

Coronavirus Act 2020 – protection or predation?

At face value the Coronavirus Act 2020 is a means to an end, a quick and easy way to limit the damage of COVID-19. There is no doubt that there are aspects of the Act which are fairly innocuous ways of achieving this. However, there are doubts that the extent and severity of some provisions are necessary but are instead heavy handed and unyielding. Civil liberties are being broken down and state powers built up, all in the name of our protection.

Provisions such as those for emergency registration of healthcare professionals to increase staff numbers and provide essential care, reimbursement for statutory sick pay, and the power to limit events and gatherings are but a few of the welcome changes brought about by the Act. These provisions make sense and cause minimal disruption or infringement of rights whilst still working towards achieving public safety and financial support. This softer approach cannot be said to have been taken for the entire Act.

With a reputation as a surveillance state already preceding it, the UK has headed deeper into Orwellian waters. The Act increased the duration surveillance warrants can run before they must be reviewed by a staggering 300%. Liberty even reports that mobile phone location data could be used to determine whether we are adhering to lockdown rules¹. Although this data would be anonymised, the choice of whether to share our data would be taken literally from the palm of our hands. Similarly, our confidential medical information could be shared by force, without any real indication of with whom this information will be shared or what will happen to it in the longer term.

Unfortunately, it is not just our data and privacy at stake, but our freedom, bodies and health. The police have been conferred powers which allow them to detain a person suspected of being infectious for an undetermined period, as well as compel medical screening, assessment and acquisition of biological samples. These vague and wide powers are all the more concerning considering police officers can enforce them without a judge or a medical professional.

Some of the protection for detainees under the Mental Health Act 1983 has also been taken away or reduced. In certain circumstances, a person may be detained on the recommendation of a sole medical professional, where it would be impractical or cause delays to require two medical professionals' recommendations. Additionally, where sections 35(7) and 36(6) apply, a person may be remanded to hospital indefinitely rather than up to 12 weeks. Social care has taken a hit too. Assessments for support have been suspended, and local government is only required to ensure adults' care and support needs are met where their human rights would be breached.

The Act might well have been enacted with our best interests at heart but now that these encroachments have begun it may not be as easy to reverse them. Forget about lockdown – society's most vulnerable are being locked out.

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¹ <https://www.libertyhumanrights.org.uk/fundamental/coronavirus/>