g. where a person is asked to remove the face covering by a police constable;
- h. Where a person is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.

7.2 For the avoidance of doubt, a patient undergoing treatment within a Health and Social Care Premises who removes their face covering to facilitate that treatment or who is otherwise under the care of a health care professional and the wearing of a face

covering would be prejudicial to their recovery following treatment would be considered to have a reasonable excuse for the purposes of the Regulations.

- 7.3 In circumstances where a resident of a Care or Residential Home is alone, and is within the confines of their own room, or is with another person and for reasons of receiving health or care treatment or support does not wear a face covering, this will be considered a reasonable excuse for the purposes of the Regulations.

Will Greenhow

Chief Secretary

9 December 2021