

Health Report

Update on managed isolation exemptions and transition work programme

Date due to MO:	10 July 2020	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	20201160
To:	Hon Chris Hipkins, Minister of Health		
Copy to:	Hon Megan Woods, Minister of Housing		

Contact for telephone discussion

Name	Position	Telephone
Sue Gordon	Deputy Chief Executive, Covid-19 Hub	s 9(2)(a)
Natalie Richardson	Director Covid-19 Hub	

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Update on managed isolation exemptions and transition work programme

Purpose of report

This report outlines the updated process for exemptions from managed isolation following improvements to the process and outlines the work to transition responsibility of managed isolation and quarantine facilities to the Ministry of Business, Innovation and Employment.

Key points

- Following a suspension to compassionate exemptions from managed isolation on 16 June 2020, s 9(2)(h) [REDACTED]
- Improvements have been made to the process for assessing and approving all applications for exemption from managed isolation, following a review of the end to end process and feedback from stakeholders. This includes:
 - revising the conditions on which an application will be approved
 - consolidating the process to make it easy to understand and comply
 - implementing a technology solution to provide better case management capabilities.
- It is important to note that the *criteria* for exemption remain largely the same as before the suspension and review with some of the conditions changing.
- The Ministry of Health have worked closely with the Ministry of Business Innovation and Employment to work through a transition plan with a handover date of 14 July 2020.

Recommendations

The Ministry recommends that you:

- Note** that following an end to end review, improvements have been made to the process for exemptions to managed isolation, and the Ministry is confident risks have been appropriately mitigated ☒ Yes ☐ No
- Note** that with the updates to process, implementation of a technology solution and improved team resourcing (through the transition to MBIE), we believe the exceptional exemptions process can be reinstated in the week beginning 13 July 2020. ☒ Yes ☐ No
- Note** the progress made by the Ministry of Health to enable a transition of managed isolation exemption responsibilities to the Ministry of Business Innovation and Employment ☒ Yes ☐ No



Sue Gordon
Deputy Chief Executive
COVID-19 Health System Response



Hon Chris Hipkins
Minister of Health
Date: 17/7/2020

Background

1. All people entering New Zealand at the air border (apart from excluded arrivals¹) are required under emergency powers to be placed in managed isolation or quarantine (MIQ) for at least 14 days. The rationale for this requirement is to ensure preservation of public health in New Zealand, as arrivals from overseas pose the biggest risk of spreading COVID-19 in the community.
2. While those in quarantine are not eligible for any exemptions, there is a small number of exceptional circumstances in which people can apply for an exemption to leave managed isolation. Exemption examples include people who are unable to be accommodated in managed isolation facilities for medical reasons, exceptional reasons eg people who need to visit a dying loved one and medevacs.
3. s 9(2)(h)
[REDACTED]
[REDACTED]
[REDACTED].
4. Exemptions to managed isolation on exceptional grounds were suspended on 16 June 2020, following an exemption being granted to two individuals who subsequently tested positive for COVID-19.
5. An end to end review of MIQ was carried out, which highlighted gaps in the system. Since then a revised process for managing exemptions has been developed, and it has been agreed that responsibility for MIQ facilities including exemptions will be transferred to the Ministry of Business Innovation and Employment (MBIE) [MBIE 3896 19-20 refers].

Decisions on exceptional circumstance releases need to be restored with some urgency

6. Decisions on exceptional reasons to leave isolation or quarantine remain suspended temporarily. s 9(2)(h)
[REDACTED]
[REDACTED]
7. The process for exceptional exemptions has been reviewed to ensure the end to end process is considered.
8. The previous state processes were stood up at pace to meet demand for citizens and permanent residents to return to New Zealand. They had to evolve rapidly to adapt to changing needs and risk landscapes. The future state model addresses the gaps

¹ Excluded arrivals include aircraft pilots, flight crew members, maritime crew members transferring to a ship, medical attendants assisting with medical air transfer, and person designated by the Director-General as critical to providing services to assist with the COVID-19 response, diplomats, and any other member of the NZ Defence Force returning from service overseas.

identified in the end to end review, and the concerns raised by stakeholders regarding the wider management of isolation cases. The future state manages risks by:

- a. making it easy to do the right thing
 - b. assisting people in complying
 - c. detecting and managing those that don't comply
 - d. taking legal action against those that are wilfully non-compliant.
9. Effective management of exemptions is dependent on a range of support, compliance and enforcement services working together which requires planning, communications and collaboration. The new process reinforces the need for effective management planning for exemptions and includes:
- a. one process for each exemption category (medevac, exceptional, medical, transit)
 - b. templated pre-approved management plans for core exemption scenarios
 - c. processes for approval of bespoke exemption management plans with practical guides
 - d. dedicated resources to coordinate any required management tasks.
10. Underpinning the revised process is an effective case management tool. A Salesforce solution has been implemented enabling information on each case to be tracked and shared appropriately. Compliance functionality will be added to the tool to provide a true end to end case management system.
11. Utilising Salesforce, an online application process has been developed which includes mandatory information fields to reduce the back and forth when information is missing from applications, and again makes it easier for applicants to comply.
12. A structured management plan will also support more effective communications to the various stakeholder groups, and strengthen public understanding and confidence in border parameters and exemption expectations.
13. The overall end to end process is appended to this report.
14. While there has been no change to the criteria for exemption, changes have been made to the conditions in which exemption will be granted. The revised conditions include:
- a. for exceptional exemptions, the applicant must have returned a negative COVID-19 test result on the "day 3" test before being exempt from managed isolation, and be considered "low risk" at departure, including having spent at least 7 days in managed isolation
 - b. no one in the bubble is symptomatic, a close contact of a known case (including having been on the same flight), and the application does not involve spending time with a vulnerable person (unless that person is being visited for compassionate reasons – i.e. a dying relative)
 - c. the applicant must get a "day 12" test if they are self-isolating in the community, or if they remain resident in a facility, but have the ability to do day visits.
 - d. The applicant must meet the strict conditions for self-isolation in the community if that is their intention. These include only exercising in their property boundaries.

- e. applicants must agree to comply with the conditions of the exemption, including the appropriate use of PPE, transport and compliance requirements.
15. Transport and compliance plans will now be managed through the IQR and MBIE teams with strict parameters in place to safely mitigate and remove any risks to public health. Two case studies (one on medical exemptions, and one on exceptional circumstance releases) are appended to this report, outlining how the process will work in practice.
16. With the updates to process, implementation of a technology solution and improved team resourcing (through the transition to MBIE), we believe the exceptional exemptions process can be reinstated next week.

Transition of Managed Isolation Quarantine Management to the Ministry of Business Innovation and Employment

17. The current MIQ facilities were established through the Operational Command Centre (OCC) within the National Crisis Management Centre (NCMC) which reports to the Chief Executive of the Department of Prime Minister and Cabinet (DPMC). This was a temporary measure to support the Ministry of Health during the health response, who are not well placed to carry out what is essentially an operational function.
18. The NCMC arrangements are coming to an end as we transition from emergency response to recovery. On Monday 15 June 2020, Cabinet decided on changes to strengthen the MIQ system [CAB-20-MIN-0284], including:
 - a. the Prime Minister delegating the Minister of Housing as the Minister for quarantine and managed isolation provision, including for operational management of these services
 - b. maintaining the Minister of Health's responsibility for setting and reviewing the requirements for quarantine and isolation including regulation made under the Health Act 1956 and the COVID Public Health Response Act 2020
 - c. designating the MBIE the role of lead agency for the provision of MIQ arrangements, with the implementation to be transitioned from the NCMC and The Ministry of Health by 1 September 2020 (subsequently extended by Ministers to 1 October 2020).
19. The Ministry of Health is not well placed to carry out an operational function of the magnitude of managing MIQ facilities including the exemptions process. MBIE, however, has significantly more operational capacity and is better placed to carry out the MIQ function. The details of the accountability arrangements for MIQ were outlined in a joint briefing to Ministers Hipkins and Woods on 2 July 2020, noting that the Director-General of Health will always retain a level of legal accountability (due to MIQ being justified by a public health rationale and conditions being set on the basis of public health advice).
20. Since that briefing, The Ministry of Health have worked with their all of government colleagues to ensure the right systems and settings are in place for a transition to MBIE. The first tranche of this transition is the exemptions process. Whilst the focus of this paper is the exemptions piece, a wider process for transition for MIQ facilities will also occur.

21. There is a close working relationship in place between the Ministries to ensure the necessary public health advice and expertise is provided to MBIE to ensure health advice remains a pivotal consideration in decisions including mitigation of legal and delivery risks.

Equity

22. The improvements made to the managed isolation exemption process are underpinned by an equitable approach to risk management, whilst ensuring public health can be maintained. Reinstating exceptional exemptions to managed isolation will further ensure equity is considered through the MIQ process and ensure our obligations under the New Zealand Bill of Rights Act 1990 are being met.
23. Māori and pacific health advisors from the Ministry of Health will continue to be available to work with the IQR and MBIE teams to ensure any decisions are given appropriate considerations. In addition, the team will have a close working relationship with MFAT to ensure bipartisan and diplomatic relationships continue to be maintained.

Next steps

24. Exceptional exemptions from managed isolation will be reinstated as soon as practicable, likely during the week beginning 13 July, s 9(2)(h) [REDACTED]
25. Further updates will be provided on the transition of MIQ responsibilities from the Ministry of Health to the Ministry of Business Innovation and Employment as the work progresses.

ENDS.

Appendix 2 is withheld in full under section 9(2)(a) of the Official Information Act, to protect the privacy of natural persons.

Appendix 1: Future state end to end process for managed isolation exemptions

