

***Review into the February 2021 COVID-19
Outbreak and its Relation to the
Isle of Man Steam Packet Company***

**FINAL
REPORT**

18th May, 2021

Report By

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ASSIGNMENT CONTROL

Final Report issued:	18 th May, 2021	Author:	Stephen Hind FCCA
		Distribution:	Hon. H. Quayle MHK, Chief Minister W. Greenhow, The Chief Secretary

PART I: Executive Summary

1 Introduction

1.1 Background

1.1.1 On 15th March I was appointed by the Chief Secretary to undertake a review of the potential root causes, lessons learned and additional risk mitigations required in relation to the recent Covid-19 February 2021 outbreak as it relates to the Isle of Man Steam Packet Company (for ease of reference I include the Terms of Reference (ToR) provided to me as a part of that appointment at the Appendix 1 in Section 13).

1.2 Scope & Structure of Review

1.2.1 I have taken the final paragraph 9 of the ToR as being the overarching objective and scope for my review:

The aim of the report is to inform the Chief Minister and Council of Ministers as to the timeline of events and root causes that led to creation of the recent IOMSPCo 'cluster', to identify lessons to be subsequently learned, and to identify any further mitigations now required to manage the risks of a reoccurrence.

i.e. my report should specifically include:

- a timeline of events;
- an element of root cause analysis;
- the identification of lessons to be learned; and
- any additional identified risk mitigations.

1.3 Key Areas of Review

1.3.1 From the outset of my work in relation to undertaking this review it was apparent that the statutory context in relation to this area was both complex and important in relation to decision making. Accordingly I have provided a summary of this and its key impact upon the consideration of the Island's borders and jurisdiction in Section 5.

1.3.2 I have focused the Root Cause Analysis element of this review (see Section 0) on the following areas that in my view were identified within that ToR as requiring specific consideration (ToR paragraphs 6 i – iv):

1. IOM Government Advice to IOMSPCo - *The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020.*

2. Statutory Processes - *The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.*

3. IOMSPCo Risk Governance - *The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations. (Note: I have also considered the IOMSPCo Internal Report to its Shareholder whilst reviewing this area)*

4. Contact Tracing - *How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.*

1.3.3 A summary of my findings in relation to each of these four Terms of Reference Areas is included within the detail of my report provided in Part II, with further supporting information provided in the Appendices in Part III.

1.4 Approach

1.4.1 My review has consisted of 4 general phases:

- Request for & review of relevant documentation;
- Interviews/meetings with relevant parties;
- Written clarification queries to parties (where applicable);
- Consultation of findings and reporting.

1.5 Acknowledgements

1.5.1 I would like to take this opportunity to thank the following for their participation in this review and in particular assisting with it via interviews/meetings:

Name	Party	Position
H. Quayle MHK	Council of Ministers	Chief Minister
W. Greenhow	Cabinet Office	Chief Secretary
Dr H. Ewartt	Public Health (Cabinet Office)	Director of Public Health
S. Stanley	Cabinet Office – Covid Response Team	Executive Director Covid Response (Former)
K. Willson	Cabinet Office – Contact Tracing	Senior Investigating Officer/Senior Manager
J. Taylor	Cabinet Office – Travel Notification Service	Travel Notification Service Manager (Former)
K. Maddox	Cabinet Office – Travel Notification Service	Travel Notification Service Manager
K. Graham	Cabinet Office – Travel Notification Service	Travel Notification Service Manager
M. Lewin	DfE/ Cabinet Office	Chief Executive Officer (DfE)/ Cabinet Office Executive 'Co- ordinator'
A. Cannan MHK	Treasury	Treasury Minister
C. Randall	Treasury	Chief Financial Officer
K. Magson	DHSC	Interim Chief Executive Officer
K. Malone	DHSC	Deputy Chief Executive (Governance)
R. Wild	Manx Care	Chief Information Officer
C. Mitchell	Ship Registry	Director of Ship Registry
I. Mansell	DEFA	Director of Regulation
R. Greaves	Health & Safety Executive (IOM)	Senior Health & Safety Inspector
L. Ugland	IOMSPCo	Chair of the Board
M. Woodward	IOMSPCo	Chief Executive Officer

1.5.2 In addition to the above, the following have also assisted either via the provision of advice or the facilitation of documentation:

Name	Party	Position
L. Smith	Attorney General's Chambers	Executive Director of Legal Services
K. Hemsley	Cabinet Office	Director of Change & Reform and Executive Office, Cabinet Office
D. Kinrade	Cabinet Office	Head of Executive Office

1.5.3 Fundamental to the delivery of this report has been the considerable professional assistance of some of the members of the team within Audit Advisory Division, for which I would also like to note my gratitude.

1.5.4 Whilst the final contents and views contained within this report are fully my own, for transparency I also include the nature of their contribution below:

Name	Position	Role in this Review
M. Dykes	Forensic Accountant & Financial Programme Manager	General professional support Professional peer review
J. Hill	Senior Financial Analyst/Investigator	Assistance in the review of IOMSPCo risk assessments
R. Kermode	Forensic Analyst	Assistance with timelines

1.6 Limitations

1.6.1 I have been appointed under the ToR to undertake this review on behalf of the Chief Minister, as such it should be noted that I have not been appointed to conduct an inquiry in accordance with the Inquiries (Evidence) Act 2003.

1.6.2 Due to statutory limitations on the use of information contained within the Public Health Protection (Coronavirus) Regulations 2020, I have not been provided with access to detailed information collected in relation to Contact Tracing enquiries undertaken by or on behalf of the Director of Public Health.

1.6.3 As outlined later in my report, the context for regulation and enforcement in the area under review is highly complex and it should be highlighted that I have not been provided any statutory authorities in relation to formal investigation or obtaining of evidence, particularly in relation to the activities on board a sea going vessel.

1.6.4 Accordingly I have been given no powers to formally obtain evidence and have had to rely upon the co-operation of all parties in the provision of documentation and answering queries arising.

1.6.5 It should also be noted that, due to concern over the public queries in relation to the potential criminal prosecution, the Isle of Man Steam Packet Company have shared information and documentation subject their own independent legal advice.

1.6.6 It should be noted that I am not qualified or a specialist in relation to the multiple disciplines involved in this area, e.g.

- Public Health;
- Health & Safety;
- Law (Criminal or Civil);
- Maritime regulation;
- Ferry service operations.

- 1.6.7 However I do consider that my professional skillset and experience are sufficient for me to be able to appropriately question and develop a 'lay understanding' in relation to the relevant decisions made and rationale adopted within these specialist areas.
- 1.6.8 Views in relation to legal status of documentation, whilst informed where appropriate by legal advice, are my own. However, legal opinion, remains as such until objectively scrutinised in a Court of law.
- 1.6.9 Whilst I have endeavoured to identify additional risk mitigations to further assist in relation to the issue under review, at the time of this review, the nature of this area is that the risk profile being presented it is continually changing and it is inevitable that further risks will emerge that have not been considered.

1.7 Structure of Summary Findings: 7 Key Issues

- 1.7.1 Whilst I have focused and structured the core of my detailed review in relation to the Terms of Reference areas, it is apparent that there is a significant amount of overlap in relation to the issues arising within them.
- 1.7.2 It was also apparent during the course of my review that there were key issues that should be reported upon and that these did not fit easily within the structure determined by the Terms of Reference.
- 1.7.3 Accordingly I have reported my findings at a summary level in accordance with what I consider are the seven key issues that I have identified from my review, many of which are common themes relating to more than one of the Terms of Reference areas:
- Regulatory Complexity, the Balancing of Risks and Prioritisation;
 - Managing the Risk On Board the Vessel - Safeguarding Manx Resident Crew Members;
 - Managing the Risk in the Community – Modified Self-Isolation;
 - Preventing the Spread of an Infection in the Community - Contact Tracing;
 - Statutory Processes & Documentation;
 - Compliance & Enforcement; and
 - Resourcing.
- 1.7.4 I present my summary of these seven key issues, alongside any related recommendations in Section 2 below.
- 1.7.5 My overall conclusion is presented in Section 3.
- 1.7.6 I have made a total of 8 recommendations for consideration. For ease of referencing I also include a summary table of these 8 recommendations made, in Section 4.

2 Seven Key Issues

2.1 Regulatory Complexity, the Balancing of Risks and Prioritisation

- 2.1.1 The primary issue that has been the subject of this review is set against a highly complex regulatory backdrop. There are multiple Government agencies involved, multiple jurisdictions and regulations changing quickly and frequently.
- 2.1.2 As an example, even the definition of the Island's borders used for the purpose of entry onto the Island technically changed in the transition from those regulations made under the Emergency Powers Act to those made under the Public Health Act at the end of December 2020.
- 2.1.3 However it is the balancing of four core risks in particular, each 'owned' by a different party, but coming together within that complex regulatory framework, that lie at the heart of the issues that have been the subject of this review:
- Health & Safety on board vessel (both infection prevention but also ensuring that mitigation measures implemented do not interfere with the safe operation of the vessel): statutory responsibility lies with the IOM Steam Packet company and also its individual crew members via the Marine regulations issued by the IOM Ship Registry.
 - Public Health and the prevention of Coronavirus within the community: statutory responsibility lies with the Director of Public Health.
 - The maintenance of Critical National Infrastructure for the Island: overarching responsibility lies with the Council of Ministers. The Department of Infrastructure has statutory role in approving entry applications for Merchant Seaman and Critical National Infrastructure.
 - Basic Human Rights in relation to individual freedoms: Statutory responsibility for the issue at hand effectively lies with the Chief Secretary via the statutory requirement within the Public Health Protection (Coronavirus) Regulations 2020 to ensure that all measures imposed are 'proportionate' to the risks being managed.
- 2.1.4 It is my view that the complexities of the regulatory and statutory environment incumbent on these parties working to common goals but from differing perspectives contributed to a delay in issuing valid documentation (see below 'Statutory Processes & Documentation' for further information in relation to these delays and the issues relating to the validity of documentation).
- 2.1.5 Some of the core issues and concerns arising had been identified and discussions on their resolution initially commenced in August 2020, however it was not until the key parties met immediately prior to the February 2021 Outbreak, that potential solutions were identified and discussed in relation to how the 4 core risks could be balanced appropriately.
- 2.1.6 However the agreed approaches were not effectively implemented until revised documentation was issued immediately following the outbreak.

Recommendation 1: Cabinet Office - Issue Management

As a minimum a dedicated issue log should be maintained for IOMSPCo (and other high risk clients) in order to track and assist in the management and exception reporting of the current status of issues raised/outstanding.

Subject to other Cabinet Office priorities, this could form the part of the development of a centralised administration system (based upon standard Customer Relationship Management) and could also assist in the co-ordination and administration of travel restriction advice and documentation issued by TNS.

Recommendation 2: Cabinet Office - Multi-Agency Meetings

The introduction of regular multi-agency meetings to assist in the ongoing review of the effectiveness of Covid-management arrangements with the Steam Packet.

Regular membership should include:

- IOMSPCo;
- Covid Response Team – TNS;
- Public Health; and the

- Department of Infrastructure.

With IOM Ship Registry and IOM HSE by invitation, when appropriate.
(Frequency of meetings to be determined by the severity of Coronavirus threat.)

2.2 Managing the Risk On Board the Vessel - Safeguarding Manx Resident Crew Members

- 2.2.1 It is apparent that at an early stage in the pandemic the Steam Packet implemented general best practice guidance in relation to the Maritime regulatory frameworks within which they are required to operate.
- 2.2.2 In addition to required compliance with domestic Coronavirus regulations, in accordance with Merchant Shipping (Maritime Labour Convention) Regulations 2013, all Steam Packet crew members are also required to adhere to on board Health & Safety protocols, including the wearing of any prescribed PPE.
- 2.2.3 In relation to the issue under review there are two key operational risks that require specific consideration in relation to the protection of crew:
- the risk of infection from the crew's interaction with the general public; and
 - the risk of intra-crew infection, in particular that of the Manx resident crew becoming infected from UK/Non-IOM resident crew members.
- Whilst ensuring that Covid-19 mitigation measures did not comprise the general Health & Safety of the crew when operating in the marine environment.
- 2.2.4 However it is clear that this second risk was not specifically considered and mitigated against in the early risk assessments undertaken by the IOM Steam Packet. These focused primarily on infection risks between crew and public and not on the intra-crew risk.
- 2.2.5 In July 2020 queries in relation to the appropriate management of these risks were raised by senior officers within the Steam Packet and the Steam Packet specifically requested advice from the Director of Public Health in relation to the management of this 'intra-crew' risk.
- 2.2.6 As a consequence, in August 2020 the Director of Public Health clearly advised the Steam Packet that face coverings should be used for the management of these intra-crew risks.
- 2.2.7 However the Steam Packet's Covid-19 Response Plan did not introduce any general requirements for the crew to wear facemasks until the version issued on 18th January 2021.
- 2.2.8 It was not until Entry Certificates/exemptions were being revised by the Cabinet Office and risk assessments were reviewed and challenged by the Director of Public Health and the DHSC, that the Steam Packet risk assessments subsequently included explicit mitigations for the management of intra-crew infection risks e.g. with the specific requirement to wear appropriate PPE in mixed-crewing and non-public facing areas.
- 2.2.9 These risk assessments now incorporate on board mitigations agreed by the Director of Public health and compliance with those mitigations is now a requirement for all individual Manx resident crew members for them to be exempted from self-isolation when on Island.
- 2.2.10 An objective review of those risk assessments, comparing them with international best practice, has been undertaken as a part of this report and it is my view that, whilst additional improvements have been identified, they are generally consistent with that best practice.

Recommendation 3: IOMSPCo - Risk Assessment Review

To consider the Risk Assessment Gap Analysis undertaken as a part of this review and update risk assessments for tiered and proportionate responses to varying infection risk levels, as considered appropriate.

2.3 Managing the Risk in the Community – Modified Self-Isolation for Manx Crew

- 2.3.1 At the outset of the pandemic (March 2020) IOM Government had clearly advised the Steam Packet that its Manx Resident crew were not required to self-isolate.
- 2.3.2 In August 2020 the Director of Public Health advised the Steam Packet that it was her view that Manx Resident crew in high risk positions should be in self-isolation, whilst off-duty and on the Island.
- 2.3.3 However there had been no substantial change in the official documentation issued to the Steam Packet (and its crew) in relation to its Coronavirus compliance requirements over that time and it is my view that the documentation then in place infers that self-isolation is a only requirement for Non-IOM Steam Packet crew.
- 2.3.4 In addition, since July 2020, for self-isolation (modified or otherwise) to be imposed upon Manx Resident crew then the regulations have required the Chief Secretary (or as in this instance, those delegated by him to do so) to issue Direction Notices to individual Manx resident crew members.
- 2.3.5 Such individual Direction Notices were not issued until after the February 2021 outbreak, following further review by the Director of Public Health and the Cabinet Office in relation to required procedures and the risk mitigation measures on board.
- 2.3.6 However, to clarify, this documentation still does not impose self-isolation restrictions on the Manx resident crew, providing they have adhered to stipulated risk mitigation measures whilst on board.
- 2.3.7 Accordingly it is my view that, whilst IOM Government advice may have been inconsistent in relation to this matter, prior to and at the time of the February 2021 outbreak the official documentation issued did not require for Manx resident crew members to self-isolate.
- 2.3.8 However it is also my view that this issue has now been resolved by the relevant parties and I make no further recommendations in relation to it.

2.4 Preventing the Spread of an Infection in the Community - Contact Tracing

- 2.4.1 The Contract Tracing team comprises of experienced Officers sourced primarily from Environmental Health who are now also experienced in Contact Tracing.
- 2.4.2 The protocols used by the Contact Tracing team to identify 'high risk contacts' have been based upon with the key criteria outlined by the European Centre for Disease Prevention & Control (ECDC).
- 2.4.3 Whilst the contact tracing team quickly responded and implemented the Test, Trace & Isolate strategy following the notification of the first positive case UK Steam Packet Crew Member, none of the 7 'High Risk Contacts' that were identified and told to self-isolate subsequently tested positive.
- 2.4.4 However, subsequently 4 other Steam Packet crew members, who had not been told to self-isolate tested positive for Covid-19 7 days later.
- 2.4.5 It is clear from a review of the contact tracing data in relation to the initial outbreak, that even with capable resourcing and following internationally accepted protocols, the Test, Trace & Isolate activity did not succeed in closing down the outbreak at its initial stages.
- 2.4.6 As the operations of the Steam Packet are such a critical continuity and border management risk for the Island it is my view that further risk mitigation measures would be justified in addition to reliance on Contact Tracing.
- 2.4.7 Accordingly I am recommending that a bespoke outbreak mitigation plan is developed by the Cabinet Office to implement additional measures to assist in closing down the risks of community spread, following any identified positive case amongst Steam Packet crew.

Recommendation 4: Cabinet Office - IOMSPCo Rapid Response Plan

A bespoke 'Standard Operating Procedure' should be developed in consultation with IOMSPCo, in relation to procedures for the management of any future outbreak amongst IOMSPCo crew.

To consider for example:

- Removal of on-Island self-isolation exemptions for all crew on notification of first positive case.
- Full testing of all crew (not just standard 'high risk contacts') on notification of first positive case.

2.5 Statutory Processes & Documentation

- 2.5.1 Due to the nature of the pandemic, the statutory framework under which the Island's borders are managed has been extremely complex and often fast changing. There were multiple iterations of regulations under the Emergency Powers Act and, following the end of the 'emergency period', the transfer and development of new regulations at the end of December 2020 under the Public Health Act.
- 2.5.2 Subsequently there have been further multiple amendments to those Public Health regulations.
- 2.5.3 However the basic premise of all of the regulations has been one of a simple prohibition of entry to the Island – unless exemptions are granted.
- 2.5.4 Initially the Emergency Powers regulations permitted the exemption of a company (a 'corporate certificate') and all of its employees on a 'key worker' basis, and this process made no distinction between those that might be Manx resident, and those that were not.
- 2.5.5 However in July 2020, the regulations were amended and effectively introduced two separate processes, one for Non-resident key workers, and one for Manx Residents (who may also be key workers).
- 2.5.6 These changes now only permitted the use of a 'corporate certificate' for Non-resident key workers and required all Manx residents to be issued with individual certificates.
- 2.5.7 At that time and under saving provisions, it is my view that the previously issued Steam Packet corporate certificate (dated 30/03/2020) could still have been interpreted as being valid, as it had been issued with an end date of 'to the end of the Coronavirus period'.
- 2.5.8 This position continued until the replacement of the certificate in September 2020, which whilst it included a named list of all crew members (both Manx resident and non-resident) it was clearly issued as a 'corporate certificate', which under the revised regulations was only then applicable to non-resident crew.
- 2.5.9 It is my view that, whilst providing the impression to Steam Packet that this documentation continued to be sufficient to cover both Manx resident and non-resident crew members, it was not valid in relation to the revised processes required for Manx resident crew members.
- 2.5.10 It is my view that, from that time valid documentation was not in place for Manx Crew members until it was changed and individual certificates commenced to be issued to them following the February 2021 Outbreak.
- 2.5.11 However, it is my also view that the IOMSPCo (and by proxy its crew) acted in good faith, effectively on the advice of the Isle of Man Government, in relation to the documentation required and being issued by the Cabinet Office, and as a result it is unlikely that any action would be enforceable against the company or individual crew members.
- 2.5.12 Whilst the documentation now being issued to Steam Packet crew members is now compliant with the regulations, I have identified additional further issues in relation to the procedures required for Manx resident crew members and have made a recommendation in relation to this.

Recommendation 5: Cabinet Office - Regulatory Procedures

To consult with the Steam Packet to develop the required health declaration/landing card procedures for Manx Resident Crew Members.

2.6 Compliance & Enforcement

- 2.6.1 In operating in a highly regulated sector, the Steam Packet is required to maintain a 'Safety Management System' which it is required to have both internally and externally audited.
- 2.6.2 The Steam Packet maintains a system of Internal Audit (a key purpose of which is to provide assurance on a company's key risks) however no specific internal audit of its management and mitigations in relation to its Covid response has been undertaken over the pandemic period.
- 2.6.3 Whilst referred to as 'internal audit', Steam Packet currently source part of that requirement externally and accordingly it is my view that there is an opportunity for the Steam Packet to obtain an external

specialist review of their Covid management plans and protocols as a part of their internal audit programme.

- 2.6.4 As noted previously, there is a complex regulatory framework within which Steam Packet are required to maintain continuity of operations under the pandemic. This includes both the Coronavirus related regulations and the requirements under international Maritime law implemented by the IOM Ship Registry.
- 2.6.5 From a Health & Safety perspective, the DEFA's Health & Safety Executive's regulatory oversight is clearly stated within the legislation as 'stopping at the gangplank' and, as Manx flagged vessels, H&S regulatory oversight (and ultimately its enforcement) on board Steam Packet vessels rests with the IOM Ship Registry.
- 2.6.6 It is my view that the understanding of the interaction of the roles, responsibilities and interactions of the various agencies involved in providing advice, regulation and enforcement in this area could be improved and would benefit from a Memorandum of Understanding between the relevant agencies.

Recommendation 6: IOMSPCo - Internal Audit Programme

The Steam Packet should ensure that its future internal audit programme includes an internal audit of its Coronavirus risk management mitigations (this could also incorporate recommendation 3).

Recommendation 7: Cabinet Office - Memorandum of Understanding

A Memorandum of Understanding (and as required, a Data Sharing Agreement) is introduced between IOM Government advisory & regulatory authorities in relation to the management of IOMSPCo related Coronavirus risks, to include:

- Cabinet Office;
- Director of Public Health;
- DEFA H&SE;
- DOI Ports Authority; and
- IOM Ship Registry.

2.7 Resourcing

- 2.7.1 Whilst not noted as a cause of any of the other issues arising, during the course of the review I have also noted that there is a potential resourcing and continuity risk in relation to the specialist clinical resources available to Public Health.
- 2.7.2 The current reliance on a single clinically qualified individual for this critical role with specific statutory responsibilities creates a vulnerability to IOM Government in relation to responsiveness, continuity, and clinically qualified internal challenge/peer review. Therefore I am recommending that the Cabinet Office consider resourcing options in this area.

Recommendation 8: Cabinet Office - Public Health Clinical Resources

The Cabinet Office should undertake a review of clinical Public Health resourcing options and implement the most appropriate option to ensure continuity of clinical advice and if feasible, expansion of clinical expertise.

3 Overall Conclusion

- 3.1.1 It is clear that the IOM Steam Packet Company represents a critical 'Covid risk point' for the Island, both from a continuity viewpoint, as providing a key part of the Island's Critical Infrastructure, and also as a key element of the Island's 'Covid border control'.
- 3.1.2 As such the safe continuity of its services should be a priority for all of the relevant parties involved.
- 3.1.3 It should also be noted that, until the onset of the latest variant and notwithstanding issues subsequently identified, prior to the February 2021 outbreak there had not been an outbreak arising amongst the Manx resident crew.
- 3.1.4 A significant factor in relation to the impact of the issue under review has been the emergence of the 'Kent variant'.
- 3.1.5 Whilst I have identified significant issues arising in my review of this outbreak, it is also clear that in key areas lessons to be learned have already been considered and appropriate measures and improvements implemented to further reduce those risks identified.
- 3.1.6 With regards to key mitigations in relation to why mistakes were made, it is important to acknowledge the unique context and circumstances of this specific operating area, and of that time:
- a highly complex 'multi-jurisdictional' statutory framework which impacts the interpretation of borders, applicable regulations and responsible regulators.
 - A re-emerging emergency situation – there had already just been another previous outbreak and 'Lockdown 2' was occurring over the period 18th January '21 to 1st February '21.
 - The pace and impact of these changes is clearly demonstrated by the sheer volume of statutory amendments that were being processed by the Cabinet Office team to maintain the flexibility/responsiveness of the Public Health Protection (Coronavirus) Regulations over this same period (there were 12 amendment regulations approved since their introduction on 26th December 2020 to 11th March 2021).
 - All procedures and systems have had to be custom built and there have not been 'off the shelf' solutions available.
 - The impact of the new 'Kent' Covid-19 variant which appears to have been significantly more infectious than those variants previously encountered.
- 3.1.7 I have made recommendations which I consider would assist in further mitigating current risks and future risks, should another outbreak of a Covid variant occur again amongst IOM Steam Packet Crew that would not be mitigated by the Island's vaccination strategy.
- 3.1.8 The ultimate prioritisation given to those recommendations will be dependent upon the assessed overall level of current and future risk posed by the ongoing pandemic, in particular by any 'new variants of concern'.
- 3.1.9 However it is my view that the current position for the management of these risks has already been significantly improved, when compared to the position at the time of the February outbreak.

Stephen Hind

18th May, 2021

4 Summary of Recommendations Made

Rec. No.	Recommendation	Responsible Party
1	<p><u>Issue Management</u> As a minimum a dedicated issue log should be maintained for IOMSPCo (and other high risk clients) in order to track and assist in the management and exception reporting of the current status of issues raised/outstanding.</p> <p>Subject to other Cabinet Office priorities, this could form the part of the development of a centralised administration system (based upon standard Customer Relationship Management) and could also assist in the co-ordination and administration of travel restriction advice and documentation issued by TNS.</p>	Cabinet Office
2	<p><u>Multi-Agency Meetings</u> The introduction of regular multi-agency meetings to assist in the ongoing review of the effectiveness of Covid-management arrangements with the Steam Packet. Regular membership should include:</p> <ul style="list-style-type: none"> • IOMSPCo; • Covid Response Team – TNS; • Public Health; and the • Department of Infrastructure. <p>With IOM Ship Registry and IOM HSE by invitation, when appropriate. (Frequency of meetings to be determined by the severity of Coronavirus threat.)</p>	Cabinet Office (lead)
3	<p><u>Risk Assessment Review</u> To consider the Risk Assessment Gap Analysis undertaken as a part of this review and update risk assessments for tiered and proportionate responses to varying infection risk levels, as considered appropriate.</p>	IOMSPCo
4	<p><u>IOMSPCo Rapid Response Plan</u> A bespoke 'Standard Operating Procedure' should be developed in consultation with IOMSPCo, in relation to procedures for the management of any future outbreak amongst IOMSPCo crew. To consider for example:</p> <ul style="list-style-type: none"> • Removal of on-Island self-isolation exemptions for all crew on notification of first positive case. • Full testing of all crew (not just standard 'high risk contacts') on notification of first positive case. 	Cabinet Office (Lead)
5	<p><u>Regulatory Procedures</u> To consult with the Steam Packet to develop the required health declaration/landing card procedures for Manx Resident Crew Members.</p>	Cabinet Office
6	<p><u>IOMSPCo - Internal Audit Programme</u> The Steam Packet should ensure that its future internal audit programme includes an internal audit of its Coronavirus risk management mitigations (this could also incorporate recommendation 3).</p>	IOMSPCo

Rec. No.	Recommendation	Responsible Party
7	<p><u>Memorandum of Understanding</u> A Memorandum of Understanding (and as required, a Data Sharing Agreement) is introduced between IOM Government advisory & regulatory authorities in relation to the management of IOMSPCo related Coronavirus risks, to include:</p> <ul style="list-style-type: none"> • Cabinet Office; • Director of Public Health; • DEFA H&SE; • DOI Ports Authority; and • IOM Ship Registry. 	Cabinet Office (Lead)
8	<p><u>Public Health Clinical Resources</u> The Cabinet Office should undertake a review of clinical Public Health resourcing options and implement the most appropriate option to ensure continuity of clinical advice and if feasible, expansion of clinical expertise.</p>	Cabinet Office

PART II: Summary Findings

5 Summary Of Findings: Seven Key Issues

5.1 Regulatory Complexity, the Balancing of Risks and Prioritisation

- 5.1.1 Multiple parties have performed essential roles within the area which has been the subject of this review and the understanding of the regulatory complexities within which those parties operate has formed a key foundation for the review.
- 5.1.2 These parties have included:
- IOM Steam Packet Company (as a legal entity)
 - IOM Steam Packet Company individual crew members
 - Cabinet Office (and the Chief Secretary)
 - The Director of Public Health
 - The Department of Infrastructure
 - The DHSC
 - The Treasury
 - The IoM Ship Registry
 - The IoM Health & Safety Executive (DEFA)
- 5.1.3 The area of focus of this report is without doubt a highly complex statutory area and there are some core statutory principles that impact the responsibilities and decision making:
- the definitions of the Island's borders;
 - clarity around jurisdictions and applicability of statutory frameworks;
 - responsible regulatory authorities.
- 5.1.4 However it is the balancing of four core risks in particular, within that complex regulatory framework, that lie at the heart of the issues that have been the subject of this review:
- Health & Safety on board vessel (both infection prevention but also ensuring that mitigation measures implemented do not interfere with the safe operation of the vessel: statutory responsibility lies with the IOM Steam Packet company and also its individual crew members via the Marine regulations issued by the IOM Ship Registry.
 - Public Health and the prevention of Coronavirus within the community: statutory responsibility lies with the Director of Public Health.
 - The maintenance of Critical National Infrastructure for the Island: overarching responsibility lies with the Council of Ministers. The Department of Infrastructure has statutory role in approving entry applications for Merchant Seaman and Critical National Infrastructure.
 - Basic Human Rights in relation to individual freedoms: Statutory responsibility for the issue at hand effectively lies with the Chief Secretary via the statutory requirement within the Public Health Protection (Coronavirus) Regulations 2020¹ to ensure that all measures imposed are 'proportionate' to the risks being managed.
- 5.1.5 I consider the management of the first two of these risks more specifically in the issues discussed at 5.2 and 5.3 below.
- 5.1.6 Statutorily the responsibility for the balancing of these risks is ultimately placed upon the Chief Secretary via the power to issue 'entry certificates' and 'direction notices' to allow non-resident and Manx resident key workers to enter the Island and also to make provision within them for conditions that must be adhered to in order for requirements for the standard requirement for self-isolation to be exempted or modified.
- 5.1.7 However the statutory framework now in place also effectively fetters the Chief Secretary's absolute discretion on the issuance of those certificates and the balancing of these risks, by requiring that

¹ [SD 2020/0551](#) (As amended).

exemption/modification of self-isolation must only be done 'in accordance with advice given by the Director of Public Health' ².

- 5.1.8 It is my view that the complexities of the regulatory and statutory environment incumbent on these parties working to common goals but from differing perspectives contributed to a delay in issuing valid documentation (see below 5.5 'Statutory Processes & Documentation' for further information in relation to these delays and the issues relating to the validity of documentation).
- 5.1.9 Even prior to the outbreak of the pandemic the continuity of the Isle of Man Steam Packet's operations have been considered by Tynwald to be of such strategic national importance that it approved the full acquisition of this private company into Government ownership.
- 5.1.10 Following the outbreak of the pandemic, the Government considered the company's continuity of services to be of such critical importance to the Island's continuity and overall wellbeing, that, even at the height of the pandemic, it required the continuance of twice daily services.
- 5.1.11 It has obviously been a key priority to manage both the continuity of this element of the Island's critical national infrastructure and the mitigation of the border risks that those services expose both the Island and individual Steam Packet crew members to.
- 5.1.12 However, having considered the timeline of key events associated with the management of this critical area, it is my view that there has been a lack of prioritisation within IOM Government given to resolving key issues arising. As an example it took from August 2020 until immediately following the February outbreak for the transition from a 'corporate entry certificate' to the required valid certificates for individual crew members to be implemented.
- 5.1.13 The management of issues in relation to this critical priority area would benefit from improved systems.
- 5.1.14 It is clear that whilst core issues were not ultimately resolved until immediately after the February outbreak, a multi-agency meeting held just prior to the outbreak on 3rd February 2021 was critical to this.
- 5.1.15 In my view, this multi-agency round table approach has been a critical and very positive development in the management and balancing of the '4 core risks' arising from the various regulatory requirements.

Recommendation 1: Cabinet Office - Issue Management

As a minimum a dedicated issue log should be maintained for IOMSPCo (and other high risk clients) in order to track and assist in the management and exception reporting of the current status of issues raised/outstanding.

Subject to other Cabinet Office priorities, this could form the part of the development of a centralised administration system (based upon standard Customer Relationship Management) and could also assist in the co-ordination and administration of travel restriction advice and documentation issued by TNS.

Recommendation 2: Cabinet Office - Multi-Agency Meetings

The introduction of regular multi-agency meetings to assist in the ongoing review of the effectiveness of Covid-management arrangements with the Steam Packet.

Regular membership should include:

- IOMSPCo;
- Covid Response Team – TNS;
- Public Health; and the
- Department of Infrastructure.

With IOM Ship Registry and IOM HSE by invitation, when appropriate.

(Frequency of meetings to be determined by the severity of Coronavirus threat.)

² Public Health Protection (Coronavirus) Regulations 2020: Regulation 10(4)(a) Dir. Public Health or DHSC.

5.2 Managing the Risk On Board the Vessel - Safeguarding Manx Resident Crew Members

- 5.2.1 In relation to the specific issue under review, even without any requirements being imposed by the Cabinet Office in relation to the management of the spread of Covid-19 within the Island, the Steam Packet Company have an inherent requirement to manage the risks in relation to the protection of its crew from transmission of the Coronavirus, in particular:
- to ensure that it meets its requirements under relevant Health & Safety legislation; and
 - to ensure the continuity of its operations in order that it meets its contractual commitments under Sea Services Agreement and to remain a going concern.
- 5.2.2 Due to the fact that the IOM Steam Packet and its crew operate a sea going vessel, the regulatory framework that they operate in is complex and multi-jurisdictional (see Section 6). The relevant Health and Safety legislation applicable on board the vessel (whilst at dock and at sea) is that issued by the Isle of Man Ship Registry and is based upon regulations issued by the International Maritime Organisation (IMO).
- 5.2.3 There are multiple sets of regulations issued by the Isle of Man Ship Registry governing the statutory requirements of all Manx flagged vessels – including those of the Steam Packet Company.
- 5.2.4 Accordingly the responsibility for the management of this core Health & Safety risk on board vessel rests with the IOM Steam Packet Company and individually with its crew, under the regulatory authority of the Isle of Man Ship Registry.
- 5.2.5 Under those Maritime Health & Safety regulations, the IOM Steam Packet have an obligation to manage the sometimes conflicting risks of both protecting members of its crew from risks of infection with the prevention of the interference of PPE equipment on the safe operating procedures for a vessel at sea.
- 5.2.6 There is a further critical risk which needs to be considered in the circumstances under review. That is that all risk mitigation solutions implemented need to have been sustainable over a very prolonged period i.e. effectively this brings into direct consideration the risks of infringing an individual's core human rights.
- 5.2.7 The Public Health Protection (Coronavirus) Regulations 2020³, introduced at the end of December 2020 effectively also make this critical risk a specific statutory requirement, as they state that all measures implemented need to be proportionate⁴.
- 5.2.8 It is my view that, in relation to the governance processes surrounding the management of these risks and the overarching risk in relation to the continuity of IOMSPCo operations, there has been a general lack of prioritisation given by Isle of Man Government to resolving them, for example
- Delays in responding to emails from IOMSPCo requesting advice in relation to managing Public Health risks.
 - Delays in the transition away from the issuing of a 'Corporate Certificate' to clearer and more directly enforceable certificates to individual crew members (agreed with IOMSPCo as being the intended position in August 2020, however not issued until after the February 2021 outbreak).
 - Delays in resolving the conflicts arising in the balancing of the '4 risks' (clearly being identified as a potential issue in October and not resolved until a multi-party meeting immediately following the February 2021 outbreak).
 - Delays in resolving the issues surrounding the request for the vaccination of IOMSPCo Crew Members (requested by IOMSPCo in December and not agreed until February).
- 5.2.9 Whilst no Covid specific Maritime regulations have been issued, from the outset of the pandemic and prior to requests from IOM Government, the IOM Steam Packet have followed IMO best practice guidance⁵ and introduced Covid specific risk assessments and mitigation plans.

³ [SD 2020/0551](#) (As amended).

⁴ Public Health Protection (Coronavirus) Regulations 2020: Regulation 6 and 10(4)(b)(ii).

⁵ IMO guidance 'Circular Letter No.4204/Add.34 & Add.27, and the International Chamber of Shipping: Coronavirus (COVID-19) Guidance for Ship Operators for the Protection of the Health of Seafarers (29.09.20).

5.2.10 In relation to the issue under review there are two key operational risks that require specific consideration in relation to the protection of crew:

- the risk of infection from the crew's interaction with the general public; and
- the risk of intra-crew infection, in particular that of the Manx resident crew becoming infected from UK/Non-IOM resident crew members.

Whilst ensuring that Covid-19 mitigation measures did not compromise the general Health & Safety of the crew when operating in the marine environment.

5.2.11 However it is clear that this second risk was not specifically considered and mitigated against in the early risk assessments undertaken by the IOM Steam Packet. These focused primarily on infection risks between crew and public and not on the intra-crew risk.

5.2.12 In July 2020 the appropriate management of these risks were raised by senior officers within the Steam Packet and the Steam Packet specifically requested advice from the Director of Public Health in relation to the management of this 'intra-crew' risk.

5.2.13 As a consequence, in August 2020 the Director of Public Health clearly advised the Steam Packet that face coverings should be used for the management of these intra-crew risks:

"This means that if IoM crew have to work alongside UK/EU crew they should be using all appropriate mitigations including social distancing and face coverings as well as hygiene measures."

5.2.14 However the Steam Packet's Covid-19 Response Plan did introduce any general requirements for the crew to wear facemasks until the version issued on 18th January 2021:

Make wearing a mask a normal part of being around other people. The appropriate use, storage and cleaning or disposal of masks are essential to make them as effective as possible'.

5.2.15 In addition, it was not until Entry Certificates/exemptions were being revised by the Cabinet Office and risk assessments were reviewed and challenged by the Director of Public Health and the DHSC, that the Steam Packet risk assessments subsequently included explicit mitigations for the management of intra-crew infection risks e.g. with the requirement to wear appropriate PPE in mixed-crewing and non-public facing areas.

5.2.16 The dialogue between Cabinet Office and the Steam Packet was not helped by the fact that different IOM Government agencies were effectively requiring them to comply and present their risk assessments in accordance with different internationally recognised frameworks:

- IOM Ship Registry: International Maritime Organisation based frameworks; and
- Cabinet Office: ECDC (European Centre for Disease Prevention and Control), based framework.

5.2.17 Ultimately IOMSPCo risk assessments were challenged and appropriately updated to include explicit mitigations for the risks relating to IOMSPCo UK/Non-IOM crew to IOMSPCo Manx Resident crew transmission.

5.2.18 It is my view that there is now a far more robust risk management and enforceable regulatory framework around IOMSPCo crew members:

- *Public Health Protection (Coronavirus) Regulations 2020*: should individual Manx crew members not comply with the on vessel risk management measures included as a condition for their exemption from self-isolation, and then not self-isolate, then they will be contravening those Regulations; and
- *Merchant Shipping (Maritime Labour Convention) Regulations 2013*: place a requirement on all individual crew members to manage Health & Safety and follow PPE requirements. They would potentially also be contravening these regulations.

5.2.19 In addition, having undertaken a review of the latest Steam Packet risk assessments used for the Covid Risk mitigation on board it is my view that they are largely compliant with IMO best practice requirements. However potential gaps/improvement areas, which it must be stated are in the detail, have been identified and consequently I am recommending that Steam Pack review the gap analysis undertaken and update any outstanding issues as considered appropriate.

Recommendation 3: IOMSPCo - Risk Assessment Review

To consider the Risk Assessment Gap Analysis undertaken as a part of this review and update risk assessments for tiered and proportionate responses to varying infection risk levels, as considered appropriate.

5.3 Managing the Risk in the Community – Modified Self-Isolation for Manx Crew

- 5.3.1 In March 2020 at the outset of the pandemic, the Director of Public Health's office had confirmed verbally to the Steam Packet that Manx resident crew were not required to self-isolate (but should 'socially distance').
- 5.3.2 During the first lockdown, in April-20 at the time of the first outbreak amongst Steam Packet crew, the Director of Public Health clarified that identified high risk contacts amongst the crew should go into self-isolation. This indicates that at that time the expectation was that there was not a pre-existing self-isolation requirement for the Manx resident crew.
- 5.3.3 However by August 2020, it is clear from the response to the queries from the Steam Packet in relation to the 'intra-crew' risks, that the Director of Public Health's view had moved significantly to a position that self-isolation would be required for all Manx resident crew where they were working in high risk proximity to UK/IOM Crew Members (even where not proven to be infected).
- 5.3.4 This effectively represents the change in risk appetite from a position of 'at high risk = proximity confirmed positive case', to one of 'at high risk = proximity to any potential positive case'.
- 5.3.5 At this time there was not any suggestion that self-isolation could be exempted on the condition that 'intra-crew' risks were suitably managed via the wearing of PPE, and modification of self-isolation was apparently not considered/offered as an option to the Steam Packet.
- 5.3.6 By December, however, whilst it is apparent that the Director of Public Health's view was still that without satisfactory mitigation of the intra-crew risk then full self-isolation should be required for all Manx resident crew members, it was also indicated that concession might be considered for modified self-isolation i.e. exemption from self-isolation providing crew members complied with intra-crew risk mitigation requirements on board vessel.
- 5.3.7 However it is my view that, until the issue of the individual entry certificates and direction notices following the February 2021 outbreak, there was no requirement in the documentation issued for Manx resident crew members to self-isolate, modified or otherwise, other than those general requirements that formed a part of the community lockdowns.
- 5.3.8 In July 2020 (following the end of the 1st community lockdown) the prevailing regulations had been amended such that the Manx residents could enter Island provided that they adhered to conditions laid out in Direction Notices issued by the Chief Secretary.
- 5.3.9 It is in those Direction Notices, to be provided to individual Manx residents, that the requirement to self-isolate is imposed.
- 5.3.10 In August 2020, at the time of the Director of Public Health's advice that Manx resident crew should be self-isolating where there was an intra-crew infection risk, there were no community lockdown self-isolation impositions in place and individual Manx resident crew members had not been issued with Direction Notices requiring them to self-isolate, as would be required under the prevailing regulations.
- At that time, and continuing under savings provisions⁷, a single 'corporate' entry certificate that had been issued under the previous regulations was in place to cover the entry of both UK/Non-IOM crew and Manx resident crew.
- 5.3.11 The only reference to self-isolation within that certificate is at the final bullet point and makes specific reference to 'hotels' (i.e. not dwelling/residence on the Island):
- "You should only travel from your arrival point to your place of work and back to your hotel. You must self-isolate while at your hotel, following the Isle of Man Government's guidance at gov.im/coronavirus"*
- 5.3.12 In relation to the amended documentation issued in December 2020 and similarly, that in place just prior to the February 2021 outbreak, it was more extensive in the conditions included and the inclusion in particular of a wholly new condition, apparently relating to Manx Resident crew:
- "4 (k) Self-isolation ends following 14 days of no travel for work or personal reasons off island until the individual's next rotation on board at this point the employees 14 days Self-Isolation will being again."*

⁷ [SD 2020/0279](#) - Emergency Powers (Coronavirus) (Entry Restrictions) (No 2) Regulations 2020

- *Day 7 Test for Manx Resident Keyworkers who are employed by the Steam Packet Company – This test can be requested for a Manx Resident Keyworker, if they will not be travelling for more than 8 days. A letter of support will need to be provided alongside the request confirming the company support.*
- *If a member of the crew has/or will be working with a separate company, as a second job they must seek support from their employer, and request permission to work with modification from the supporting Government Department and the DHSC. You must also inform the named employer on your exemption certificate, in regards to your secondary employment."*

- 5.3.13 However, and as considered further below at 5.5 it is my view that this documentation was fundamentally not valid for Manx resident crew members and so could not place any self-isolation requirements on them.
- 5.3.14 It is also my view that, whilst these certificates were issued as 'corporate certificates' to the Steam Packet Company, the company has no effective powers to enforce self-isolation in its crew once they are off duty.
- 5.3.15 The final 'resolved' position (and the current position) in relation to self-isolation requirements, arrived at following the February 2021 outbreak on board, is still that Manx Crew Members do not have to self-isolate, providing now that they have adhered to the on-board risk assessments/mitigations approved by the Director of Public Health, which include the wearing of PPE to manage the intra-crew infection risk.
- 5.3.16 In accordance with the Regulations, these measures have been introduced with the advice of the Director of Public Health and so those views are now aligned with the formal Documentation Issued.
- 5.3.17 In conclusion, it is my view that the material risks arising in relation to this issue have already been mitigated and accordingly I have not made any recommendations in this area (subject to the recommendations made in 5.5 below).

5.4 Preventing the Spread of an Infection in the Community - Contact Tracing

- 5.4.1 At the time of the February 2021 outbreak, the responsibilities and powers in relation to contact tracing fall within the Public Health Protection (Coronavirus) Regulations 2020 and assign those responsibilities to the Director of Public Health (and those authorised by them).
- 5.4.2 The Contract Tracing team comprises of experienced Officers sourced primarily from Environmental Health who now are also experienced in Contact Tracing.
- 5.4.3 The protocols used by the Contact Tracing team to identify 'high risk contacts' have been based upon with the key criteria outlined by the European Centre for Disease Prevention & Control⁸ (ECDC).
- 5.4.4 As I have not been provided with access to the detailed contact tracing records I am not in a position to provide a view as to whether procedures were in accordance with the ECDC protocols.
- 5.4.5 I have not been provided access to the detailed contact tracing records in relation to the February 2021 outbreak to review the detailed processes applied, however I have been provided specific information in relation to key contact tracing dates of the infected cases at the initial stages of that outbreak.
- 5.4.6 From the information I have been provided with, this was not due to undue delays in the Contact Tracing team making contact with cases, following notification of a positive test. This has been very efficient.
- 5.4.7 The time taken for testing from the identification of high risk contact, and the notification of those test results has also been very efficient.
- 5.4.8 The first positive case notified to Contact Tracing in relation to the February 2021 outbreak was a UK/Non-IOM member of the Steam Packet crew. However I have noted from discussions with Contact Tracing that, whilst it is their clear view that this was the originating source for the February 2021 outbreak, the subsequent genomics data has only identified the infection as being 'Kent variant' and has not provided information to categorically link the outbreak to this as 'case zero'.

⁸ <https://www.ecdc.europa.eu/en>

- 5.4.9 Following the notification of the first positive UK crew member case, the Contact Tracing team made immediate contact with the crew member to identify high risk contacts in order to place them into isolation prior to spreading the infection.
- 5.4.10 However none of the seven high risk contacts identified and placed in isolation subsequently tested positive for Covid.
- 5.4.11 Subsequently, instead 4 other IOMSPCo crew members that had not been previously identified as High Risk and so had consequently not been placed in self-isolation, tested positive 7 days later.
- 5.4.12 By this time it is apparent that the virus was spreading in the community and manual Contact Tracing would not have had the resourcing capacity to successfully implement the Test, Trace and Isolate strategy to prevent a full community lockdown.
- 5.4.13 It is clear from a review of the contact tracing data in relation to the initial outbreak, that even with capable resourcing and following internationally accepted protocols, the Test, Trace & Isolate activity did not succeed in closing down the outbreak at its initial stages.
- 5.4.14 As the operations of the Steam Packet are such a critical continuity and border management risk for the Island it is my view that further risk mitigation measures are justified in addition to reliance on Contact Tracing.
- 5.4.15 Accordingly I am recommending that a bespoke outbreak mitigation plan is developed by the Cabinet Office to implement additional measures to assist in closing down the risks of community spread, following an identified positive case amongst Steam Packet crew.

Recommendation 4: Contact Tracing - IOMSPCo Rapid Response Plan

A bespoke 'Standard Operating Procedure' should be developed in consultation with IOMSPCo, in relation to alternative Contact Tracing procedures for the management of any future outbreak amongst IOMSPCo crew.

To consider for example:

- Removal of on-Island self-isolation exemptions for all crew on notification of first positive case.
- Full testing of all crew (not just standard 'high risk contacts') on notification of first positive case.

5.5 Statutory Processes & Documentation

- 5.5.1 It is my view that for the period 1st – 25th February i.e. the period of the outbreak (and also the previous periods leading up to it), the documentation issued, in particular in relation to IOMSPCo Manx Resident crew members, was not valid under the relevant regulations and that it would have not placed any legal obligations on those crew members.
- 5.5.2 In addition, it is my view that, as documentation may not have been valid, there is also the risk that entry onto the Island by Manx crew members over that period was not in accordance with the requirements of the regulations in force at that time.
- 5.5.3 However, it is my view that the IOMSPCo (and by proxy its crew) acted in good faith, effectively on the advice of the Isle of Man Government, in relation to the documentation required and being issued by the Cabinet Office, and it is highly unlikely that any action would be enforceable against the company or individual crew members.
- 5.5.4 It is also my view that the format of the documentation now being issued (following the outbreak) is compliant with the regulations and now places the intended obligations on individual Manx resident crew members to either, fully comply with the required risk mitigations on board, or, if not, to fully self-isolate when on the Island.
- 5.5.5 The regulatory framework governing entry to the Island under Covid was revised at the end of December 2020 with the introduction of the Public Health Protection (Coronavirus) Regulations 2020.
- 5.5.6 However these regulations continued the different statutory processes governing the entry of non-IOM residents to that of Manx residents.
- 5.5.7 Whilst the new regulations came into operation on the 23rd December, the savings provisions within them permitted the continuance of the IOMSPCo Entry Certificate issued under the previous

regulations for the period 1st to 31st January 2021.

- 5.5.8 Under both the previous Emergency Powers Regulations and the Public Health Regulations IOMSPCo Manx resident crew should have individually been registered as Manx Residents and individually issued with modified self-isolation direction notices.
- 5.5.9 However the first registration of a Manx Resident crew member did not occur until after the February 2021 Outbreak.
- 5.5.10 In addition the fully correct documentation in relation to the new regulations was not issued until 26th February 2021, following the February outbreak.
- 5.5.11 However this process was not implemented immediately (the first, still incorrect entry certificate being issued under the new regulations on 29th January) and the fully correct documentation in relation to the new regulations was not issued until 26th February 2021, following the February outbreak.
- 5.5.12 However it is also my view that there are still some outstanding issues in relation to the procedures being applied that will still require amendment before the position is completely regularised.

Recommendation 5: Cabinet Office - Regulatory Procedures

To consult with the Steam Packet to develop the required health declaration/landing card procedures for Manx Resident Crew Members.

5.6 Compliance & Enforcement

- 5.6.1 As a wholly owned subsidiary of the Isle of Man Government, the IOM Steam Packet Company, in addition to its statutory accounting requirements under Manx Company legislation, is also required to meet the requirements of the Audit Act 2006⁹.
- 5.6.2 Consequently the company is a 'specified body' as defined within the Accounts and Audit Regulations 2018 (as amended), and is required to maintain a system of internal audit¹⁰.
- 5.6.3 The Steam Packet Company is operating in a highly regulated sector and accordingly it is also required to comply with those regulatory requirements and in particular maintain a Safety Management System (SMS). This is subject to both ongoing & systematic internal audit and an external audit certification from the IOM Ship Registry.
- 5.6.4 There are numerous other inspections and certifications that the Steam Packet is required to maintain and as a part of my review they have evidenced their compliance with them.
- 5.6.5 It is noted from the report requested by the Treasury (as shareholder) and undertaken by the IOMSPCo Non-Executive Directors in February 2021 (the Summary Report Section 23), that until that review no specific internal audits or other independent reviews of the implementation and compliance with IOMSPCo Covid mitigation measures has been undertaken (either within the IOMSPCo or otherwise).
- 5.6.6 I have also reviewed the Steam Packet's internal audit programme over the period and have noted that there have been no compliance reviews/internal audits specific to the company's management of the Coronavirus risk.
- 5.6.7 It is my view that, should the current situation continue to be/re-emerge as a high risk area for the company, then it would benefit from the input of a specialist external review in the form of an internal audit.
- 5.6.8 As the Steam Packet maintains a 'Manx flagged' fleet, the IOM Ship Registry is the regulatory authority in relation to the management of Health & Safety on board vessel, and also act in an advisory capacity in relation to the application of Maritime regulations and related best practice.
- 5.6.9 However it is my view that from the documentation I have reviewed and discussions held, that the role of the Ship Registry as regulator in this sector has not been fully considered by the Cabinet Office.
- 5.6.10 For example, notwithstanding the high level of concern in relation to this issue under review, the

⁹ [Audit Act 2006](#): Section 1(1)(f).

¹⁰ [SD 2018/0053](#): Regulation 6.

Cabinet Office have not made any referrals to the Ship Registry as the regulator responsible for the oversight of Health & Safety on board.

- 5.6.11 Accordingly, and due to this specialist regulatory framework in place, I am recommending that a multi-agency Memorandum of Understanding is considered in order to confirm the roles and interactions of the various Government/regulatory parties involved, in the management of this critical risk area.

Recommendation 6: IOMSPCo - Internal Audit Programme

The Steam Packet should ensure that its future internal audit programme includes an internal audit of its Coronavirus risk management mitigations (this could also incorporate recommendation 3).

Recommendation 7: Cabinet Office - Memorandum of Understanding

A Memorandum of Understanding (and as required, a Data Sharing Agreement) is introduced between IOM Government advisory & regulatory authorities in relation to the management of IOMSPCo related Coronavirus risks, to include:

- Cabinet Office;
- Director of Public Health;
- DEFA H&SE;
- DOI Ports Authority; and
- IOM Ship Registry

5.7 Resourcing

- 5.7.1 Over the period of the pandemic internal resourcing has obviously been a critical challenge in relation to the creation of whole new operational requirements, maintaining staffing continuity and keeping suitable flexibility where demand fluctuates.
- 5.7.2 The creation of the Covid Response Team and Travel Notification Service following the transfer of responsibilities to Cabinet Office has provided the opportunity to develop experience and continuity.
- 5.7.3 Likewise the flexible approach to resourcing the Contact Tracing team with Environment Health Officers has provided a strong combination of demand flexibility, relevant experience and continuity.
- 5.7.4 Whilst not noted as a cause of any of the other issues arising, I have also observed that there is a potential resourcing and continuity risk in relation to the specialist clinical resources available to Public Health.
- 5.7.5 The current reliance on a single clinically qualified individual for this critical role with specific statutory responsibilities creates a vulnerability to IOM Government in relation to responsiveness and continuity.
- 5.7.6 The current reliance on a single clinically qualified individual also does not facilitate internal peer review of decisions made and strategies proposed.
- 5.7.7 Accordingly I am making a recommendation that the Cabinet Office consider the options to supplement this specialist resource.

Recommendation 8: Cabinet Office - Public Health Clinical Resources

The Cabinet Office should undertake a review of clinical Public Health resourcing options and implement the most appropriate option to ensure continuity of clinical advice and if feasible, expansion of clinical expertise.

6 The Statutory Context: Borders and Jurisdiction

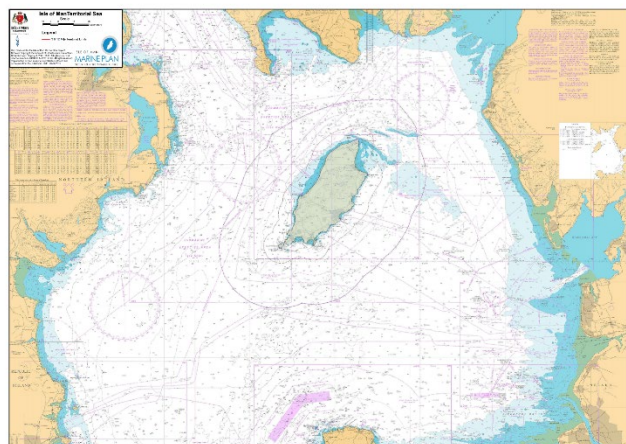
6.1 Overview

6.1.1 The focus of this report is without doubt a highly complex statutory area, perhaps more complex than I might have anticipated at the outset of my review. For example there are some core statutory principles that I have realised I should make no assumptions over:

- the definitions of the Island's borders;
- clarity around jurisdictions and applicability of statutory frameworks;
- responsible regulatory authorities.

6.1.2 Consideration of these issues have had to have been core to my review as, at its centre is a sea going vessel that can at different times be within different jurisdictions:

- at mooring in Douglas IOM;
- within Manx Territorial Seas;
- in 'international waters';
- within UK Territorial Seas; and
- at mooring in the UK



6.2 Domestic Health & Safety Legislation

6.2.1 These unique complexities are fully recognised in the application of Isle of Man Health & Safety regulations, which for sea going vessels clearly 'end at the gangplank on the Isle of Man' and effectively also exempt the crews' employer from their responsibilities under the domestic Health & Safety legislation:

2. Disapplication of Regulations

(1) These Regulations do not apply to or in relation to the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew under the direction of the master.

Management of Health and Safety at Work Regulations 2003 (Isle of Man) ¹¹

i.e. this effectively creates the border for Manx Health & Safety legislation at the gangplank in the Isle of Man.

6.3 International Shipping Regulations & The Isle of Man Ship Registry

6.3.1 The IOMSPCo also operate in an internationally regulated sector, in this instance they are registered with the Isle of Man Ship Registry under the Manx Flag and accordingly need to also comply with the requirements of that regulatory framework.

6.3.2 It is this IOM Ship Registry's regulatory framework that effectively implements and regulates Health & Safety requirements 'across the gangplank' on board the vessel via the Isle of Man *Merchant Shipping (Maritime Labour Convention) Regulations 2013* ¹².

A key example being:

[PART 15 — HEALTH AND SAFETY POLICIES AND PROGRAMMES]

103 Responsibilities of persons working on-board

- (1) It is the responsibility of every person who is employed or engaged or works in any capacity on-board a ship to —*
- (a) take care for the health and safety of him or herself and of any other persons on-board the ship who may be affected by his or her action or omission;*

¹¹ [SD 0877/03](#)

¹² [SD 0234/13](#)

- (b) *co-operate with the shipowner or employer so far as is necessary to ensure the responsibilities and requirements laid on the shipowner or employer with regard to health and safety can be complied with;*
 - (c) *make proper use of any personal protective equipment provided;*
 - (d) *use machinery, equipment, dangerous substances, safety devices or other equipment in accordance with the instructions provided for its use and follow the training and instruction provided by the shipowner or employer; and*
 - (e) *inform the master or safety officer of any matter or work situation that may be considered to be a risk to health and safety.*
- (2) *A person who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding £10,000 or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.*
 - (3) *No person may intentionally or recklessly interfere with or misuse anything provided on-board for the health and safety of a person on-board a ship.*
 - (4) *A person who intentionally or recklessly interferes with or misuses anything provided on-board for the health and safety of a person on-board commits an offence and is liable on summary conviction to a fine not exceeding £10,000 or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.*

6.3.3 There are further Maritime Regulations (the *Merchant Shipping (Safety Officials, General Duties, and Protective Equipment) Regulations 2001*¹³) outlining the Health & Safety obligations of the employer.

6.4 Emergency Powers Public Health Protection (Coronavirus)(No.2) Regulations 2020

6.4.1 The *Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020*¹⁴ [as amended] governed the entry restrictions and documentation required by both IOMSPCo UK/Non-IOM Crew and IOMSPCo Manx Resident Crew and remained in force until the introduction of the *Public Health Protection (Coronavirus) Regulations 2020* at the end of December 2020.

6.4.2 However due to the saving provisions under the PHP(C) Regulations, the first entry certificate covering the period 1st - 31st January 2021 was actually issued under these Emergency Powers regulations and not the Public Health Protection (Coronavirus) regulations (see below).

6.4.3 Under the early Emergency Powers regulations there was effectively a single process adopted in relation to IOMSPCo crew regardless of whether they were non-resident crew or Manx resident crew (this changed in July 2020).

6.4.4 This model changed in July 2020 with an amendment that fundamentally changed the processes and documentation required for the exemption of IOMSPCo crew members and introduced a clear distinction between non-resident and Manx resident crew.

6.4.5 The Emergency Powers regulations include a clear definition of the border to be applied in interpretation of 'entry to the Island' as being the 'mean high water mark'.

6.5 Public Health Protection (Coronavirus) Regulations 2020

6.5.1 The *Public Health Protection (Coronavirus) Regulations 2020*¹⁵ (as amended) came into operation on the 23rd December 2020, and with the exception of savings provisions, replaced the previous Emergency Powers regulations noted above for the purposes of managing entry restrictions and required documentation on the Island.

6.5.2 In relation to the IOMSPCo, as noted above, the first certificate covering the period 1st - 31st January was actually issued under the savings provisions of the previous Emergency Powers regulations.

6.5.3 However at the time of the February outbreak the documentation required to be in place would be that required under the Public Health regulations.

6.5.4 The Public Health regulations do not include any definition of the border to be applied in the interpretation of 'entry to the Island', as such with the introduction of the new regulations, the effective border moved to 12 miles off the Island's coast (as defined by the Interpretation Act 2015).

¹³ SD 816/01

¹⁴ [SD 2020/0279](#)

¹⁵ [SD 2020/0551](#)

6.6 Steam Packet Interpretation

- 6.6.1 The Steam Packet have confirmed that their applied definition of the border under all of the regulations has been the 'UK Gangplank' and that they consider this to be consistent with other applications where residents have not left the vessel and entered the UK.

7 Summary Root Cause Analysis

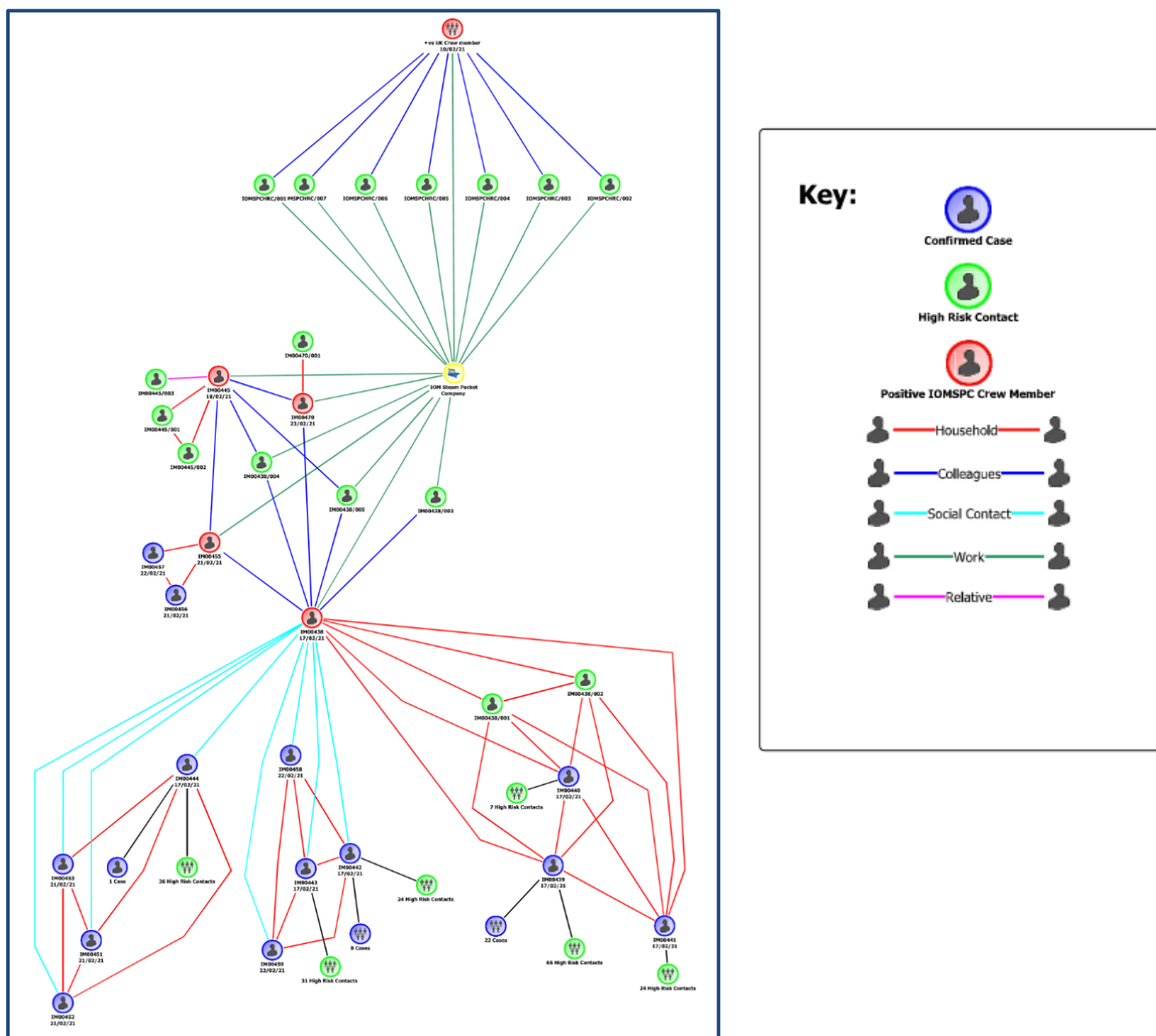
7.1 The 'Problem Statement'

7.1.1 A traditional place to start in any Root Cause Analysis is with a definition of the problem that has been identified as requiring review/investigation i.e. the 'Problem Statement'. Whilst not specifically stated as such, I consider paragraph 2 of the Terms of Reference as effectively being the related Problem Statement for this review:

In February 2021, the Isle of Man Steam Packet Company Limited (IOMSPCo) confirmed that one of its Isle of Man based keyworkers had tested positive for Covid-19. A cluster of persons positive for Covid-19 subsequently developed which can be traced to the IOMSPCo keyworker.¹⁶

7.1.2 In this instance I think a picture can actually convey the problem statement far more effectively, and I include below the related Contact Tracing diagram prepared by the Contact Tracing team, which represents this cluster :

Figure 1: 'The Problem Statement'



¹⁶ <https://www.bbc.co.uk/news/world-europe-isle-of-man-56114136>

7.2 Terms of Reference Areas

7.2.1 As identified earlier, it is my view that the following are the areas identified within the ToR for specific review and reporting, and I have accordingly structured my review and report upon these (ToR paragraphs 6 i – iv):

Terms of Reference Area 1: IOM Government Advice to IOMSPCo - *The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020.*

Terms of Reference Area 2: Statutory Processes - *The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.*

Terms of Reference Area 3: IOMSPCo Risk Governance - *The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations.* (Note: I have also considered the IOMSPCo Internal Report to its Shareholder under this area)

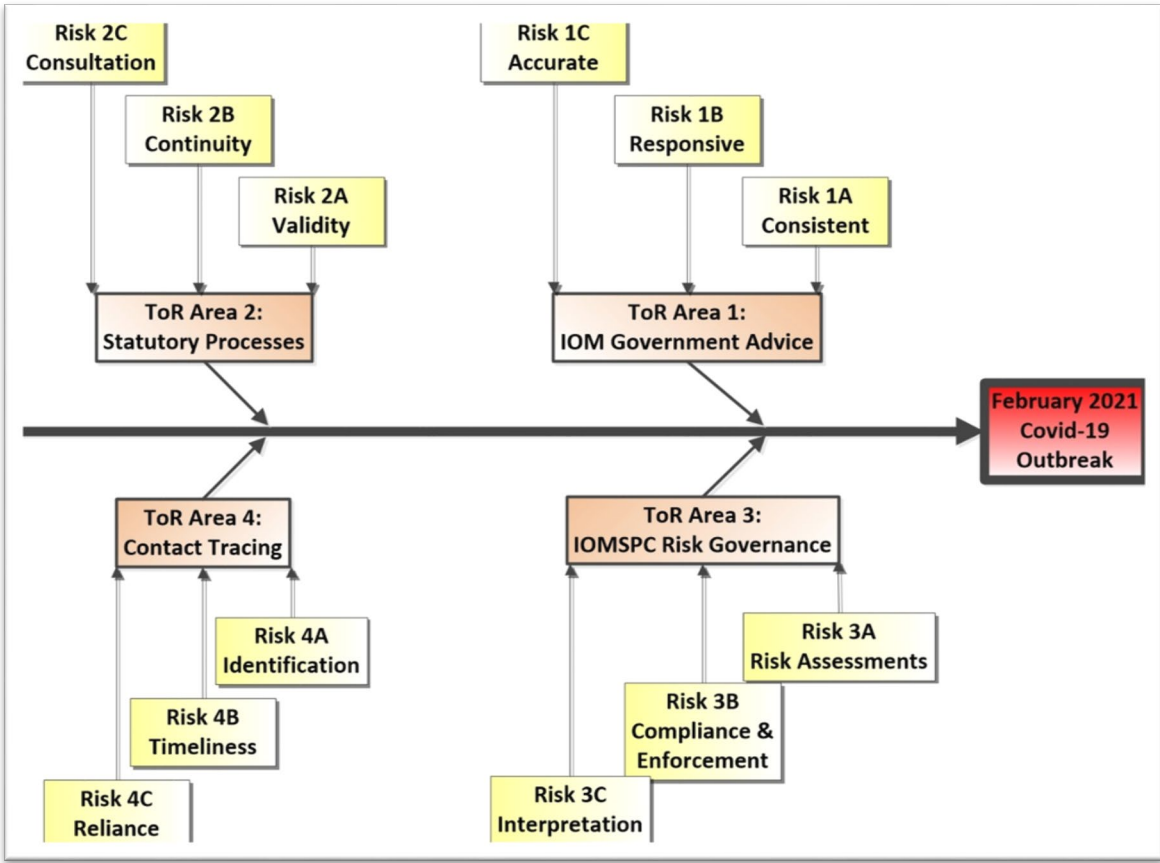
Terms of Reference Area 4: Contact Tracing - *How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.*

7.3 Summary Root Cause Analysis

7.3.1 One of the most fundamental 'root causes' underpinning all of issues arising identified within this report has to have been the sheer scope, unfamiliarity, complexity and intensity of what has needed to be undertaken to manage this global crisis that the Island has unavoidably become a part of.

7.3.2 For each of the 4 Terms of Reference Areas identified, I have identified 3 primary potential causes/risks for consideration.

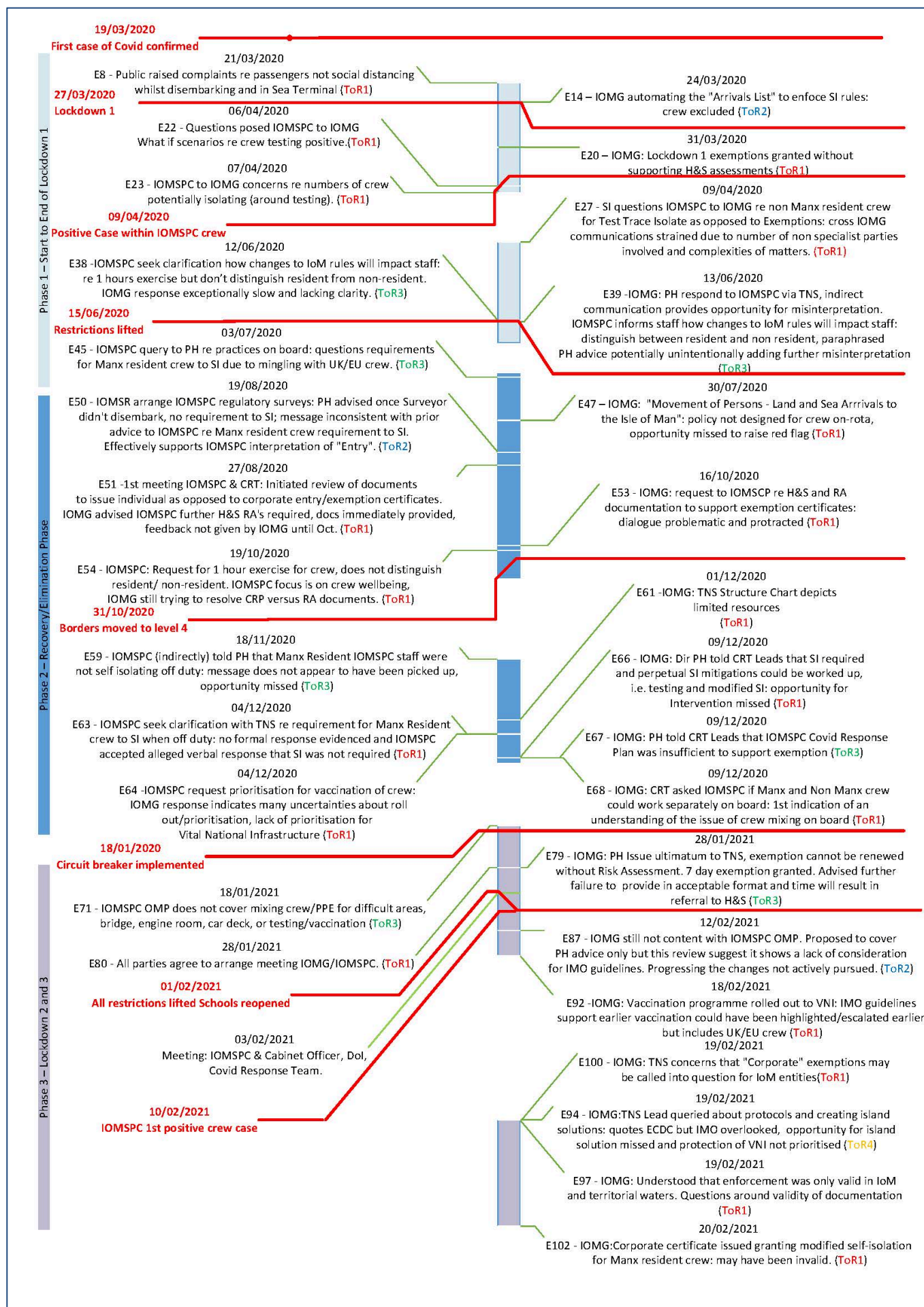
7.3.3 The figure below (a standard 'Fishbone-RCA' diagram) illustrates the relationship of these 3 potential root/risk causes of issues arising identified within my review in relation to the Terms of Reference Area and the overall Problem Statement:



7.3.4 Each of these areas is covered in more detail in the sections that follow.

8 Summary Timeline of Key Events

8.1.1 The Figure below shows the timeline of the identified key events (referenced to the ToR Areas). A more detailed timeline of events is provided in section 21 APPENDIX: Detailed Evidence Timeline.



9 Terms of Reference Area 1: IOM Government Advice to the Steam Packet Company

The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020.

9.1 Summary of Findings

- 9.1.1 A Root Cause Analysis for this provided in the Appendix in Section 15.
- 9.1.2 As highlighted earlier in this report the regulatory framework in relation to Coronavirus and Health & Safety surrounding the IOMSPCo is more complex than for other employers on the Island.
- 9.1.3 IOM Government is required to manage multiple relationships with the IOMSPCo in relation to the management of its services and Covid:
- Cabinet Office – Travel Notification Service;
 - Public Health - Contact Tracing (when applicable);
 - DOI – Sea Services Agreement
 - DOI – as Ports Authority
 - Treasury – as shareholder
 - IOM Ship Registry – as maritime regulator
- 9.1.4 The working operational relationship with the Travel Notification Service appears to have been considered generally good by the IOMSPCo, however it is apparent that there were instances where IOMSPCo have not been treated as a high priority by Government.
- 9.1.5 However it is apparent that there has been inconsistencies between the various parties providing advice or documentation in the period leading up to the outbreak, for example:
- In March 2020 the Director of Public Health’s office had advised the Steam Packet that ‘social distancing’ and not self-isolation was required for Manx Resident crew;
 - it is clear that the Director of Public Health understanding as at August 2020 was then that all Isle of Man Steam Packet Manx resident crew would be in self-isolation whilst off duty on the Island; whereas
 - the documentation issued by Cabinet Office has at no time made this a requirement.
- 9.1.6 The potential for confusion and misunderstanding is further demonstrated by the number of Entry Certificates issued by the Cabinet Office, effectively covering the same periods, during the months immediately preceding the February outbreak. At times these were effectively being updated on a weekly basis:
- Covering the Period 1st – 31st December 2020: 3 Entry Certificates issued.
 - Covering the period 1st – 31st January 2021: 4 Entry Certificates issued.
- 9.1.7 The introduction of the Public Health Protection (Coronavirus) Regulations 2020 (at the end of December 2020) has continued a statutory requirement for any exemptions/modifications on self-isolation requirements issued by the Cabinet Office, to be on the advice of either the DHSC or the Director of Public Health.
- 9.1.8 It is my view that these requirements should minimise the risk of inconsistency between the Director of Public Health’s viewpoint and the formal documentation in place.
- 9.1.9 The latest documentation still does not require self-isolation of Manx resident crew. However this is on the proviso that they have abided by conditions laid out in Direction Notices issued to them, which include compliance with stipulated risk mitigation measures on board the vessel.
- 9.1.10 In accordance with the Regulations, these measures have been introduced on the advice of the Director of Public Health.

- 9.1.11 In conclusion, whilst it is my view that the advice provided by IOM Government may be viewed as having been inconsistent (prior to the introduction of the Public Health Protection (Coronavirus) Regulations 2020) the regulatory procedures now adhered to should minimise the risk of future inconsistencies.

10 Terms of Reference Area 2: Statutory Processes

The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.

10.1 Summary of Findings

10.1.1 A Root Cause Analysis for this provided in the Appendix in Section 16.

10.1.2 The regulatory framework in relation to the management of Covid restrictions was reviewed and significantly updated at the end of December 2020 when the applicable regulations became the Public Health Protection (Coronavirus) Regulations 2020. These replaced the previous regulations that had been implemented via the Emergency Powers Act.

10.1.3 It should be noted that in relation to ToR 2 Statutory Processes, the focus of my report has been on those Entry Certificates and Direction Notices that have been issued subsequent to the implementation of the Public Health Protection (Coronavirus) Regulations 2020, at the end of December 2020 and those that were in place at the time of the outbreak of the Covid Cluster under review.

10.1.4 As outlined earlier (at Section 6) this is a highly complex area in relation to the application of domestic and international regulations.

10.1.5 As an example, the applicable definition of the IOM border in relation to the Regulations criteria for Enter or Leave the Island is also fundamental to the determination of whether/when Entry Certificates or Direction Notices would be required for IOMSPCo UK(non-IOM) Crew and IOMSPCo Manx Resident:

Source	Border?	Impact on Application of Regulations & Documentation Required	
		IOMSPCo UK (Non-IOM) Crew	IOMSPCo Manx Resident Crew
Emergency Powers Regulations	IOM Gangplank	Regulations <u>only</u> apply to those UK (Non-IOM) crew that leave the vessel on the IOM. Documentation Required: <ul style="list-style-type: none"> Entry Certificates would be required for those UK crew members only. 	Regulations apply to <u>all</u> Manx crew: <ul style="list-style-type: none"> Resident Registration would be required; Individual Direction Notices would be required if Manx crew are legally required to self-isolate on the IOM.
Steam Packet Interpretation	UK Gangplank	Regulations would apply to <u>all</u> UK (Non-IOM) crew working on the vessel: <ul style="list-style-type: none"> Entry Certificates would be required for all UK crew members. 	Regulations <u>only</u> apply to those Manx Resident crew that leave the vessel in the UK: <ul style="list-style-type: none"> Resident Registration would be required only for those that leave the vessel in UK; Individual Direction Notices for Self-Isolation would only be required for those Manx resident crew that leave the vessel in the UK.
Public Health Regulations	At Sea: the end of Manx Territorial Seas.	Regulations would apply to <u>all</u> UK (Non-IOM) crew working on the vessel: <ul style="list-style-type: none"> Entry Certificates would be required for all UK crew members. 	Regulations apply to <u>all</u> Manx crew: <ul style="list-style-type: none"> Resident Registration would be required; Individual Direction Notices would be required if Manx crew are legally required to self-isolate on the IOM.

- 10.1.6 Legal advice received indicates that for the purposes of the Public Health Protection (Coronavirus) Regulations, the border interpretation applied would be up to the Manx Territorial Seas i.e. the 3rd option above 'At Sea'.
- 10.1.7 The regulatory framework governing entry to the Island under Covid was revised at the end of December 2020 with the introduction of the Public Health Protection (Coronavirus) Regulations 2020.
- 10.1.8 However these regulations continued the different statutory processes governing the entry of non-IOM residents to that of Manx residents.
- 10.1.9 Whilst the new regulations came into operation on the 23rd December, the savings provisions within them permitted the continuance of the IOMSPCo Entry Certificate issued under the previous regulations for the period 1st to 31st January 2021.
- 10.1.10 Under both the previous Emergency Powers Regulations and the Public Health Regulations IOMSPCo Manx resident crew should have individually been registered as Manx Residents and individually issued with modified self-isolation direction notices.
- 10.1.11 However the first registration of a Manx Resident crew member did not occur until after the February 2021 Outbreak.
- 10.1.12 In addition the fully correct documentation in relation to the new regulations was not issued until 26th February 2021, following the February outbreak.
- 10.1.13 For the period 1st – 25th February i.e. the period of the outbreak, it is my view that the documentation issued, in particular in relation to IOMSPCo Manx Resident crew members, was not valid under the new regulations and that it would have not placed any legal obligations on them.
- 10.1.14 As that documentation may not have been valid, there is also the risk that entry onto the Island by Manx crew members over that period was not in accordance with the requirements of the regulations in force at that time.
- 10.1.15 However, it is my view that the IOMSPCo (and by proxy its crew) acted in good faith, effectively on the advice of the Isle of Man Government, in relation to the documentation required and being issued by the Cabinet Office.
- 10.1.16 It is also my view that, whilst the majority of these issues have now been addressed, there are still some outstanding issues in relation to the procedures being applied that will still require amendment before the position is completely regularised.

11 Terms of Reference Area 3: IOMSPCo Risk Governance

The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations. (Note: I have also considered the IOMSPCo Internal Report to its Shareholder under this area)

11.1 Summary of Findings

- 11.1.1 A Root Cause Analysis for this provided in the Appendix in Section 17.
- 11.1.2 Due to the fact that the IOM Steam Packet and its crew operate a sea going vessel, the regulatory framework that they operate in is complex and multi-jurisdictional. The relevant Health and Safety legislation applicable on board the vessel (whilst at dock and at sea) is that issued by the Isle of Man Ship Registry and is based upon regulations issued by the International Maritime Organisation (IMO).
- 11.1.3 Whilst no Covid specific Maritime regulations have been issued, IOM Steam Packet had followed IMO best practice guidance and introduced Covid specific risk assessments and mitigation plans from the outset of the pandemic. There is no “off the shelf” solution to the management of the pandemic.
- 11.1.4 However their early risk assessments seemed to have focused primarily on infection risks between crew and public and not on the risks of infection between UK/Non-IOM crew and Manx resident crew.
- 11.1.5 In July 2020 the appropriate management of these risks was raised by senior officers within the Steam Packet and the Steam Packet specifically requested advice from the Director of Public Health in relation to the management of this ‘intra-crew’ risk.
- 11.1.6 In August 2020 the Director of Public Health clearly advised the Steam Packet that face coverings should be used for the management of these intra-crew risks:
- “This means that if IOM crew have to work alongside UK/EU crew they should be using all appropriate mitigations including social distancing and face coverings as well as hygiene measures.”
- 11.1.7 Whilst the Steam Packet’s original Covid-19 Response Plan (11/06/21) did not contain requirements for crew to wear facemasks in non-public areas, the Steam Packet risk management protocols at the time of the outbreak did then include general instructions to crew members to wear face masks:
- Make wearing a mask a normal part of being around other people. The appropriate use, storage and cleaning or disposal of masks are essential to make them as effective as possible’.**
- Steam Packet COVID 19 response plan dated 18/01/2021*
- 11.1.8 As noted previously, whilst the IOMSPCo had also provided copies of their risk assessments and mitigation plans to Cabinet Office in August 2020, they were not challenged until the introduction of the required revised documentation prior to the implementation of the Public Health Protection (Coronavirus) Regulations.
- 11.1.9 Those Regulations continued a statutory requirement for the Director of Public Health or the DHSC to advise prior to the issuance of exemptions/modified self-isolation certificates (introduced previously via amendment to the Emergency Powers regulations).
- 11.1.10 Accordingly at that time IOMSPCo risk assessments were challenged and subsequently updated to include specific mitigations for the risks relating to IOMSPCo UK/Non-IOM crew to IOMSPCo Manx Resident crew transmission.
- 11.1.11 Compliance with those on board risk management protocols is now also a condition of individual Manx crew members exemption from self-isolation.
- 11.1.12 It is my view that there is now a far more robust risk management and enforceable regulatory framework around IOMSPCo crew members:
- *Public Health Protection (Coronavirus) Regulations 2020*: should individual Manx crew members

not comply with the on vessel risk management measures included as a condition for their exemption from self-isolation, and then not self-isolate, then they will be contravening those Regulations; and

- *Merchant Shipping (Maritime Labour Convention) Regulations 2013*: place a requirement on all individual crew members to manage Health & Safety and follow PPE requirements. They would potentially also be contravening these regulations.

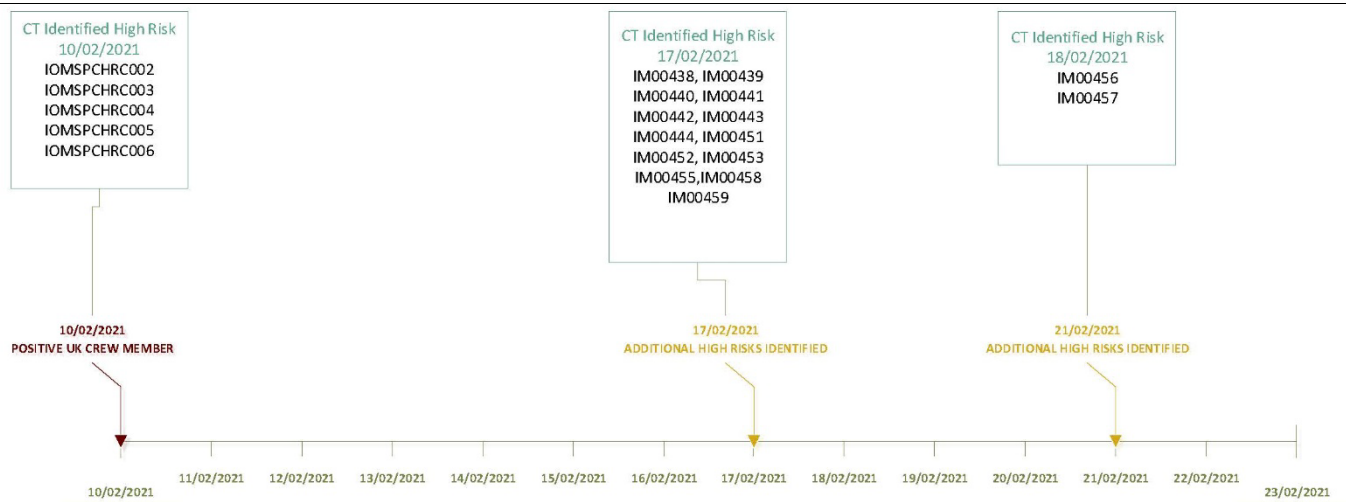
11.1.13 It is noted from the report requested by the Treasury (as shareholder) and undertaken by the IOMSPCo Non-Executive Directors in February 2021 (the Summary Report in the Appendix at Section 23), that until that review no specific internal audits or other independent reviews of the implementation and compliance with IOMSPCo Covid mitigation measures had been undertaken (either within the IOMSPCo or otherwise).

12 Terms of Reference Area 4: Contact Tracing

How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.

12.1 Summary of Findings

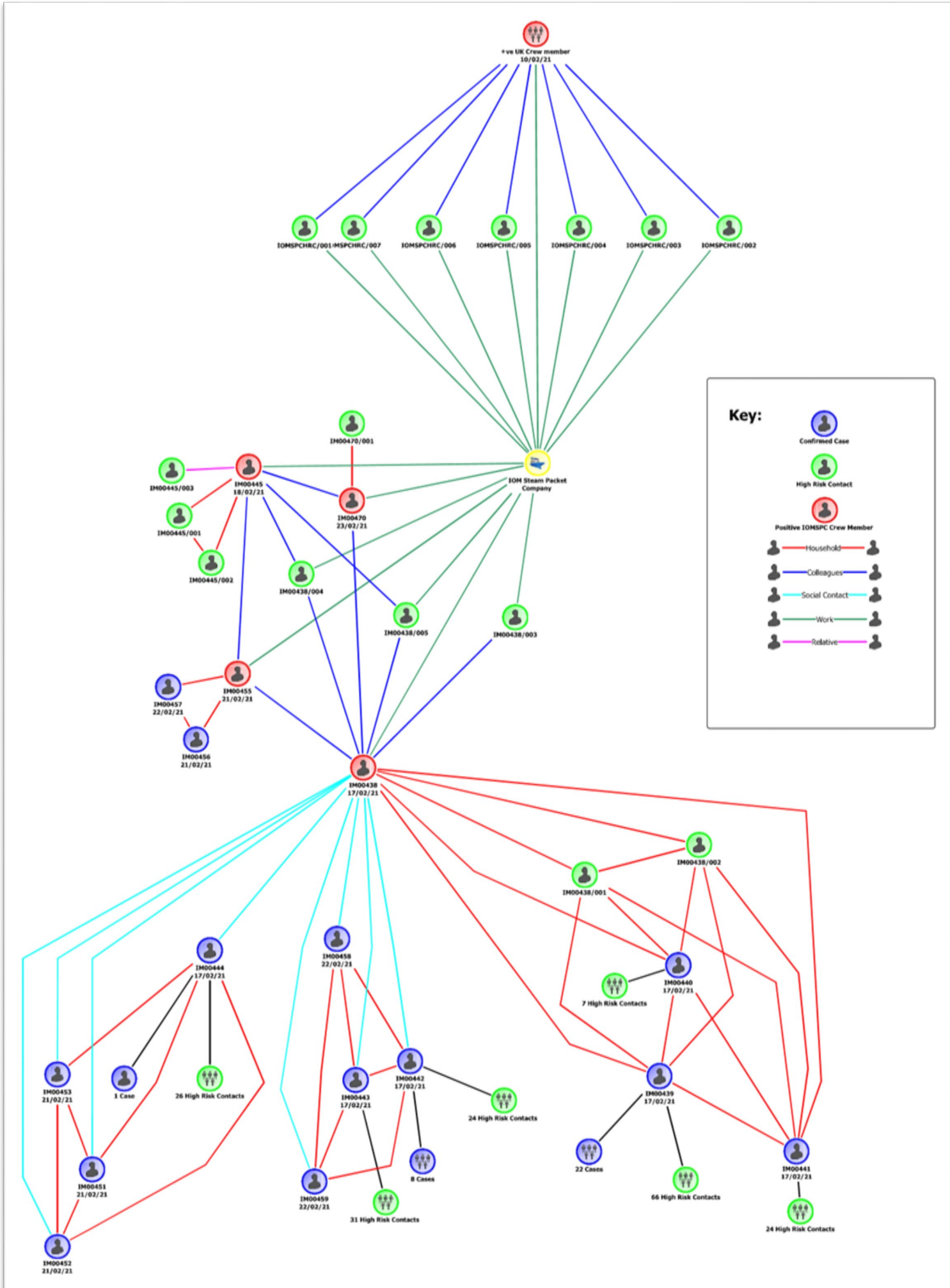
- 12.1.1 A Root Cause Analysis for this provided in the Appendix in Section 18.
- 12.1.2 A diagram/flowchart provided by the Contact Tracing team illustrating the infection trail at the outset of the February 2021 outbreak is included below.
- 12.1.3 Key contact tracing dates in relation to the individual positive cases identified in this flowchart is provided in Appendix 22.
- 12.1.4 The Contract Tracing team comprises of experienced Officers sourced from Environmental Health who now are also experienced in Contact Tracing.
- 12.1.5 However the manual contact tracing and associated Test, Trace and Isolate approach did not succeed in containing this outbreak.
- 12.1.6 Manual contact tracing relies on human behaviours and reliable memory to be fully successful.
- 12.1.7 Following the notification of the first positive UK crew member case, the Contact Tracing team made immediate contact with the crew member to identify high risk contacts in order to place them into isolation prior to spreading the infection.
- 12.1.8 However none of the seven high risk contacts identified and placed in isolation subsequently tested positive for Covid.
- 12.1.9 Instead, 4 other IOMSPCo crew members that had not been previously identified as High Risk and so had consequently not been placed in self-isolation, tested positive 7 days later.
- 12.1.10 By this time it is apparent that the virus had spread in the community and manual Contact Tracing would not have had the resourcing capacity to successfully implement the Test, Trace and Isolate strategy to prevent a full community lockdown.
- 12.1.11 It is my view that the manual Test, Trace and Isolate strategy was not successful at the outset of this outbreak in isolating infected IOMSPCo crew members and so closing down the community transmission of the virus.
- 12.1.12 Aspects of the Test, Trace and Isolate strategy were implemented efficiently e.g. the turnaround time for test results and the turnaround time for contact tracing to contact positive cases once notification had been received. However there was a critical delay of 7 days between the first notification of the IOMSPCo UK crew member positive case and the self isolation instruction in relation to the four IOMSPCo Manx Resident crew members who also subsequently tested positive.
- 12.1.13 As a critical part of the Island's core infrastructure and as a key element of managing the risks of Covid crossing the border, early identification and containment of infection is essential and reliance solely on the 'reactive' testing approach was not sufficient to mitigate these risks in this instance.
- 12.1.14 If on the notification of the first UK crew member case full testing of all IOMSPCo crew had been undertaken, instead of just those 7 individuals identified as high risk then the 4 crew members who subsequently tested positive 7 days later, and the linking 'asymptomatic' case(s) that was never identified by Contact Tracing might have been identified and isolated sooner.



(See main Contact Tracing Chart below for case references.)

- 12.1.15 If on the notification of the first UK crew member all crew had been instructed to self-isolate whilst off the vessel then the spread of the infection within the Island’s community may have been prevented.
- 12.1.16 Whilst it is accepted that the use of mobile phone technology is still being fully developed in other jurisdictions and full success will be dependent upon voluntary take up, there would seem to be key opportunities for this technology to supplement the manual contact tracing capability in identifying high risk contacts. The use of Mobile Phone Apps in other jurisdictions (in particular the UK’s NHS solution) as a supplement to manual Contact Tracing procedures should be reviewed for implementation on the Island.
- 12.1.17 As a high risk ‘border’ environment and as a part of the Island’s critical infrastructure, a bespoke approach to managing outbreaks within the IOMSPCo would assist. Should there be an emergence of Covid strains that are not contained by the current vaccination regime, then a bespoke Contact Tracing strategy should be developed in relation to the IOMSPCo and should in particular consider an approach of ‘blanket’ testing and should any crew member test positive, a pre-emptive self isolation instruction for all crew members when off duty, until the outbreak has been contained.
- 12.1.18 Lateral flow testing has been introduced by the IOMSPCo and all crew members have been vaccinated.
- 12.1.19 Full testing has also been introduced on shift changes.
- 12.1.20 The roll out of the vaccination programme has mitigated the general risk of outbreaks spreading within the community. The vaccination backed ‘Living with Covid’ approach considers the mitigation of risks of outbreaks of Covid that the current vaccinations are effective against.
- 12.1.21 Just immediately prior to the February Covid outbreak Cabinet Office had issued a revised Covid Outbreak Response plan for the consideration of the Council of Ministers. However, there was a reliance upon the initial Test, Trace and Isolate strategy to containing the outbreak. Whilst the Island’s risk profile is continually evolving with the roll out of the vaccination programme, the Covid Outbreak Response plan should be reviewed to confirm the approach to be adopted for any emerging Covid strains for which the current vaccines are not effective.

Contact Tracing Diagram of February Outbreak



PART III: Appendices

13 APPENDIX: Terms of Reference

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Independent Review of Isle of Man Steam Packet Company Terms of Reference

Background

1. Since the closure of the Isle of Man Borders in March 2020 under statute, a process has existed to allow key workers to travel to and from the United Kingdom, subject to a process of exemptions and documented requirements in terms of self-isolation and any other precautionary measures that may be required.
2. In February 2021, the Isle of Man Steam Packet Company Limited (IOMSPCo) confirmed that one of its Isle of Man based keyworkers had tested positive for Covid-19. A cluster of persons positive for Covid-19 subsequently developed which can be traced to the IOMSPCo keyworker.¹
3. The [Cabinet Office](#) wishes to commission a review by a party independent of those directly involved, on behalf of the Chief Minister into the circumstances under which Direction Notices regarding Self-Isolation and any other requirements have been issued to the Isle of Man Steam Packet Company Limited (IOMSPCo).
4. The review is to be undertaken completely independently of the Cabinet Office and it will have entire independence of action and thought. It will also be afforded full access to all records held by and personnel employed by the Isle of Man Government and all its agencies.
5. The reviewer will be able to report their conclusions with complete freedom and entirely unfettered from any obligation to the Cabinet Office.

Review – Terms of Reference

6. As a minimum, the review should consider and report on the following elements:
 - i. The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020. To include those issued by:
 - the Travel Notification Service
 - Public Health
 - Department of Infrastructure (who initially provided early exemptions)
 - ii. The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.
 - iii. The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations.

¹ <https://www.bbc.co.uk/news/world-europe-isle-of-man-56114136>

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- iv. How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.
- v. Any relevant evidence that is required or supplied, including the IOMSPCo's review into the infection of its staff member and the Company's own review of the risk assessments and mitigations that has been performed by the Board independent of the executive.
- vi. Whether there were any shortcomings in the process, documentation issued, advice given or interaction with IOMSPCo and any recommendations as a result.
- vii. What learning is required and what improvements in any relevant area; including the Direction Notice and associated process.
- viii. What actions can be taken to prevent such an incident occurring in the future.

Report

- 7. The report into the review will be to a professional standard suitable for publication. If necessary, technical detail can be appended or provided in separate documents as the report itself must be written so as to be readily understood by the lay person. If required personal data may be redacted prior to publication to ensure that data protection legislation is complied with.

Governance

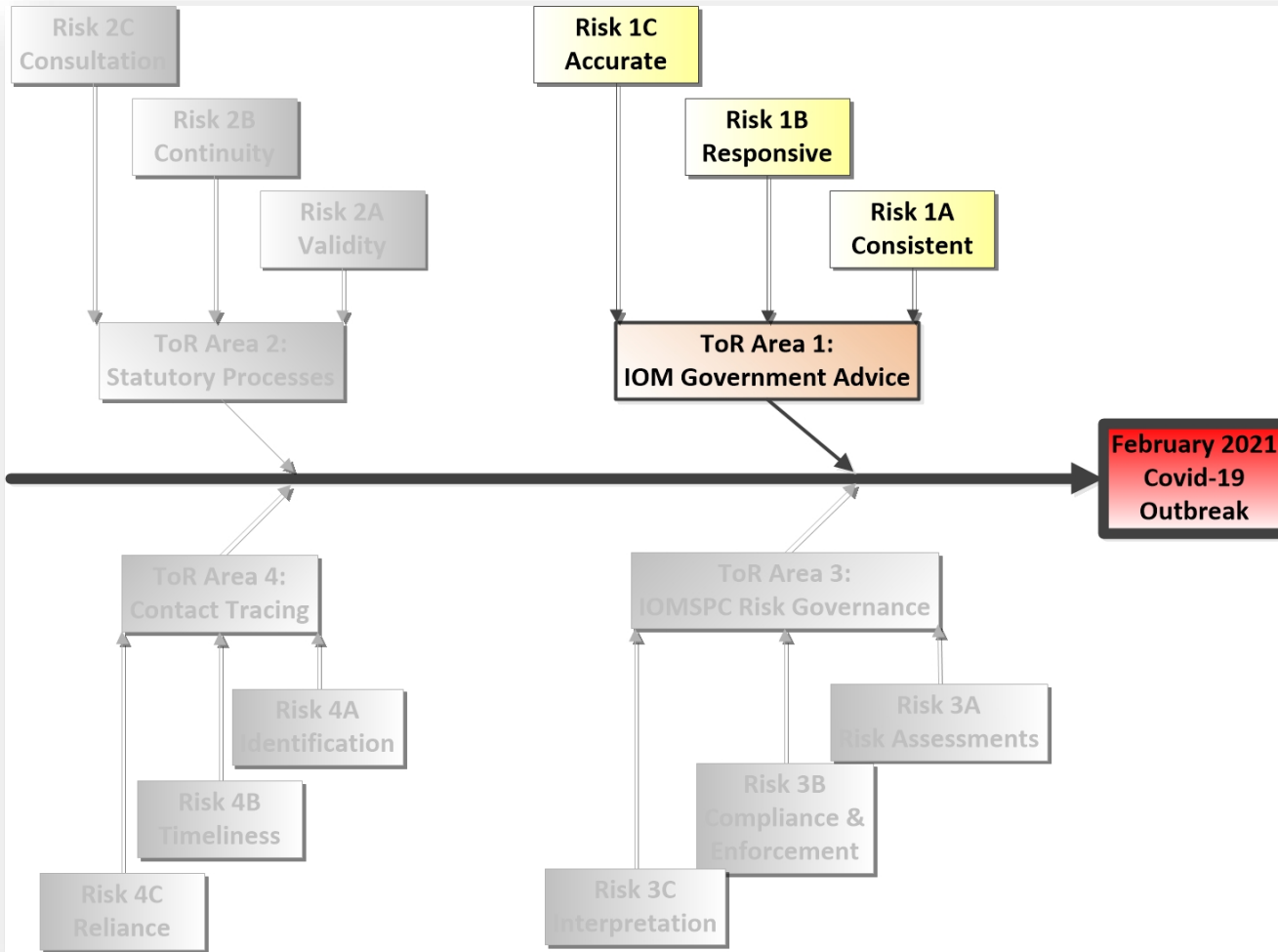
- 8. The review will be sponsored by the Chief Minister. Your officer contact for the review will be Kirsty Hemsley, who is able to act under the authorisation of the Chief Secretary.
- 9. The aim of the report is to inform the Chief Minister and Council of Ministers as to the timeline of events and root causes that led to creation of the recent IOMSPCo 'cluster', to identify lessons to be subsequently learned, and to identify any further mitigations now required to manage the risks of a reoccurrence.

14 APPENDIX: Table of References

Abbreviation	Refers To
CRT	Covid Response Team
Dir. PH	The Director of Public Health
DN	Direction Notice
EC	Entry Certificate
Manx Resident crew member	IOMSPCo crew members resident on the Island
Non-resident/ or UK/Non-IOM crew member	IOMSPCo crew members not resident on the Island
OMP	Outbreak Management Plan
PH	Public Health
<i>Public Health Regulations</i>	The Public Health Protection (Coronavirus) Regulations 2020
RCA	Root/Risk Cause Analysis
SI	Self-Isolation
TNS	Travel Notification Services
ToR #	Terms of Reference Area & number
TTI	Test, Trace and Isolate
VNI	Vital National Infrastructure

15 APPENDIX: Root Cause Analysis: ToR Area 1: IOM Government Advice to IOMSPCo

The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020.



Risk 1A: Consistent

Advice provided should be generally consistent over time and across the various Government agencies involved.

Risk 1B: Responsive

Advice and queries should be provided in a timely fashion.

Risk 1C: Accurate

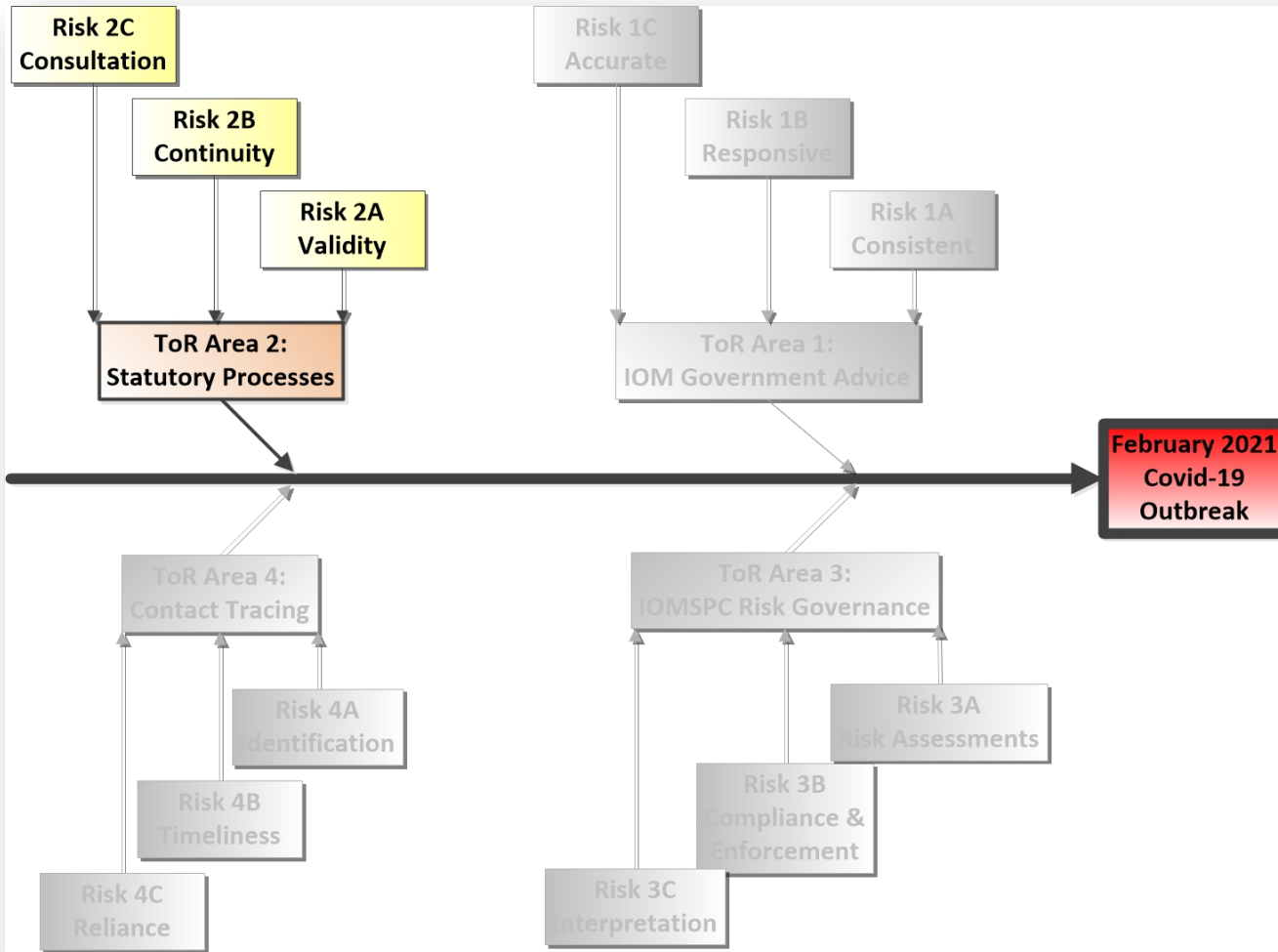
Advice and documentation provided should accurately reflect the requirements of the time.

Terms of Reference Area 1: IOM Government Advice to the IOMSPCo			
	Risk 1A: Consistent	Risk 1B: Responsive	Risk 1C: Accurate
POSITIVE INDICATORS			
+	IOMSPCo has described the working relationships with the Travel Notification Service as generally working well.	At times dedicated meetings were undertaken to advise on changes planned and issues arising.	Detailed legal advice has been obtained to ensure that the latest documentation issued is compliant with the latest regulations.
+	The DOI has maintained a consistent and constructive operating relationship with IOMSPCo throughout the period via the management of the Sea Services Agreement.	When it was identified following the February outbreak that there was a key issue arising in relation to the documentation, a cross party meeting was quickly arranged to identify, reconcile and resolve issues.	
NEGATIVE INDICATORS			
-	Whilst there has been minimum direct contact over the period, in August 2020 the Director of Public Health responded to an IOMSPCo email, stating that it was her view that IOMSPCo Manx Resident crew should be self-isolating when not on duty – where they were in high risk contact with UK/Non-IOM crew members.	Whilst the working operational relationship with the Travel Notification Service appears to have been considered generally good by the IOMSPCo, it is apparent that there were instances where IOMSPCo have not treated as a high priority by Government: <ul style="list-style-type: none"> IOMSPCo requested clarification in relation to the required protocols to manage the mixing of UK/IOM crew (first raised by IOMSPCo in 7th July 2020, responded to 20th August); the intention to move to individual entry certificates for IOMSPCo crew members (first discussed in August 2020, not implemented until February 2021, following the outbreak); and 	Following the introduction of the new Public Health Protection (Coronavirus) Regulations at the end of December 2020, the procedures and documentation required for IOMSPCo Manx Resident Crew changed significantly. However it was not until following the February outbreak that the documentation was revised and issued correctly.

	Risk 1A: Consistent	Risk 1B: Responsive	Risk 1C: Accurate
		<ul style="list-style-type: none"> the review and feedback in relation to IOMSPCo Covid outbreak mitigation plans (first submitted to the Travel Notification Service in August 2020, issues not raised by Cabinet Office until October). 	
-	<p>However the formal documentation in place at that time was not consistent with this view. It is issued as a 'Corporate Entry Certificate' without reference to individual crew members and when referring to nominated places for self-isolation on the Island, the documentation only references 'Hotels' which would indicate that the restrictions apply to IOMSPCo UK/non-IOM Crew, and not IOMSPCo Manx Resident Crew.</p>	<p>Whilst early meetings were held between the Covid Response Team/TNS and IOMSPCo that were received positively these were not maintained and progression of issues do not appear to have been prioritised.</p>	<p>Documentation issued has been issued showing retrospective start dates, for which there is no vires (see Section 10 below for further information) which potentially also adds to confusion in relation to the certificate in operation at any one time.</p>
	<p>There would also appear to have been some inconsistency in the consideration of the 'border applied' between the IOMSPCo Manx Resident crew and Manx resident ship registry surveyors boarding the vessel and not disembarking in the UK. The former requiring entry certificates whereas the latter did not.</p>	<p>Multiple red flags were raised and did not trigger appropriate escalations/validations by both parties.</p>	<p>Whilst documentation issued has ultimately been updated to be compliant with the current regulations, the procedures in relation to IOMSPCo Manx Resident Crew also need to be updated to ensure full compliance e.g. registration, health certificates and landing cards.</p>

16 APPENDIX: Root Cause Analysis: ToR Area 2: Statutory Processes

The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.



Risk 2A: Validity

Documentation issued should meet the requirements of the prevailing Regulations.

Risk 2B: Continuity

Any required documentation should be in place to cover all required periods.

Risk 2C: Consultation

In preparing significant new or revised documentation, there should be appropriate consultation with stakeholders.

Terms of Reference Area 2: Statutory Process			
	Risk 2A: Validity	Risk 2B: Continuity	Risk 2C: Consultation
POSITIVE INDICATORS			
+	<p>The prevailing regulations were fully reviewed and revised in December 2020. This was into a very fast paced changing environment as demonstrated by the sheer number of amendment regulations passed within the first couple of months of their introduction:</p> <ul style="list-style-type: none"> 15/12/2020 SD 2020/0551 Original Regs 23/12/2020 – SD2020/0599(+ correction notice) 24/12/2021 – SD2020/0601 07/01/2021 – SD2021/0012 09/01/2021 – SD2021/0013 ('household') 22/01/2021 – SD2021/0034 25/01/2021 – SD2021/0035 01/02/2021 – SD2021/0046 ('asymptomatic') 04/02/2021 – SD2021/0047(cn) ('entry certificate', 'landing certificate') 12/02/2021 – SD2021/0065 04/03/2021 – SD2021/0098 11/03/2021 – SD2021/0102 11/03/2021 – SD2021/0105 	<p>There had been a good continuity of operational staffing since the creation and transfer of responsibilities to the Transport Notification Service.</p>	<p>IOMSPCo have stated that they consider the operational level contact with TNS has been helpful.</p>
+	<p>Issues were identified and corrected with the revised certification issued in February 2021.</p>		<p>Early meetings (August-2020) were held between TNS and IOMSPCo to discuss the need transition to individual entry</p>

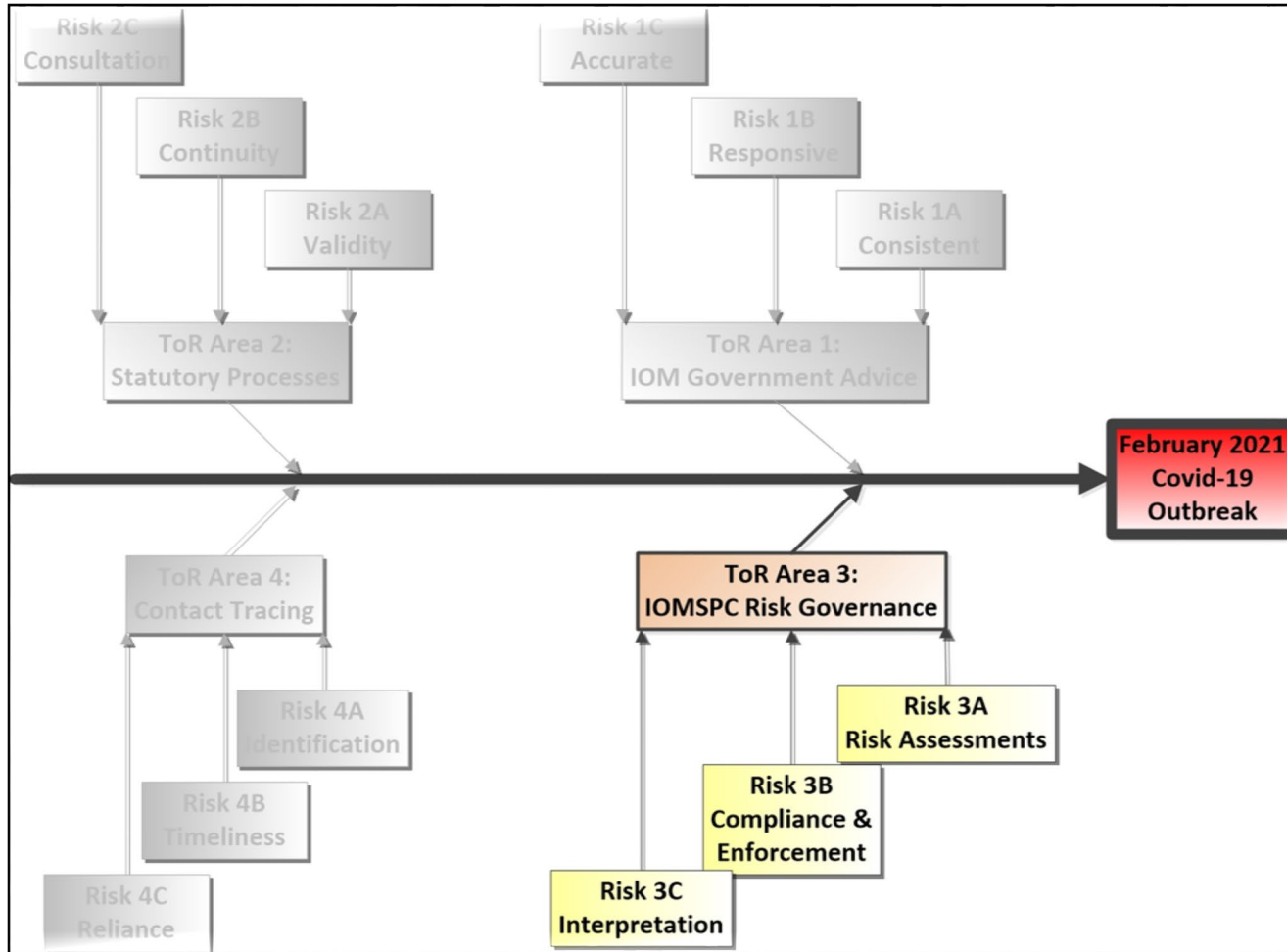
	Risk 2A: Validity	Risk 2B: Continuity	Risk 2C: Consultation
			certificates/direction notices for IOMSPCo crew members.
+	For the latest documentation formats, detailed legal advice has been obtained & considered.		At that same time risk assessments etc. were requested, albeit only the IOMSPCo 'Covid Response' plan was received by TNS for consideration.
+			A very productive 'multi-party' meeting was held on 3rd February '21 immediately following the February outbreak and once it became apparent that there was an urgent requirement to change the format of the issued documentation and that the IOMSPCo risk assessments provided would require amendment to meet the risk mitigations required by the Director of Public Health. It is noted that the inclusion of the DOI seems to have introduced a helpful 3 rd viewpoint which assisted in finding a mutually agreed way forward in relation to risk assessments and self-isolation requirements.

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
NEGATIVE INDICATORS			
-	The Entry Certificates issued immediately following the introduction of the PHP(C) Regulations were issued as 'corporate entry certificates' to the IOMSPCo. However such entry certificates are only applicable to non-residents (incl. companies or other bodies).	Immediately following the introduction of the PHP(C) Regulations there was effectively a month long gap (from 1st January 2021) where there was no Entry Certificate issued, until it was retrospectively issued on 29th January. The systems supporting the TNS administration processes are very manual with no centralised workflow management system, decisions or issues logs.	Notwithstanding the opening positivity, there appears to have been a fallow period in relation to the TNS-IOMSPCo meetings to progress the restructuring of the certificates, with a significant gap between the meeting at the end of August and TNS challenging IOMSPCo for copies of their full risk assessments.
-	There were obviously initially gaps in relation to the understanding of the revised regulatory framework however further advice was obtained from the Attorney General's Chambers and the majority of regulatory issues have subsequently been rectified.		The IOMSPCo did not submit a copy of their risk assessment to TNS until November/December .
-	The Entry Certificate issued included the names of all IOMSPCo crew (UK/non-IOM and Manx resident) and so was assumed to also apply to IOMSPCo Manx Resident crew, however there is a different process required for the management of the requirements for IOMSPCo Manx Resident crew.		It was not until the February 2021 'multi-party' meeting (following the outbreak) that full face to face consultation was undertaken to address the issues in relation to the risk assessment.
-	The process applicable to IOMSPCo Manx Resident crew requires individuals to be registered as residents. The first registration did not take place until 25 th February.		Queries were immediately raised by IOMSPCo on the inclusion of item 4(k) on the proposed Jan-21 entry certificate (that was provided on 4th December). However no amendment appears to have been made to the final certificate issued to clarify the wording/intention.

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
-	The process applicable to IOMSPCo Manx Resident crew requires individuals to be issued with Direction Notices, no Direction Notices were issued to IOMSPCo Resident Crew until 25 th February.		The issues and impacts arising from the introduction of the new Public Health Protection (Coronavirus) Regulations do not appear to have been discussed in detail by IOMSPCo, in particular the impact on the procedure required for IOMSPCo Manx Resident crew e.g. requirements for registration/health declarations and landing cards.
-	I have not been able to undertake an audit/reconciliation in relation to whether all IOMSPCo Manx Resident crew have been registered as residents (as is required by the Regulations), however it is noted that it is stated that the first registration did not occur 25 th February '21.		At no point during this process has the views or advice of the IoM Ship Registry, the responsible regulator for IOMSPCo vessels whilst at sea, been sought by either TNS or the IOMSPCo.
-	The format used for the delegation of the Director of Public Health's authority is in 'blanket' form and would benefit from further review.		

17 APPENDIX: Root Cause Analysis: ToR Area 3: IOMSPCo Risk Governance

The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations. (Note: I have also considered the IOMSPCo Internal Report to its Shareholder under this area)



Risk 3A: Risk Assessments

The IOMSPCo's suite of Covid Response documents should sufficiently mitigate the risks of Covid-19 as befits a provider of Vital National Infrastructure.

Risk 3B: Compliance & Enforcement

The IOMSPCo's obligation to act within regulatory and statutory requirements, and the role of the regulator.

Risk 3C: Interpretation

The expectation that all parties interpret regulations, policies and protocols in a reasonably conforming manner.

Terms of Reference Area 3: IOMSPCo Risk Governance			
	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
POSITIVE INDICATORS			
+	The IOMSPCo have demonstrated cognisance of their regulated responsibilities and are seen to work within International Maritime Organisation, International Labour Organisation and Maritime Labour Convention regulations.	IoM Ship Registry (IOMSR) are the regulator of Manx flagged vessels and therefore responsible for the Health & Safety on-board the vessels, currently IOMSR perform H&S investigations on a reactionary basis in response to complaints received from the public regarding H&S on-board the vessels.	At the outset the IOMSPCo sought the advice of Public Health and were informed of: <ul style="list-style-type: none"> • Key worker status • Exemption from self-isolation <p>The differences between self-isolation and social distancing were also clarified by Public Health to the IOMSPCo.</p>
+	Whilst there is no “off the shelf” response available for the management of the global pandemic, the IOMSPCo have, from the outset demonstrated continuing development of their suite of documents forming their Covid Response Plans.	The IOMSR was readily accessible and in a unique position to bring clarity and transparency to many of the issues being raised by the IOMSPCo, most of which are covered in the IMO, ILO and MLC guidelines, within which the IOMSPCo are required to work.	The potential impact of operational risks brought about by Covid transpiring was known and the IOMSPCo did not have significant recurring outbreaks on board; Covid Response Plans and the interpretation of exemption documentation appear to have been effective until the development of the Covid Kent variant which proved to be a game changer due to its virulence.
+	The IOMPSCo’s Outbreak Management Plan was updated on 6 th March 2020 before the first case of Covid had been declared on Island; the risks were both known and prioritised within IOMSPCo.		In April 2020 when a positive crew case had been confirmed and Contact Tracing had assessed matters, the IOMSPCo were advised where a number of improvements could be made with

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
			regards to protocols, these were considered by IOMSPCo and reflected in revisions to Covid Response Plans.
+	The IOMSPCo evidenced co-operation with the Isle of Man Governments National Pandemic Response as matters evolved; they asked pertinent questions and sought appropriate advice from multiple parties, in a timely manner.		
+	They also held monthly Safety Crew Committee meetings, reviewing matters and raising issues as the pandemic evolved.		
+	They were progressive in introducing new measures to mitigate risks and to protect business continuity, some but not all of which were periodically rolled into their suite of Covid response plans, such measures included: <ul style="list-style-type: none"> • Crew living aboard where possible • Personal Protective Equipment • Social distancing • Crew temperature checks • Crew testing • Early vaccination requests 		
+	Whilst the IOMSPCo have demonstrated dedication and willingness to provide robust solutions to ensure business continuity and resilience of services throughout the pandemic, it is recognised that in ordinary times additional expertise would not be expected to be required however the pandemic is problematic as it is ever evolving.		

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
	IOMSPCo provide a vital service from numerous perspectives; the supply of vital medicines, oxygen, freight, and how they support the economy and business continuity within an island community.		

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
NEGATIVE INDICATORS			
-	<p>The International Maritime Organisation have not issued new legislation in response to the pandemic, rather Technical Advisory Notes have been issued to support ship owners and operators as matters have evolved.</p>	<p>The IOMSPC raised lots of pertinent and timely questions to Cabinet Office however they could have sought the assistance of the regulator, the Ship Registry, to effectively lobby their point and bring clarity to their position; to ensure matters were appropriately escalated in a timely manner within IOMG and to achieve rapid pragmatic robust solutions. Unfortunately this did not happen.</p> <p>It should be noted that it would be unusual for the IOMSR to be involved in the development of Risk Assessments etc. however given the unique circumstances of the pandemic and the requirement to find unique Manx solutions to resolve Vital National Infrastructure matters, they could have acted in an advisory capacity, such an opportunity could have been created and was not.</p>	<p>From the outset, reliance was placed on informal communications between IOMSPCo the Cabinet Office and Public Health; this can be attributed to the pace of events and the fact that responses were emerging in reaction to rapidly evolving circumstances.</p>
-	<p>Whilst early Covid Response Plans did not consider matters such as crew to crew transmission, the current suite of documents has improved and has obtained Public Health approval to support the continuing provision of exemptions, however there are still some gaps "in the detail".</p> <p>Our gap analysis demonstrated that whilst the IOMSPCo documents were not insufficient for their intended purpose, they either did not address certain key risk elements or could have been more detailed and robust in their content, however we are not maritime specialists.</p>	<p>Further whilst an Internal Audit function and Safety Management System has been evidenced, an "Inspectorate Regime" has not been evidenced within the IOMSPCo, in terms of evidence of Internal Audit of adherence to Covid Response Plans which are mandated in supporting the exemptions.</p>	<p>In April 2020 when a positive crew case had been confirmed and Contact Tracing had assessed matters, the IOMSPCo's interpretation of the self-isolation requirements for non-Manx resident crew was called into question between Contact Tracing and Public Health, however the matter was not resolved internally within IOMG, and no further direction was given to the IOMSPCo in this regard.</p> <p>At that time the IOMSPCo had confirmed to Contact Tracing that non Manx resident crew had been "popping into the shops" on the way to their accommodation.</p>

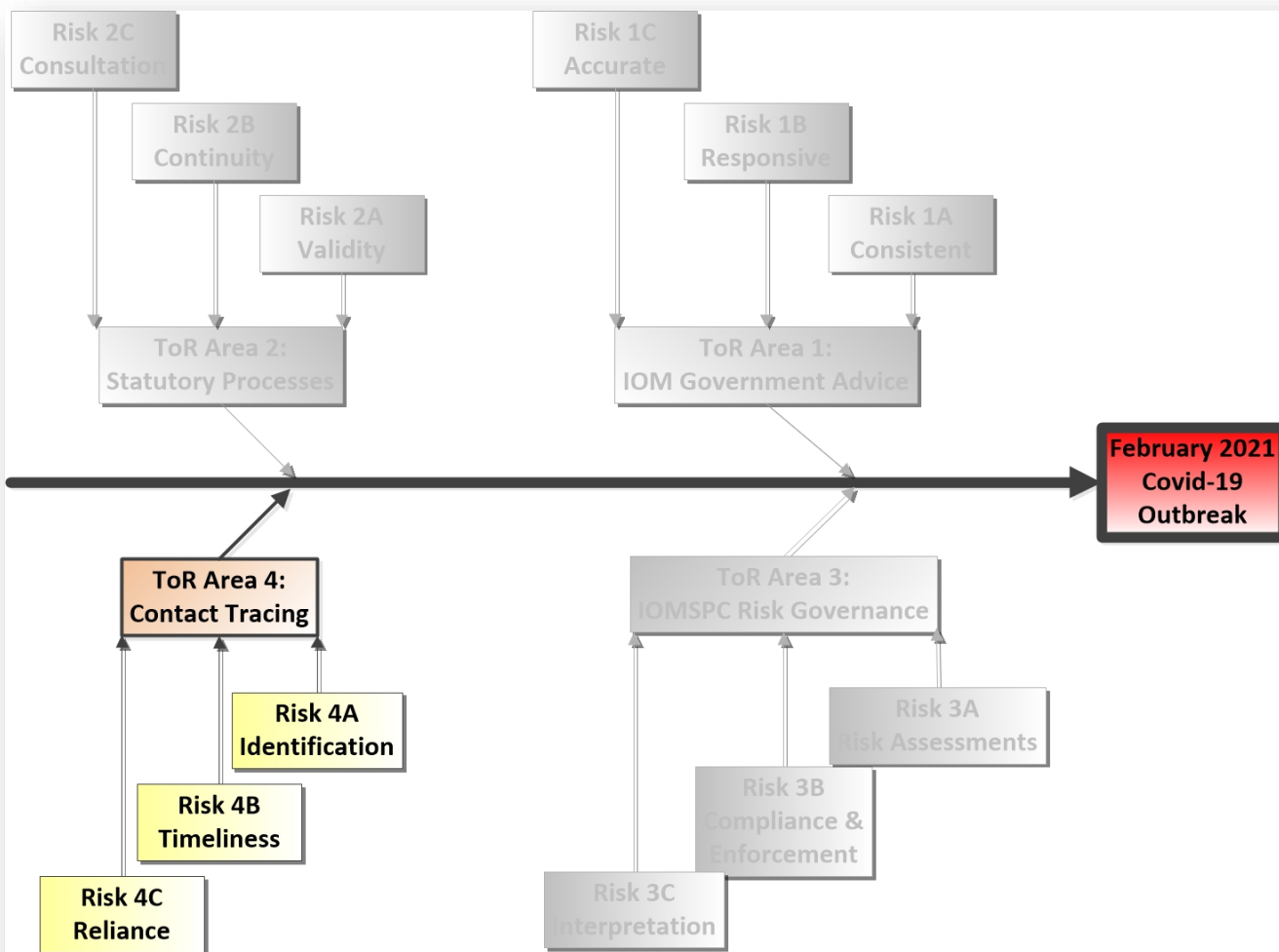
	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
	<p>The importance of the detail becomes magnified due to the vital role the IOMSPCo play in the National Pandemic Response; this is not disputed by any party.</p> <p>Our current perceived gaps include:</p> <ul style="list-style-type: none"> • No “Outbreak Investigation” protocol • Training in the “Management of the pandemic” is not documented • Insufficient detail on how to “Contact Trace” an outbreak on-board • Additional detail that would be would be beneficial re.: <ul style="list-style-type: none"> • use of PPE for all likely eventualities • use of crew facilities • treatment of food service utensils • crew travel to/from work – all scenarios • digital updates to crew re pandemic status • crew welfare/mental health – how they are to be supported • overseas crew arriving in UK/ transit – management of same • sanitisation protocols and training around same 		<p>IOMSPC were not informed that this was not compliant with requirements of the exemptions certificate which stated “You should only travel from your arrival point to your place of work and back to your hotel.”, however it can also be said that the IOMSPCo did not further question any potential revisions to the interpretations that had been set at the outset (despite these being in conflict with the documentation issued).</p>
-			<p>In June 2020 when emerging from Lockdown 1, the IOMSPCo sought timely clarification from IOMG as to how changes to IoM rules would impact staff, in doing so they did not distinguish between resident and non-resident crew when raising the query. However when advising crew of the response, the advice received</p>

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
			<p>from the Director of Public Health was paraphrased and the onward advice to crew was altered to distinguish between resident and non-resident crew.</p> <p>This could be open to interpretation that IOMSPCo were aware of the distinction and potential differences in treatment of both types of crew and that they did not validate this with IOMG, however IOMSPCo are steadfast in their interpretation of the issues and events; it is my opinion that the position was set at the outset with the confirmation of the exemption from self-isolation and whilst the pandemic landscape changed the advice issued to IOMSPCo did not keep pace with those changes.</p>
-			<p>Notably in August 2020 in direct response to a query raised by a Senior Master of the IOMSPCo, the Director of Public Health responded to IOMSPCo queries directly, this was the most significant opportunity for the differences of opinion around self-isolation of Manx resident crew to be identified. The query was posed early July and the response issued late August. Thereafter the Director of Public Health considered that the IOMSPCo had been informed of self-isolation requirements for Manx resident crew.</p> <p>Whilst the response was late, IOMSPCo confirmed that it was discussed by management who reached assurances that the requirements of the advice had been met and that self-isolation was not required:</p> <ul style="list-style-type: none"> • All crew were following protocols where practical • IOM resident crew had not left the island [as did not disembark the vessel] • IOM crew contact with non-resident crew was

	Risk 3A: Risk Assessments	Risk 3B: Compliance & Enforcement	Risk 3C: Interpretation
			<p>minimal and within Covid protocols</p> <p>i.e. On-board protocols were designed to avoid close contact situations and therefore self-isolation is not required.</p> <p>However the definition of the border for the purposes of exiting/entering the Island were effectively defined under the Emergency Powers regulations as 'the IOM Gangplank', accordingly IOM resident crew would have been categorised as having left the Island.</p>
-			<p>Multiple red flags were raised and did not trigger appropriate escalations/validations by both parties. e.g. another opportunity arose in Dec '20 to highlight the misunderstanding when 1 hours exercise was granted to all IOMSPCo crew (resident and non-resident), in my opinion the communications around this are not conclusive and did not highlight differences of opinion.</p>

18 APPENDIX: Root Cause Analysis: ToR Area 4: Contact Tracing

How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.



Risk 4A: Identification

For the Test, Trace and Isolate strategy to be effective then positive cases need to have been identified as high risk contacts and placed in isolation prior to testing positive.

Risk 4B: Timeliness

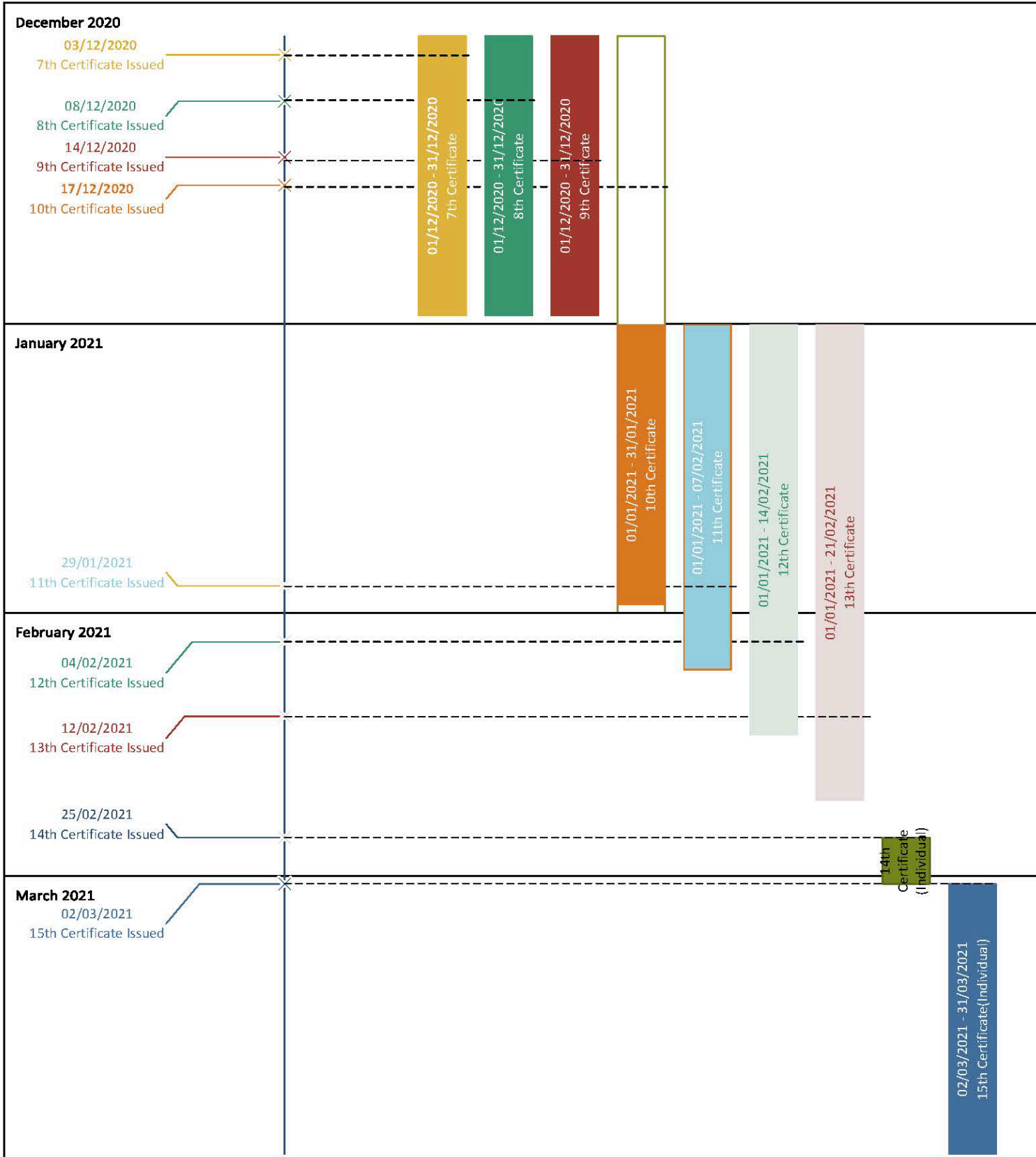
For the Test, Trace and Isolate strategy to be effective then positive cases need to have been placed in isolation prior to testing positive.

Risk 4C: Reliance

The Covid Outbreak Response should utilise the most effective combination of approaches to ensure the sufficient containment of outbreaks.

Terms of Reference Area 4: Contact Tracing			
	Risk 4A: Identification	Risk 4B: Timeliness	Risk 4C: Reliance
POSITIVE INDICATORS			
+	For the data made available, in the early stages of the February outbreak, the Contact Tracing team were very efficient in making contact following notification of a positive case.	From the data made available, the turnaround from test to result was very efficient.	Immediately prior to the latest Covid outbreak, the Cabinet Office had already presented a revised tiered Covid Outbreak Response plan for the Council of Ministers to consider.
+	The Contact Tracing team investigating officers primarily comprise of experienced Environmental Health Officers who in addition, are now experienced in Contract Tracing.	From the data made available, in the early stages of the February outbreak, the Contact Tracing team were very efficient in making contact following notification of a positive case.	
NEGATIVE INDICATORS			
-	At the outset, following the 1st notified case of the UK Crew member, manual Contact Tracing did not successfully identify any high risk contacts that subsequently became infected cases.	There appears to have been a critical delay of 7 days between the identification of the IOMSPCo UK Crew positive case and the Contact Tracing teams contact with the subsequent four IOMSPCo Manx Resident crew cases and related Self Isolation instructions.	The test, trace and isolate strategy as adopted did not successfully contain the outbreak resulting in full community lockdown.
-	Manual contact tracing did not identify the infected case that linked the original infected UK Crew member with those four infected Manx Crew members and has relied upon genomic testing/tracing to ultimately confirm that the cases are linked.		As highlighted previously, there was also no full crew testing regime in place.
-	As the outbreak progressed the capacity of manual contact tracing was placed under significant strain in containing the outbreak.		
-	Manual contact tracing relies on human behaviours and reliable memory to be fully successful.		

19 APPENDIX: Entry Certificates Issued for Jan-21+



20 APPENDIX: IOMSPCo Risk Assessment: Gap Analysis with Maritime Best Practice Guidance

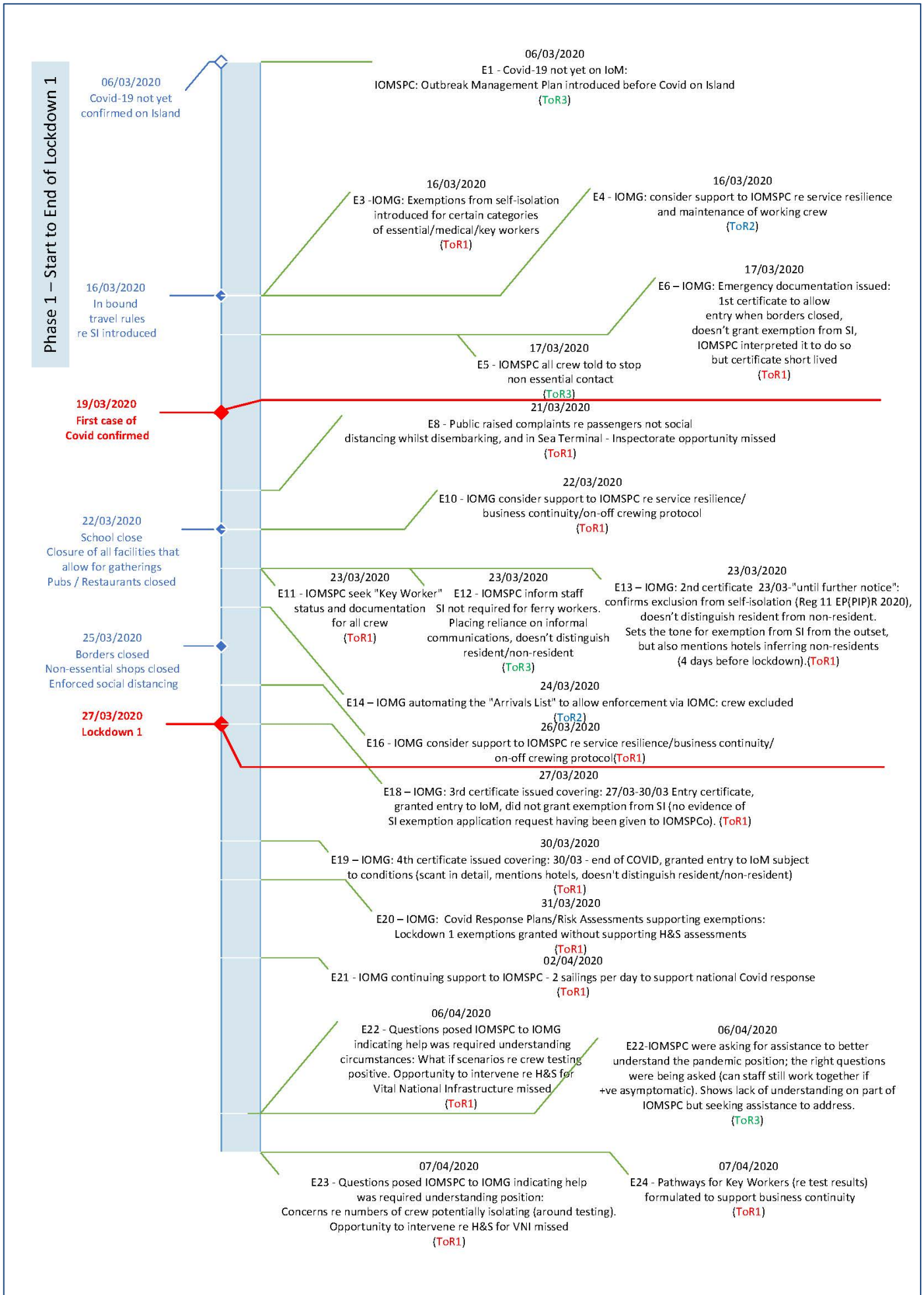
Advisory/Guidance document	Advice/Guidance given	Control Gap identified	Issues Arising
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): WHO - Operational considerations for managing COVID-19 cases or outbreaks on board ships (25.03.20)</p>	<p>Passenger Locator Forms (PLF) should be completed by all crew/passengers before disembarking. Recommended that PLF's are retained for 1 month following disembarkation.</p>	<p>In the introduction to the IOMSPCo Outbreak Management Plan (OMP), it states that included within the document were procedures covering the collection of Personal Locator Forms (PLF). In the Managing Contacts section it states "Immediately following a suspected case has been identified – contact tracing should begin (conducted by Ships Safety Officer)". It does not go into detail about the procedure for doing so and there is no guidance about collecting PLF's (who does it, how to do it etc).</p>	<p>OMP - lacking sufficient detail about how to CT for outbreak on board</p>
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): WHO - Operational considerations for managing COVID-19 cases or outbreaks on board ships (25.03.20)</p>	<p>It was specified that Contact Tracing should be conducted onboard (i.e. once an actual case/suspected case of C-19 had been identified).</p>	<p>As referred to in the IOMSPCo OMP, it states that Contact Tracing should begin onboard by the Safety Officer, immediately after a case/suspected case has been identified onboard. There is no specific guidance about how this task should be done in the OMP, despite indicating that procedures were included within the document.</p>	<p>OMP - lacking sufficient detail about how to CT for outbreak on board</p>
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): WHO - Operational considerations for managing COVID-19 cases or outbreaks on board ships (25.03.20)</p>	<p>There should be a Cleaning and disinfection policy/procedure in operation onboard the vessel, which addresses laundry, food service utensils and waste removal in potentially infectious scenarios.</p>	<p>The IOMSPCo OMP addresses how to deal with laundry and waste removal, but does not address the treatment of food service utensils used by a person with a confirmed/suspected case of C-19.</p>	<p>OMP - lacking sufficient detail re treatment of food service utensils</p>
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): WHO - Operational considerations for managing COVID-19 cases or outbreaks on board ships (25.03.20)</p>	<p>As efforts to control the epidemic place an emphasis on containing and preventing new cases, it is essential to identify the most likely mode(s) of transmission and the initial source(s) of an outbreak. An Outbreak Investigation covering epidemiological and</p>	<p>IOMSPCo did not document that they would instigate an Outbreak Investigation following an outbreak, or detail how, when and by whom it would be conducted.</p>	<p>OMP - No Outbreak Investigation protocol</p>

Advisory/Guidance document	Advice/Guidance given	Control Gap identified	Issues Arising
	environmental factors should be undertaken.		
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): Promoting public health measures in response to COVID-19 on cargo ships and fishing vessels" interim guidance, 25 August 2020.</p>	<p>Shipowners are therefore advised to develop a written contingency plan covering surveillance and reporting; case management; cleaning and disinfection; communication; and training.</p>	<p>Although IOMSPCo suite of C-19 related documentation was found to address the majority of the areas recommended, it was not clear from such documentation what training had been given to crew/staff in relation to dealing with and operating during pandemic conditions.</p>	<p>Suite of C-19 docs: C-19 training not documented</p>
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): Promoting public health measures in response to COVID-19 on cargo ships and fishing vessels" interim guidance, 25 August 2020.</p>	<p>Breaking down onboard interaction areas between crew/shore personnel and crew only, by dividing the ship into 4 procedure category zones, outlining the prescribed PPE requirements for each zone. It was recommended to design a table to determine types of PPE required for each of the following zones or activities, giving a simple visual representation:</p> <ul style="list-style-type: none"> • Potentially contaminated zones (includes isolation areas and all areas potentially contaminated but yet to be disinfected); • Crew only zones (e.g. Bridge, control room, mess etc); • Crew/Shore personnel interaction zones/activities; • No interaction zones (e.g. single cabins). 	<p>Whilst the suite of IOMSPCo C-19 related documents does address the use of PPE onboard vessels and around terminals, employees may have benefited from a more detailed plan/procedure which specifically prescribed what was to be worn, where it should be worn on/around the vessel and when. This may then have reduced/eliminated any confusion amongst employees as to what they were required to do regarding the use of PPE.</p>	<p>Suite of C-19 docs: use of PPE not sufficiently specified for most/all likely eventualities</p>
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): Promoting public health measures in response to COVID-19 on cargo ships and fishing vessels" interim guidance, 25 August 2020.</p>	<p>Public Health measures to be followed throughout the journey, focusing on the journey from home to ship to home (place or residence), addressing risk mitigation around commuting</p>	<p>This is relevant to local staff in that it is not overtly clear in the IOMSPCo suite of C-19 related documentation, what rules local crew should follow during commutes to/from the vessel (methods of commuting, vehicle sharing with co-workers, use of public transport, PPE use etc), but also relevant to crew members travelling backwards and forwards</p>	<p>Suite of C-19 docs: travel to/from work not sufficiently covered</p>

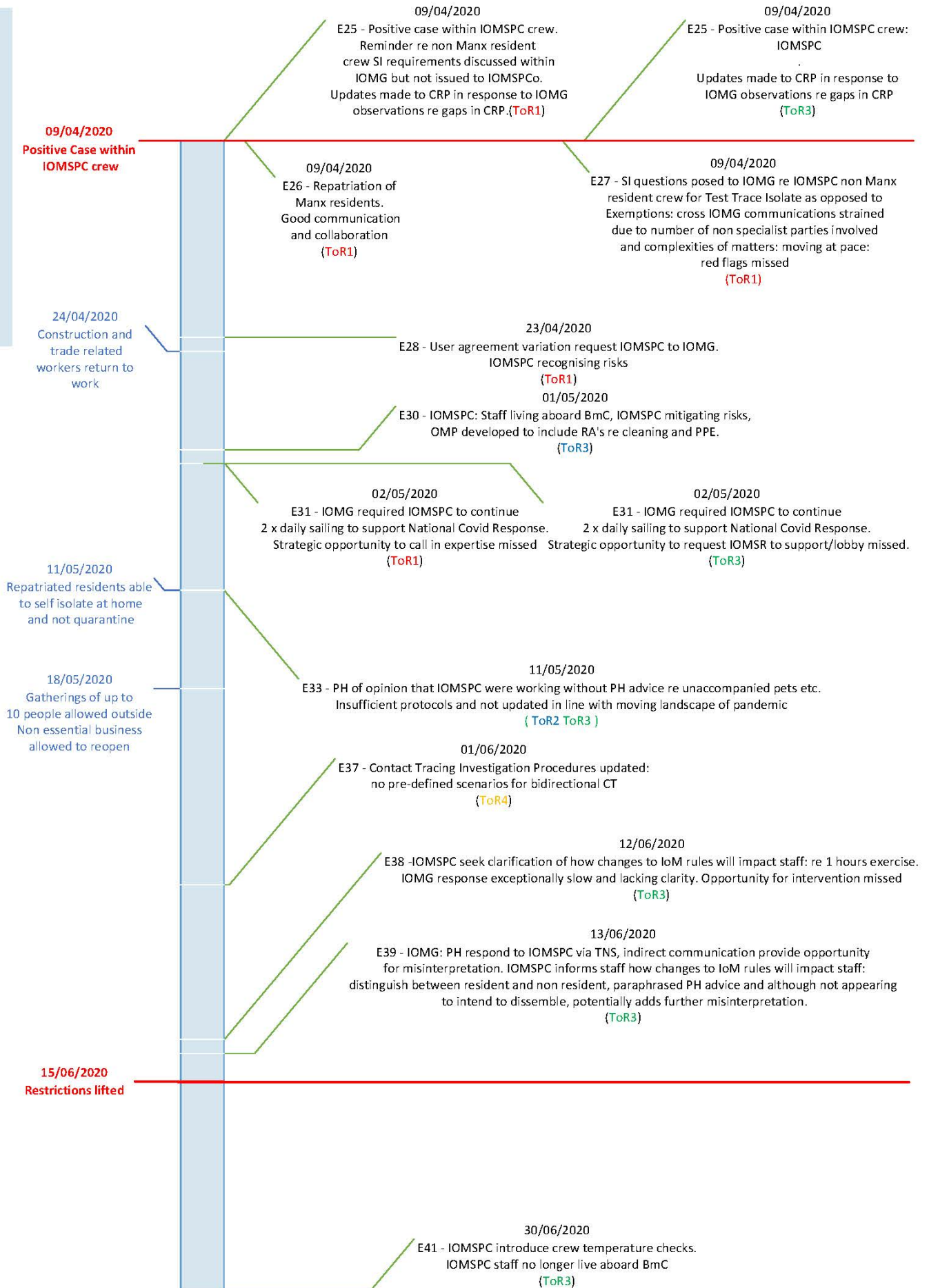
Advisory/Guidance document	Advice/Guidance given	Control Gap identified	Issues Arising
	arrangements and accommodation.	from UK and non-UK (international) destinations, who may also be required to use local accommodation (e.g. hotels) and how these transactions should (and will) be managed.	
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): Promoting public health measures in response to COVID-19 on cargo ships and fishing vessels" interim guidance, 25 August 2020.</p>	Use of digital tools and mobile applications to provide (International) crews with real time information and updates concerning C-19.	The IOMSPCo suite of C-19 related documentation does not address the use of digital/mobile aids which could potentially assist crew members travelling from non-IOM based locations and help with risk mitigation around crew travelling.	Suite of C-19 docs: digital crew updates not sufficiently covered
<p>IMO - Circular Letter No.4204/Add.34 (19/11/2020): Promoting public health measures in response to COVID-19 on cargo ships and fishing vessels" interim guidance, 25 August 2020.</p>	Recognising, acknowledging and mitigating crew mental health issues (in response to the C-19 crisis).	Mental health state is a risk to crew welfare and also to the ability of the IOMSPCo to provide essential life services to the IOM. The IOMSPCo suite of C-19 related documentation does not appear to identify this as a risk, or consequently, clarify how the organisation can/will support crew mental health and wellbeing during this crisis (whilst mitigating the associated risks to business continuity).	Suite of C-19 docs: crew mental health not sufficiently covered
<p>IMO - Circular Letter No.4204/Add.27 (26/08/2020): Coronavirus (COVID 19) – Protocols to mitigate the risks of cases on board ships.</p>	PCR testing of crew members in their home country prior to travelling from different jurisdictions (internationally) to join a vessel.	The IOMSPCo suite of C-19 related documentation does not appear to address the risk of virus transfer (and mitigation) associated with overseas crews arriving in the UK, so it is not clear whether such tests have been conducted (and resulted in negative outcomes) before overseas staff leave their country of origin to join their vessels, or what measures the IOMSPCo has taken to determine the validity of any such crew declarations in this regard.	Suite of C-19 docs: overseas crew arriving in UK/ transit not sufficiently covered
<p>International Chamber of Shipping: Coronavirus (COVID-19) Guidance for Ship Operators for the Protection of the Health of Seafarers (29.09.20)</p>	Refraining from using any common areas on board, such as the mess/day room, laundry area or recreational areas when being used by others, unless special arrangements or measures are in place.	The IOMSPCo risk assessment document states, in relation to "Welfare Facilities", that crew should sanitise items used before/after use, they can used for up to 1 hour per day whilst wearing masks at a minimum distance of 2m between each other. It does not prescribe the maximum numbers of crew that can use the facilities at any given time, or measures to ensure that it is not inadvertently used by	Suite of C-19 docs: use of crew facilities not sufficiently covered

Advisory/Guidance document	Advice/Guidance given	Control Gap identified	Issues Arising
		<p>inordinate numbers at any given time (e.g. use of a booking system to record who is using it between set times). This could also potentially assist with Close Contact tracing in the event that a crew member was found to have been infected with the C-19 virus whilst aboard ship.</p>	
<p>International Chamber of Shipping: Coronavirus (COVID-19) Guidance for Ship Operators for the Protection of the Health of Seafarers (29.09.20)</p>	<p>Once a patient has left the ship, the isolation cabin or quarters should be thoroughly cleaned and disinfected by staff (using PPE) who are trained to clean surfaces contaminated with infectious agents.</p>	<p>Although the IOMSPCo OMP states that if an area has been heavily contaminated by C-19 fluids, Specialist Cleaning Contractors will be used to clean/disinfect, it is not clear (in any documentation) as to what training has been provided to staff/crew from a general cleaning perspective. Areas of vessels may be contaminated by the virus (e.g. presence onboard of an asymptomatic crew member/passenger) despite not being visibly "heavily contaminated by C-19 fluids". It is important that staff are adequately trained in cleaning methods for dealing with potentially infectious agents.</p>	<p>Suite of C-19 docs: sanitisation methods and training not sufficiently covered</p>

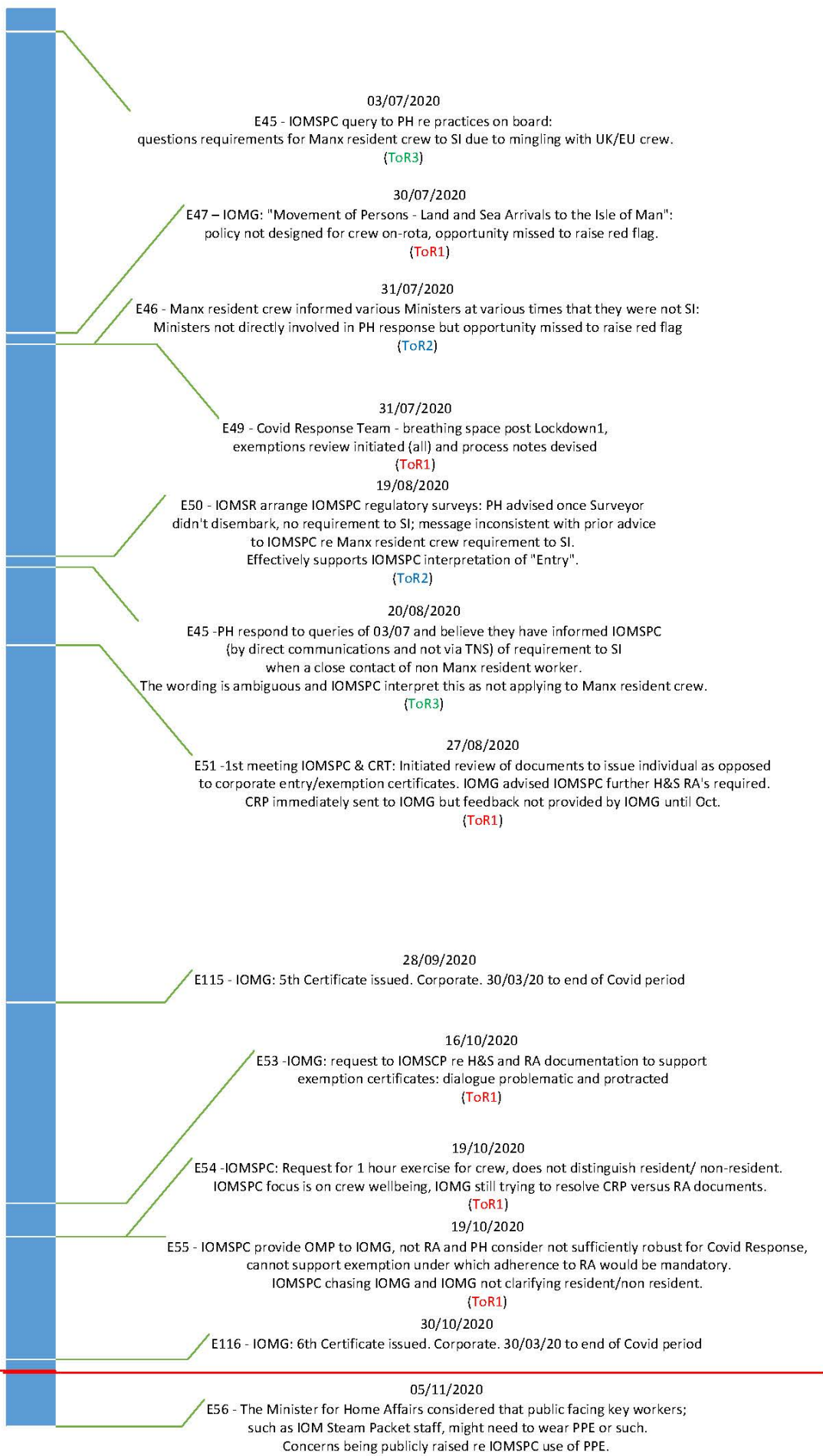
21 APPENDIX: Detailed Evidence Timeline



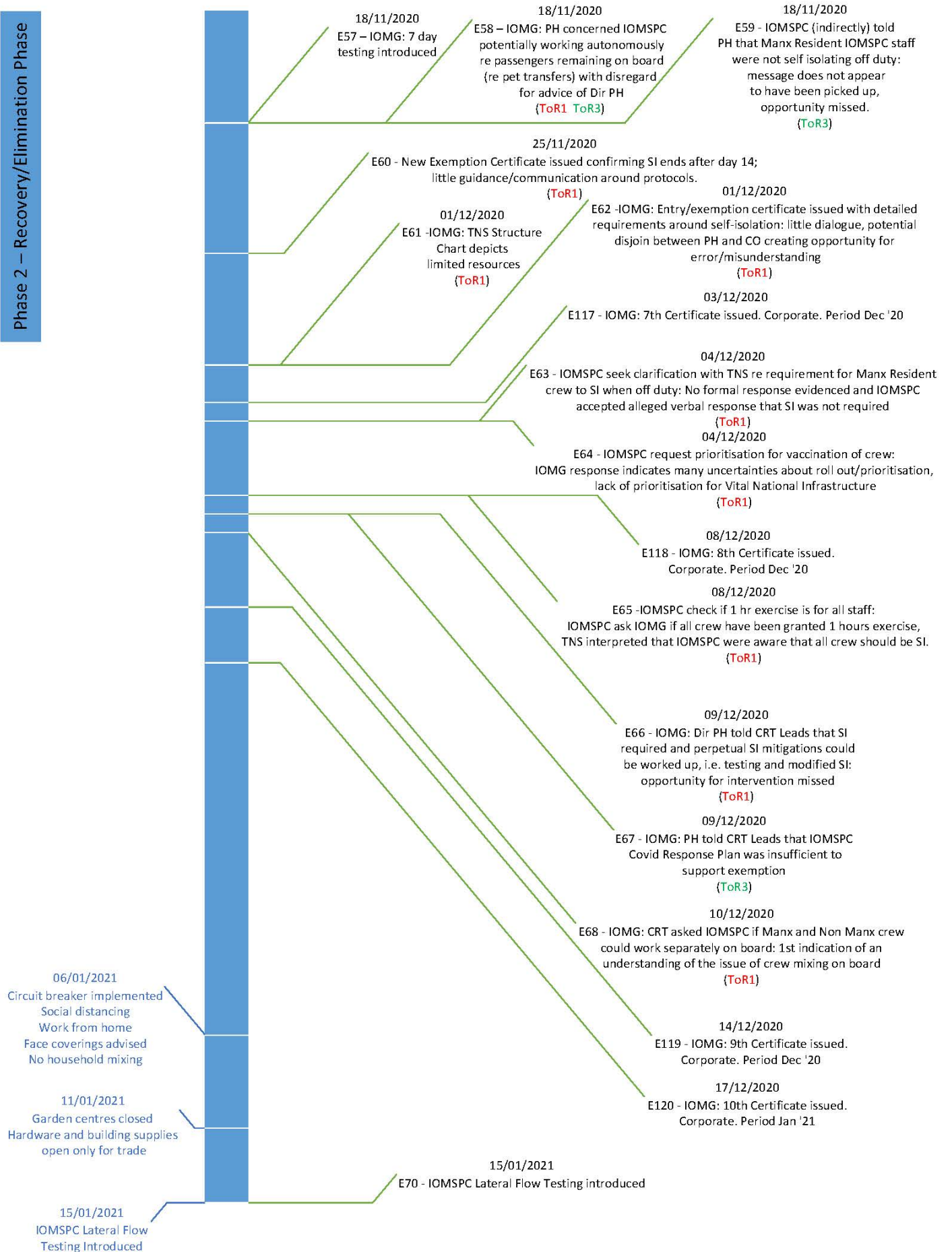
Phase 1 – Start to End of Lockdown 1

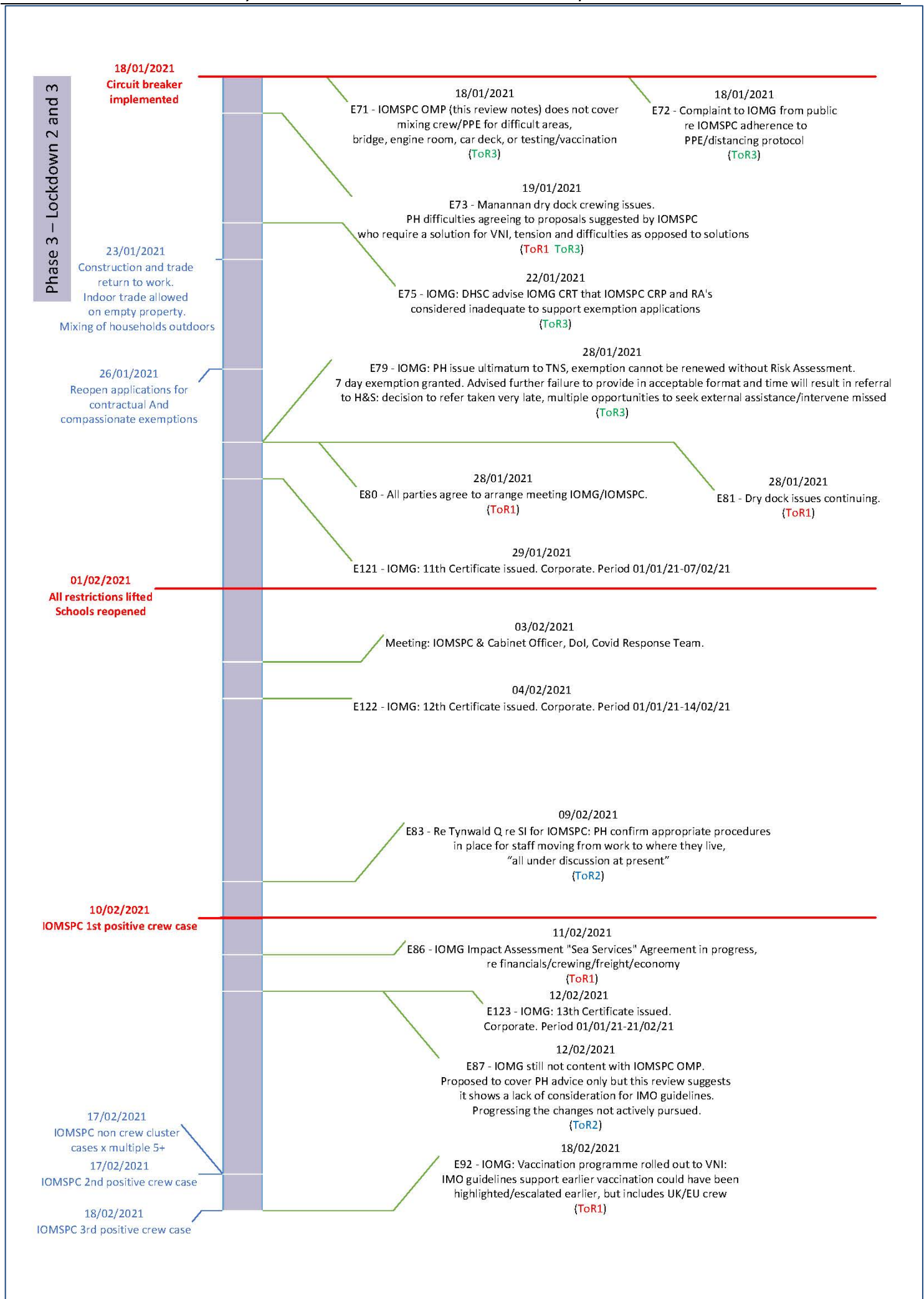


Phase 2 – Recovery/Elimination Phase

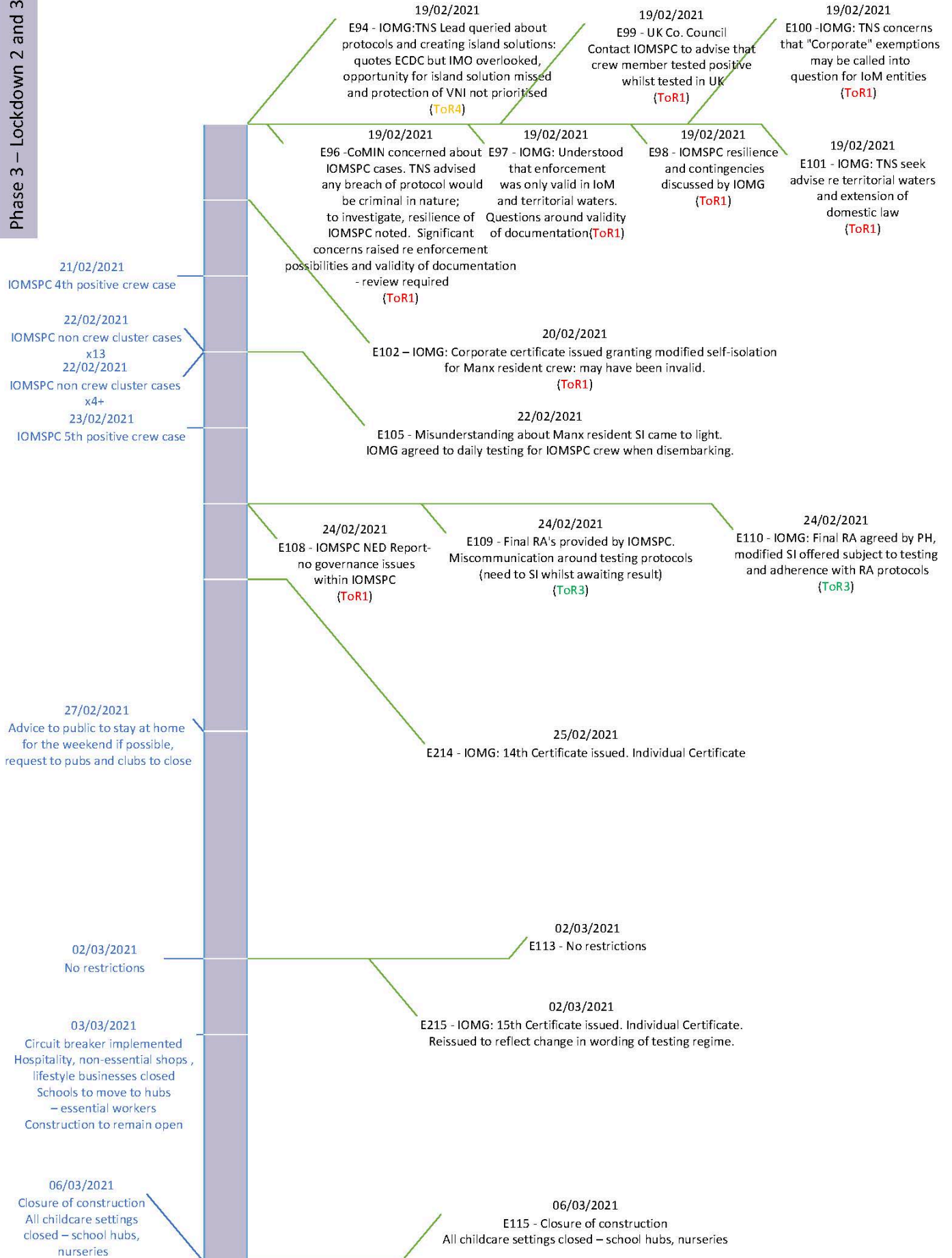


Phase 2 – Recovery/Elimination Phase





Phase 3 – Lockdown 2 and 3



22 APPENDIX: Contact Tracing Activity Dates - Initial Phase of the Outbreak

i2 Reference	(i) earliest identified proximity date	(ii) CT high risk ID date	(iii) CT contact date	(iv) date of first C-19 Test	(v) date CT informed of first positive test result	(vi) date of issue of DN to Self- Isolate
+ve UK Crew Member	n/a	n/a	n/a	unknown	10-Feb	n/a
IOMSPCHRC001	10-Feb **	11-Feb	11-Feb	12-Feb	n/a	11-Feb
IOMSPCHRC002	10-Feb **	10-Feb	11-Feb	11-Feb	n/a	10-Feb
IOMSPCHRC003	10-Feb **	10-Feb	11-Feb	11-Feb	n/a	*
IOMSPCHRC004	10-Feb **	10-Feb	11-Feb	11-Feb	n/a	*
IOMSPCHRC005	10-Feb **	10-Feb	10-Feb	11-Feb	n/a	10-Feb
IOMSPCHRC006	10-Feb **	10-Feb	11-Feb	11-Feb	n/a	10-Feb
IOMSPCHRC007	10-Feb **	11-Feb	11-Feb	12-Feb	n/a	11-Feb
IM00438	n/a	n/a	17-Feb	17-Feb	17-Feb	17-Feb
IM00439	lives with +ve	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00440	lives with +ve	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00441	lives with +ve	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00442	13-Feb	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00443	13-Feb	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00444	13-Feb	17-Feb	17-Feb	17-Feb	17-Feb	18-Feb
IM00445	none identified	n/a	18-Feb	18-Feb	18-Feb	18-Feb
IM00451	lives with +ve	17-Feb	17-Feb	17-Feb	21/02 (1st test -ve)	18-Feb and 22-Feb
IM00452	lives with +ve	17-Feb	17-Feb	17-Feb	21/02 (1st test -ve)	18-Feb and 22-Feb
IM00453	lives with +ve	17-Feb	17-Feb	17-Feb	21/02 (1st test -ve)	18-Feb and 22-Feb
IM00455	16-Feb	17-Feb	17-Feb	17-Feb	21/02 (1st test -ve)	18-Feb and 22-Feb
IM00456	lives with +ve	21-Feb	21-Feb	21-Feb	21-Feb	21-Feb
IM00457	lives with +ve	21-Feb	21-Feb	22-Feb	22-Feb	22-Feb
IM00458	lives with +ve	17-Feb	17-Feb	17-Feb	22/02 (1st test -ve)	18-Feb and 22-Feb
IM00459	lives with +ve	17-Feb	17-Feb	17-Feb	22/02 (1st test -ve)	18-Feb and 22-Feb
IM00470	14-Feb	18-Feb	18-Feb	18-Feb	23-Feb	18-Feb and 23-Feb
"1 Case"	16-Feb	18-Feb	18-Feb	19/-2	19-Feb	19-Feb

* these records were merged due to duplication so exact date for DN issue is not in the audit trail

** all HRCs were on shift with the index during the previous week prior to 10th February

23 APPENDIX: Isle of Man Steam Packet Non-Executive Director Report to Treasury (Summary)

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

Report on the management of operational risk with respect to Covid 19 on IoMSPC vessels

Index

1. Purpose
2. Scope
3. Methodology
4. Executive Summary
5. Recommendations
6. Summary of events during the Covid 19 Pandemic
7. Appendices

1. Purpose

This report has been requested by the Shareholder in response to the second case of Covid 19 detected in a member of the Sea staff this year. The intention is to provide assurance that all relevant Government requirements have been considered by the Company and appropriate operating procedures put in place, and followed, to mitigate the risk of infection or transmission by a member of the Sea staff. To determine corrective actions where controls are found to be weak and to make further recommendations as to how best mitigate the risks further.

2. Scope

- (a) All Government rules, recommendations, directions and laws with respect to mitigating Covid 19 risks.
- (b) All IoMSPC procedures, work instructions, letters, minutes and audits with respect to Covid 19.
- (c) All email correspondence between IoMSPC and Government departments respect to Covid 19

3. Methodology

To collate and review (a) above, review (b) above and check all requirements from (a) are covered or identify areas of omission or weakness; review (c) and recheck. Interview senior members of the Sea staff and Shore management team to verify understanding. Produce a list of comments.

A meeting between Govt and IoMSPC was held on Monday 22nd and the outcomes included in this report. Given the compressed timescale to produce this report a physical inspection has not been undertaken on the Ben-my-Chree during a round trip to independently verify the procedures in action.

4. Executive Summary

The IoMSPC has been maintaining a lifeline service under Covid 19 restrictions since March 2020 and operating a twice daily service that is not commercially justified. This increases the risks of Covid 19 transmission between seafarers due to the two shift system required. It is not clear that CoMin fully appreciated the increased risk when instructing the IoMSPC to implement this schedule.

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

The IoMSPC has undertaken over 1300 sailings since March 2020 and carried over 22,000 passengers.

The seafarers have been operating under pressure with additional controls and restrictions including the use of facemasks; also some passengers have tested positive for Covid 19 once reaching the IoM, thereby increasing the risks to the crew and to the IoM public.

At the start of the Pandemic, the Company promptly initiated procedures both on-board and ashore to mitigate the risk of spreading the disease and these procedures have been refined with regular reporting and feedback between Sea and Shore staff.

There have been no Flag State or Government on-board health inspection of the Ben-my-Chree or review of the procedures and a number of requests for clarification sent to the government on subjects such as mixing and social distancing have received no reply.

Having reviewed the laws applicable to the IoMSPC we are confident that we have complied with and exceeded any legal requirements. We have taken legal advice that confirms this view.

The Exemption notices provided to the Company were applied to Non-Resident Crew and have been followed by those Crew when ashore in the IoM between shifts.

IoM residents including IoM crew would be subject to Direction Notices if they were issued however no Direction notices have been issued to IoM Resident crew on a routine basis since the start of the pandemic.

The overall effectiveness of the measures put in place to mitigate the risk of Covid 19 transmission has been demonstrably high given the extremely low frequency of positive tests.

Feedback and suggestions from the Sea staff on-board through the regular Safety Meetings have assisted in a cycle of improvements to the procedures. Both the Sea staff and Shore management teams have been requesting further mitigation with both vaccinations and frequent testing to ensure maximum protection. Further meetings were held this week and new recommendations are likely to be put in place forthwith.

There is no evidence of systemic failures of the Covid 19 protocols on board the Ben-my-Chree but, given some of the recently publicised comments, there is clearly a lack of understanding by some in Government as to what the protocols are. We are also aware that, given the human element, there may be momentary lapses however the overriding impression is that the Sea staff want the on-board mitigating measures to be effective - not just for themselves but their families and the wider community.

The IoMSPC Management have been restrained in responding to the various uninformed allegations aired over the last two weeks and look forward to mutually agreed solutions.

There have been several productive meetings between Government and the IoMSPC this week to recognise that IoM resident crew cannot be expected to isolate when off duty. The meetings have been primarily focused on further mitigations that can be undertaken on board to reduce risks further.

Vaccinations and regular testing for all crew are scheduled to commence today.

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

5. Recommendations

Every action taken provides an additional level of mitigation to the risk of infection.

We consider that vaccinating all the Sea staff will provide the single biggest mitigation over and above the controls already in place.

Commencing a testing regime at the beginning and end of each tour of duty will give us clear evidence of the ongoing effectiveness of controls and allow the Track and Trace team to act quickly even if a positive result is asymptomatic.

As part of this investigation we requested that the Sea staff on Ben-my-Chree hold an exceptional safety meeting this week, over and above the regular safety meetings, to review the compliance and controls currently in place. This has been held today.

Better and regular communication between Government and IoMSPC Management should eliminate such misunderstandings in future.

The measures that have been implemented on board and the restrictions placed on our UK Sea staff when ashore on the IoM are not sustainable indefinitely therefore, in parallel with the Government “roadmap” to open up the border, we need to work together to determine what parameters need to be met to allow an easing of these protocols.

6. Summary of events during the Covid 19 Pandemic

March 2020

6th March 2020 - Covid19 Contingency plans were put in place with a policy for the Management of an outbreak of Coronavirus. This was sent to all ship and shore employees (*see appendix 1*)

17th March - All crew on-board were emailed a declaration to sign and return relating to the Do's and don'ts of Covid 19 (*see appendix 2*)

23rd March - Initial Key Worker exemption (*see appendix 3*)

27th March – All of Isle of Man went into a Lockdown, The vessels crew and those still working in the office carried on their person the initial work exemption issued on 23 March 2020, and thereafter, the exemption issued by the IoM Government on the 30th March. In the event that they were also stopped.

30th March - First revised key worker exemption. Although it stated that it was for crew entering the Island, local crew were also given this in the event that they were stopped by police as proof that they were key workers.

The Office staff also used this exemption. The exemption was altered slightly periodically but still documented that it was for crew entering the Island. A revised exemption was received on the 1st December 2020 additional pages were inserted (*see appendix 4*)

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

Safety Topics March 2020

Safety topic - discussed was the current Covid 19 pandemic and its impact upon our operations along with control measures in place.

Response - The company would be interested to see details of the discussion and if there are any further recommendations as a result. (see appendix 5)

April 2020 No Covid 19 related issues

Safety Topics May 2020

Defect & Safety Inspection Review – Some defects remain outstanding

Response - Given the current restrictions in place there may be some delay in contractors attending the vessel to complete repairs. There are also some issues with sourcing and having spares supplied to the ship.

Request for Douglas Harbour could install more Hand sanitisation stations in the Blue walkway.

Response - The Harbour Master has been contacted with regard to the committee's request. He has confirmed that the walkway handrails and door handles are cleaned regularly throughout the day and does not understand why it thought that there is a requirement to have further dispensers. Given that there are dispensers on board and at the door where you come into the Victoria Pier walkway.

It was emphasised that the Covid 19 Cleaning schedules, that have been developed, must be maintained. Catering department expressed concerns in its ability to maintain the hygiene standards within the passenger areas. Discussed limiting passengers to specific areas of the vessel, especially during access and egress. i.e. use of one stairwell only

Response- As passenger numbers increase staffing levels will be reviewed to ensure hygiene standards are maintained.

Vessel has received two RA – BMC/RA/TEMP/001/002/003.

Regarding RA – BMC/RA/TEMP/002/003, The vessel is currently unable to comply with these as we do not have all the PPE required. We understand that these items are on order. The committee would like clarification if it will be crew cleaning areas after contamination or specialist contractors?

Response- It is understood that supplies of PPE have been provided on board. If PPE items as listed in the risk assessment are not available, the company should be informed of such. The risk assessments have been developed to enable ships staff to complete such cleaning after suspected contamination.

The committee understands that the company is looking into seating plans for both vessels maintaining social distancing. The committee has read and understood the comments from the Manaman.

Response - The Company appreciates all the work that has been completed so far by the vessel in developing seating plans for maintaining social distancing. Noted that such plans will need to be developed in line with government guidelines. As the advice from government changes on a daily basis, so do our proposals for re-starting passenger carrying services.

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

As all staff are currently living on-board, they have asked for some welfare items.

Response - The request for welfare items has been approved and a budget has been provided for the purchase of such items. (*see appendix 6*)

Safety Topics June 2020

The Island came out of lockdown and all returned to normal. The Company re-iterated to Non-IoM crew that they could not go into restaurants, supermarkets pubs etc. They could only go to work return to their accommodation and back to work. The question asked to Government to clarify which the Director of Public Health responded (*see appendix 7*).

The Company onpassed the response to the vessel (*see appendix 8*)

The committee would like to ask has the Harbour Master reviewed the procedures now both crew and passengers (repatriation) are using the same walkway

Response - A further request was made to the Harbour Master regarding the hand sanitisers. He has responded saying that when a repatriation sailing arrives they do indeed walk down that corridor but the doors are open negating the need to touch handles etc. the cleaners are still carrying out the regular wipe downs following use and, assuming the crew are following guidance themselves, at entry and exit points then there should be no requirement for further dispensers.

It has been brought to the committee's attention that some crew are not able to get adequate rest in the passenger cabins, due to the ambient noise of a working vessel. It was stated that this measure was put in place to protect crew from contracting Covid 19. The Chairman was asked 'what is the company's position now that Community infection rate is now zero in the IoM and UK is falling and is there a time frame for returning to the standard working pattern?'

Response - There will always be an ambient noise on a working vessel which can be minimised but not eliminated completely. The live on board arrangement of working was introduced with the agreement of the crew to try and ensure that they were protected from being exposed to Covid 19. Such action has proved to be successful with no further confirmed cases reported on board. The company is pleased with the current downward trend in daily positive Covid 19 cases in the UK and also further to the withdrawal of Social Distancing on the Island the Company would like to confirm that effective from Wednesday 1st July the current "live-on-board" arrangements on the Ben-My-Chree will return to crew off- signing from the vessel each evening/ morning. The BMC will still be sailing once daily in a Freight capacity and laid up during the day until further notice.

Testing of crew prior joining: The committee would like to request a thermometer for testing the crew on joining.

Response - It is understood that a suitable thermometer was previously provided on board and is available for use. (*see appendix 9*)

Safety Topics July 2020

31st July 2020 – Email sent to David Ashford from a Chief Engineer with a query regarding resident key work isolation when they needed to go across to Alder Hey. The Engineer clearly states in his email that he freely moved around after his working week on board – (*see appendix 10*)

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

The committee asked for clarification from Douglas Port Manager regarding the correct routes to be taken by crew joining and leaving the vessel now that the terminal building is open and taking into account the resumption of passenger services on the BMC at border restriction level 4.

Response - It has been confirmed with the port that the current arrangements for crew joining and leaving the vessel shall continue. This will be subject to review in the future.

The committee requested that hand sanitizer stations provided for the public and crew on the route to and from the vessel be the approved automatic (no touch) type as opposed to the spray bottle currently in use.

Response –Chief executive of the Department of Infrastructure has been emailed to ask for his assistance with regard to having hand sanitizer stations provided to crew and passengers on the route to and from the vessel.

The committee was asked about crew protection once passenger services resume, in terms of what PPE would be provided, crew interaction with passengers and mask policy for passengers and crew. The Chairman was able to offer some experience from Manannan and agreed to provide hard copies of the Coronavirus Policies which have been issued electronically by the Company for crew reference. It is understood that the policies cover the areas discussed.

Response - Noted that hard copies of the Coronavirus Policies will be provided to the crew.

The committee was told that the vessel has been provided with deck markings to promote social distancing and direct 'one way' passenger movement. The committee considered that where social distance markings – directional arrows – conflicted with evacuation routes they should not be used. This was a particular concern where deck level markings could confuse evacuation from a smoke logged compartment.

Response - The committees concerns are noted regarding the potential for confusion in the event of an emergency due to the directional arrow markings. There is another type of marking which is a blue circle with foot prints. This could be used to promote social distancing without confusion in areas where directional arrows may cause confusion.

The committee was asked to consider the position of UK (live ashore) crew who are currently severely restricted in their movements other than between ship and accommodation by the original Cabinet Office exemption notices. The committee was told that much of the accommodation has no outdoor space or scope for exercise. This could be detrimental to crew wellbeing; particularly those working nights. The Chairman advised the committee that the Company was in the process of approaching IoM Health Authorities for clarification on the updated position on social mixing/social distancing for crew and we can expect an answer shortly

Response - On the 07/07/2020 the Isle of Man authorities were emailed requesting clarification on social mixing/social distancing for crew. A further chaser was sent on the 21/07/2020. No response has been received as yet. *(see appendix 11 & 12)*

August 2020

19th August – Email received from/ to Isle of Man Ship Registry advising that even if they were on board sailing (The same scenario as our seafarers) Public Health advised that they did not need to Self-Isolate. **(See appendix 13a)**

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

26th August - The Company's first meeting was held with the Exemptions Team ([REDACTED])
IoMSPC attendees were [REDACTED]

The main discussion of this meeting was to review the validity of a blanket exemption for those crew most at risk i.e. Cabin Crew and a less restrictive exemption for those crew low risk i.e. Captain. [REDACTED] requested that we send the team a copy of the Company Covid 19 Response Plan and a risk assessment of all roles/ ranks on-board the vessels.

The Company indicated that further meetings with the Exemption Team would be beneficial as we wanted to make sure we were doing everything legal and above board.

Email response from the first meeting with Exemptions team (*see appendix 13*)

Safety Topics August 2020

The committee would like to know what procedures are in place by Douglas harbour for sanitation of lifts and overhead walkway.

Response - The Director of Harbours has previously confirmed that regular cleaning is carried out. If there are concerns about using the lift there is the option to use the stairs.

The requested auto hand-sanitiser adjacent to crew entrance door on Victoria Pier has still not been addressed.

Response - A number of hand sanitisers have been provided along the walkway and are located to ensure both passengers and crew can avail of their use. An additional hand sanitiser is now in place at the crew entrance door on Victoria Pier.

During the continuing uncertainty regarding Covid 19, the committee are concerned that the previously introduced protocol of all crew joining on the same day for their duty week, in order to limit possible cross-contamination, seems to have been relaxed. The committee respectfully request that this procedure be reinstated with immediate effect and that random crew changes cease forthwith.

Response - The committee's concerns are noted and the protocol for crew changing on the same day continues to be in force. However there are on occasion's exceptions that need to be made for operational reasons. For example, in previous years the Manannan catering crew are utilised from March until November to cover BMC Catering Crews annual leave or sickness if there is any. As the majority of cabin crew have not left the Island since March due to closed borders they are no different to those locals who are core crew on the BMC.

The DPA's response to the last meeting regarding social mixing/ distancing of crew is noted but also that no follow up has been received. The original email from HR Manager dated 19 June 2020 is displayed on board but the committee is conscious of the fact that this was more relevant to times when Covid 19 was a higher risk status in UK and prior to a reduction in such risk levels by UK and IoM governments.

Response - The Company is still awaiting further clarification on social mixing/social distancing for crew. On 26th August members of the governments Exemptions team attended IoMSPC offices to discuss the current and future exemptions situation. A number of ideas were exchanged and it was considered necessary to have a further meeting to discuss the next steps. (*See appendix 14*)

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Safety Topics September 2020

The hand sanitiser by the crew entrance door has been empty for a number of days. It is worth noting that the door keypad is used by every crew member from both company vessels and therefore a cross contamination hotspot.

Response - The hand sanitiser at the crew entrance has been refilled and will be regularly checked to ensure it has sufficient liquid.

The committee acknowledge the company met with the Government's Exemption Team on 26th August and various DPA/HR ideas were discussed. However, these ideas were not forwarded on to the committee. It must be stressed that the restrictions imposed on the crew, during their working week, are having an adverse effect both physically and mentally. Therefore, the committee asks that the company supports a relaxation to the restrictions in the form of crew members being allowed to exercise outdoors while staying on the island and that it is requested at the next government meeting.

Response -The Company understands the frustrations being experienced by some crew members not being able to exercise outdoors. However the current advice from the Director of Public Health Isle of Man is that when not in the workplace, the expectation of self-isolation remains.

The committee are concerned that some Manx based crew members are being refused medical and dental appointments because they are deemed to fall within a "high risk" Covid 19 category because they work on board a Steam Packet vessel. After a number of weeks of trying, one crew member managed to obtain a letter from the Government instructing his medical clinic to allow him an appointment. The committee are aware that HR have been informed of the situation and are assisting.

Response - HR have been in contact with Public Health IoM regarding concerns that some Manx based crewmembers are being refused medical and dental appointments because they are deemed to fall within a "high risk" Covid 19. A response has been received from Public Health advising that this should not be the case and dental and medical practices will update their procedures to ensure such treatments will be provided.

The committee understands that several crew member's travel arrangements have been financially supported by the company in order to minimise social contact prior to joining the vessel but that this help will stop at the end of September. We urge the company to extend this period of financial support to help reduce the risk of contamination particularly with a potential second wave of the virus appearing in the UK.

Response - Such financial support was given to crew members who were reliant on flights. Now that flights are available the company will not be extending this period of support.

The safety topic discussed was social distancing on the vessel. Due to the current low passenger figures it has been agreed to close the bar area so some crew can have their meals there instead of overpopulating the mess room. This is particularly important on Wednesdays when incoming and outgoing crew are on board.

Response - Noted the topic discussed was social distancing on the vessel. (See appendix 15)

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

October 2020

19th October - Second meeting with the Exemptions Team. In attendance [REDACTED]
[REDACTED] IoMSPC [REDACTED]

Main discussions Exemption Team advised that they were reviewing the Entry Certificate. The Company were asked to provide a risk assessment detailing with the working patterns of the crew on-board. The same risk assessment, which was sent in July, was emailed to them.

The Company raised concerns regarding UK and live on-board crew who could not exercise and explained that these concerns had been raised in Safety Management meetings on-board.

Exemption Team advised they would look into the matter and revert once they could advise. (See appendix 16)

Safety Topics October 2020

The committee acknowledge that the current advice from the DPA/HR Director of Public Health is that self - isolation for key I workers remains in place at this time. The committee have asked if the Dept of Health have given any indication that they are willing to consider the request raised at the previous safety meeting to have exemption conditions relaxed in order to allow key workers to avail of exercise

Response -On the 19th October a further meeting was held with members of the Key Workers Exemptions Team to discuss the exemption status. During this meeting it requested if the Key Worker exemption status for seafarers could be and reviewed and if they could liaise with the Department for Health, with a view to providing some flexibility towards exercise outdoors for ship's crew. It was also highlighted that there are concerns relating to the crew's on-board health and well-being and that it is widely recognised that regular exercise can have a profound impact on people's overall health. They were also informed many of the crew are isolated for the 12 hour period whilst not on duty and this could lead to a detrimental impact on their mental health. The exemptions team were asked to consider such relaxation being mindful that the present exemption is due to expire at the end of October. On the 27th October a further request was sent to the exemptions team asking for an update and they subsequently confirmed Public Health are currently looking into it. And that they will be in touch when more information is available.

Additionally it is worth bringing to the committees attention that the Isle of Man Ship Registry is in the final stages of development of a seafarer welfare app. The app has many functions but a key one is to provide social activities to get seafarers interacting more on-board to combat that isolation.

It has been brought to the committee's attention that some crew members who have had to leave the vessel early and self-isolate for 14 days have not been tested for Covid 19, which has caused great concern on board. The committee strongly recommend that any crew member required to self-isolate even though they are not showing symptoms should at the very least request for a test to be undertaken as soon as possible, fully explaining their employment and key worker status to their health authority. It has also been requested if the company could provide assistance to any crew member who find themselves in this situation and ensure that they can avail of a test.

Response - It is understood that the crew member who had to leave the vessel early to self-isolate for 14 days was advised by NHS 111 that they would not give him a test. In future,

Final Report by Steam Packet Non-Executive Directors on Covid 19 Risk Management

should a crew member be required to self-isolate even though they are not showing symptoms, the HR Department will request that the crew member is to apply for a test to be undertaken as soon as possible and that they are to fully explain their employment and key worker status to their health authority. (See appendix 17)

November 2020

Safety Topics November 2020

The committee discussed the difficulty faced in sending UK based crew ashore to the Company doctor in Douglas for Hepatitis vaccinations due to border restrictions. The Chairman suggested that the most practical solution is for seafarers to be vaccinated by their own local GPs and claim any costs incurred back from the Company. The committee would appreciate confirmation from the Company that this is appropriate.

Response - The Chairman's suggestion that the most practical solution is for seafarers to be vaccinated by their own local GPs is well received. The Company will reimburse any reasonable expenses incurred on production of a receipts etc.

The committee recalled previous discussions regarding the lack of opportunity for non IoM crew to exercise outdoors due to isolation requirements. The committee was very pleased to note the most recent isolation guidance on the IoM Government website (gov.im/coronavirus) which states: 'From 24 November in addition to the Direction Notice you have already received you may now exercise outdoors for one hour a day, for the remaining duration of your isolation period, under the following conditions: you must wear a mask or other suitable face covering and you must maintain a distance of at least 2m from any other person.'

Given that the group exemption issued to crew requires that 'you must self-isolate at your hotel following the IoM Government guidance at gov.im/coronavirus' it was the Chairman's clear interpretation that the permission to exercise reasonably applies to crew. The committee welcomed this development.

Response - The Company made enquiries with the government exemptions team to seek clarification that seafarers could now exercise whilst on Island. A reply was received on the 2nd of December confirming that the Steam Packet Crew can exercise outside for 1 hour a day under certain conditions. On the 3rd December the company received further notification from the Head of Travel Notification Service that the message confirming that members of the Steam Packet Crew can exercise outside for 1 hour a day was sent in error. An apology has also been received for the error. We have responded to request that our crews should be permitted to have one hour of exercise per day have requested a further meeting to discuss this. The Head of Travel Notification Service has confirmed that this isn't something they can unilaterally make a decision on. It was further confirmed that the matter would be raised with Council of Ministers & Public Health to see if they are agreeable to any amendments. It was subsequently confirmed that from the 8TH of December an amended Steam Packet exemption certificate will now contain updated conditions in section 1C which will enable crew to have 1 hours exercise per day. The revised exemption will be sent to all as soon as it is received.

Mode 75 manning schedule was discussed by the committee and the Company's commitment to principally operate it to protect services during the second wave of the Covid 19 pandemic was noted.

Response - Mode 75 was introduced to ensure the continued operation of the vessel and provision of services during the second wave of the Covid 19. It is hoped that there will not be a third wave and that normal operations will resume in the near future.

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The safety topic discussed was the risk of complacency in all aspects of ferry operations.

Response - Noted the topic discussed was the risk of complacency in all aspects of ferry operations. (See appendix 18)

December 2020

1st December - Email sent to exemptions team asking about exercise for non IoM Crew to exercise outdoor and response (see appendix 19)

2nd December – Received email advising that UK crew were not allowed to exercise and did not apply to non-residents (See appendix 20)

4th December – Email sent to exemption team re confusion on revised exemption certificate. [REDACTED] spoke with one of the exemptions team direct for clarity. (see appendices 21, 22 & 23)

10th December – Email received from exemption team asking if IoM/ Non IoM could work separately with response from [REDACTED] explaining that there was not enough qualified IoM v UK crew on each working week to allow separation. (See appendix 24)

January 2021

26th January – Email was received from the exemptions team asking to provide feedback to a new Government policy dated 21st January 2021. (See appendix 25).

The policy is aimed at those IoM workers who have the need to travel off island i.e. Training courses, dry-docking of vessels or Company Business.

27th January – Response to the exemptions team from [REDACTED] (See appendix 26)

Safety Topics January 2021

Following the recent near miss with regards to a crew member potentially joining the vessel with Covid 19 (N/BMC/008/20), the committee request the DPA examine the possibility of acquiring a number of self-test kits that could be utilised in any similar circumstances in the future [a negative test result on board may have allowed crewmembers to remain and continue working.

Response - The provision of rapid test kits on board has been discussed internally and it is considered that they would be of value but would need to be used tactically on board for example when a crew member has been contacted by track and told to isolate, but is not entitled to be tested. Currently such test kits are for professional use. The company could purchase such test kits for use on board, on a voluntary basis by individual suspected crewmembers. A test result could be achieved in about 15 minutes. It is not intended for such test kits to be used at the beginning or end of a crewmembers duty period. The crew member will still be required to disembark the vessel as per current procedures.

The committee have requested to be informed if the Company is making any case for a Covid 19 vaccine to be available to ship's crew given their status as key workers.

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Response - The Company has been in contact with government with regard to prioritising crews being provided with a vaccination and it has been confirmed that currently vaccinations are being issued in line with government policy.

The safety topic discussed was the current Covid 19 pandemic and its ongoing impact upon our operations along with the current control measures and cleaning regimes.

Response - The safety topic discussed was the current Covid 19 pandemic and its ongoing impact upon our operations. (See appendix 27)

February 2021

3rd February – Meeting with exemptions team and Public Health. [REDACTED]

[REDACTED] IoMSPC [REDACTED]

The agenda was primarily to;

- Discuss government policy IoM residents Commercial Sea and flight crew – The policy is for those IoM residents travelling **OFF** Island
- [REDACTED] requested that the Company's current Covid 19 Management plan be simplified and have the plan more of a risk assessment as it was too lengthy. The Company plan was more suited to an Ebola outbreak not a Covid 19 outbreak.
- Conversations during the meeting regarding IoM Crew not self-isolation and UK crew who do self-isolate was discussed. We have a Cabin Crew member who works for the DOI on their week off.

Out of the blue and nearing the end of the meeting, it was suggested that testing for all IoM crew off signing the vessel on their last working day. Discussions of cost (who was going to pay for the test) where, how and when were discussed. It was agreed that [REDACTED] would speak to another colleague in relation to getting someone to test 7am and 7pm.

An email was sent to all re the Company simplifying the plan and also awaiting a response from [REDACTED] re tests. (See appendix 28)

The HR Manager and Marine Manager spoke with Port Security re a room to test the crew. The room, as we believe, has now been cleaned and is ready for usage

Safety Topics February 2020

DPA's response noted and that rapid test kits now available on board. The committee believe it would be beneficial if more testing was available for staff. This would add an extra layer of protection for Passengers and crew along with our current Covid 19 policy.

Response – To be provided

Brought to the committee's attention that if UK crew have to isolate on the IoM that they may not receive hot meals. The committee understands that the company has procedure in place for supplying food to crew, dependant on their place of isolation. If a crew member is isolating and requires any further assistance with respect to food, they should contact the Ship or HR immediately to rectify

Response – To be provided

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Ship Sanitation Exemption Certificates

These certificates are required to be issued at six monthly intervals. Since the outbreak of the Pandemic, various requests have been made to Public Health to inspect the vessel to ensure it is maintaining its sanitary obligations.

Email correspondence requesting their attendance (*see appendix 29*). To date no one has attended and the exemption has been extended on a monthly basis.

The total number of recent Covid 19 positive transmissions between crew members is 6 (3 UK and 3 IoM) with 1 UK and 12 IoM crew member's requested by Public Health to self-isolate for 21 days. (*See appendix 30*)

7. Comments

- The purpose of the controls is to mitigate, not eliminate, the effects of Covid 19.
- There are many scenarios when operating in the confined space of a vessel where distancing is not possible and some procedures (i.e. maintenance, mooring operations etc.)
- Furthermore there are some activities where the wearing of a facemask could result in other risks, for example communicating during manoeuvring or working on the cargo decks during cargo operations where use of a whistle is an essential safety control.
- The frequent mention of "risk" in this document refers to "the risk of transmission of the Covid 19 virus between members of the crew either by contact, touching infected surfaces or by airborne transmission".
- All measures discussed are intended to mitigate the risk both individually and collectively. We do not consider that risk can be eliminated.
- The current Sea staff number 69 resident in the IoM and 97 resident in the UK/ Other.
- Given the incidence of Covid 19 in the UK, and in particular the North West, the highest risk of transferring Covid 19 to the IoM occurs when UK and IoM crew work together.
- It would be possible to minimise these interactions by reducing the sailing schedule.
- Reducing sailing frequency can mitigate risk in two ways, first by minimising the interactions while alongside in the UK and secondly allowing a single crew to live on board eliminating the requirement for two crews on two shifts handing over twice a day. This requirement is necessary to meet international hours of work (and hours of rest) legislation. The Ben operated between 29th April – 30th June 2020 with one round trip per day after a number of crew were required to isolate after detecting symptoms.
- COMIN require that the Company maintain a twice daily schedule with the Ben therefore the Company focus has been to understand that the risk exists and to apply as many mitigating actions as possible to reduce this.

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- The Company reacted early (March 6th 2020) by putting in place Covid 19 Contingency plans (see appendix 1) and the Summary of Events (see above) clearly demonstrate a proactive approach by both shore and sea staff with active discussion, engagement and evolution of the on-board procedures.
- High efficiency filters were installed in the air circulation systems to remove airborne viruses.
- The Company contingency plans took into consideration IMO, WHO and UK recommendations as well as the IoM requirements, which were, and are, light on on-board procedures.
- The Government focus has been on mitigating risk by controls on those entering the IoM from other jurisdictions and there has been no intervention or active engagement with respect to these on-board procedures.
- Nevertheless the measure of a risk management system is the frequency at which the risks crystallise and, despite the level of risk, there have been only since February 2021 documented cases where transmission between members of the crew has taken place, therefore we can conclude that on-board measures have been effective. (see appendix 30)
- On the 17th March a Notice to Mariners was issued defining the Ferry crews as Key Workers and exempting them from isolation requirements subject to “rigorous hygiene guidelines”.
- On 30th March the first Key Worker Exemption notice was issued to IoMSPC staff by the Cabinet Office and was applied to all UK resident staff who needed to spend time on the IoM between shifts. Subsequent Exemption notices refined the requirements but as of the time of writing we are clear that these notices only applied to non IoM resident crew, a view which has been confirmed by legal advice received.
- The scope of this report is not to explore the Exemption regime however it is appropriate to comment that, although recent statements made by senior members of Government indicate they assumed IoM residents were required to isolate, the facts are a trail of written evidence that confirms the Government departments were made aware of the IoMSPC interpretation and accepted it, albeit passively.
- The first meeting between the Company and the Exemption team took place on the 26th August, the second 19th October. The primary concern from the Company was to allow the UK resident crew that had to either isolate ashore in the IoM or live on board, the freedom to undertake one hours exercise every day. A further reminder was sent on 27th October and the response received was that the DHSC were looking into it. Agreement was reached on 1st December that allowed the exercise. But was then rescinded on the 2nd and clarified that it only applied to Residents who had received a Direction notice.
- To be clear, Direction notices have never been issued to IoM resident crew.

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- Returning to on-board mitigation we do understand that absolute compliance with the procedures is never possible in all situations, quite apart from operational necessity there is always a human element to consider as well as “PPE fatigue” which staff naturally need to have periodic relief from.
- Therefore the Company has considered that, despite the good record, extra levels of mitigation will always be useful and, to this end, in early December requested that the Sea staff, who were key workers, should be vaccinated early.
- Recent events have now focussed the attention on additional mitigating measures for the risk and we expect all seafarers to be vaccinated in the coming weeks and, additionally, implementing testing at the start and end of periods of duty which will assist track and track in promptly controlling any local outbreak.
- There have been unsubstantiated rumours that procedures are not always followed on board however the Board has not received any specific information that would allow further investigation.
- Likewise there have been reports from the public that Sea staff are not isolating when on leave, this is clearly a misunderstanding of the current requirements.
- There is no evidence of a systemic breakdown of rules and regulations on board the Ben My Cree but the fact there are so few incidences of Covid 19 in a high risk environment indicate the procedures have worked well.
- The wearing of face masks on board will be further enhanced but it must be accepted that it cannot be in all areas at all times. Furthermore the wearing of a facemask does not eliminate risk of airborne transmission, but it does reduce it considerably.
- It should be noted that the Sea staff cannot work under these conditions indefinitely and that the Company will need to review the controls as vaccinations take effect, the incidence of Covid 19 in the UK falls, and when we have a history of regular testing to provide some comfort.

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8. Appendices

<i>No.</i>	<i>Date</i>	<i>Brief Description</i>
Appendix 1	6 th March 2020	Policy for the Management of an outbreak of Covid 19
Appendix 2	17 th March 2020	Crew member Covid19 Declaration understanding
Appendix 3	23 rd March 2020	Documentation for key workers
Appendix 4	30 th March 2020	Entry Restriction Exemption
Appendix 5	31 st March 2020	Safety Committee Meeting Responses
Appendix 6	3 rd May 2020	Safety Committee Meeting Responses
Appendix 7	19 th June 2020	Email Social Distancing Crew Response from Public Health
Appendix 8	19 th June 2020	Email to vessels with response from Public Health
Appendix 9	25 th June 2020	Safety Committee Meeting Responses
Appendix 10	31 st July 2020	Email to David Ashford from a Chief Engineer
Appendix 11	14 th July 2020	Safety Committee Meeting Responses
Appendix 12	7 th July 2020	Email to Public Health re Covid 19 practices on-board
Appendix 13a	19 th August 2020	Email from IOMSR re sailing on BMC undertaking surveys without the need to self-isolating on disembarkation as per Public Health
Appendix 13	26 th August 2020	Exemption discussions, re the review of the validity of exemptions
Appendix 14	27 th August 2020	Safety Committee Meeting Responses
Appendix 15	15 th October 2020	Safety Committee Meeting Responses
Appendix 16	19 th October 2020	Email re meeting to discuss the review of the current exemption
Appendix 17	24 th October 2020	Safety Committee Meeting Responses
Appendix 18	29 th November 2020	Safety Committee Meeting Responses
Appendix 19	1 st December 2020	Email re exercising for UK crew
Appendix 20	2 nd December 2020	Email withdrawing exercise for crew due to an error
Appendix 21	1 st December 2020	Updated exemption certificate with additional paragraph for IOM crew travelling OFF Island
Appendix 22	4 th December 2020	Email re confirmation that IOM crew did not self-isolate
Appendix 23	4 th December 2020	Received verbal confirmation and email to vessel
Appendix 24	10 th December 2020	Email from/to Exemptions Team re possible of non-mixed crew
Appendix 25	26 th January 2021	Received updated Policy from the exemptions team for IOM crew to go off Island
Appendix 26	28 th January 2021	Email to Exemptions Team with queries regarding new Government policy
Appendix 27	20 th January 2021	Safety Management Meeting
Appendix 28	3 rd February 2021	Confirmation to Public Health re testing of the crew and request from Dr Watt to "Simplify" the vessels Covid 19 response plan
Appendix 29	Various	Emails regarding Ship Sanitation Inspections
Appendix 30	1 st February 2021	Confirmed Covid 19 and Self Isolation crew where transmission between crew members have taken place.