



Health and Wellbeing Board

Report title: Local COVID-19 Outbreak Engagement Board update

Date: 8th September 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Dr Catherine Mbema, Director of Public Health, London Borough of Lewisham

Outline and recommendations

The purpose of this report is to provide an update to the Lewisham Health and Wellbeing Board in its role as the Local Outbreak Engagement Board.

The Health and Wellbeing Board are recommended to:

- Note the contents of the report

Timeline of engagement and decision-making

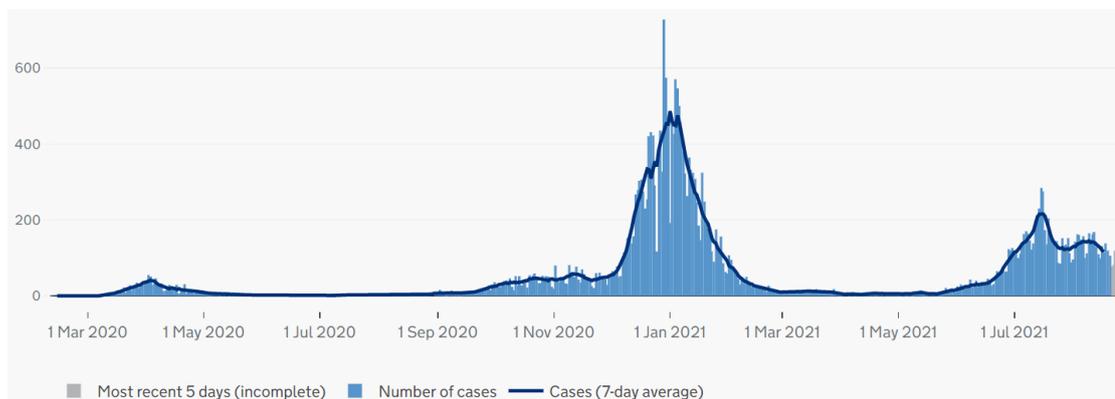
1. Recommendations

- 1.1. The purpose of this report is to provide an update to the Lewisham Health and Wellbeing Board in its role as the Local Outbreak Engagement Board.
- 1.2. The Health and Wellbeing Board are recommended to note the contents of the report.

2. Background

- 2.1. As of 20th August 2021, there have been a total of 31,010 confirmed cases of COVID-19 in Lewisham. Since July 2021 there has been a decrease and stabilisation in confirmed cases of COVID-19 in Lewisham. This is demonstrated in Figure 1.

Figure 1. Daily number of new lab confirmed cases in Lewisham until 20th August 2021



Source: <https://coronavirus.data.gov.uk/cases>

- 2.2. At the September 2020 meeting of the Lewisham Health and Wellbeing Board, it was agreed that the Board will act as the Local Outbreak Engagement Board as part of the governance of the COVID-19 Local Outbreak Management Plan. The most recent

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version of our COVID-19 Local Outbreak Management Plan can be found at the following link: <https://lewisham.gov.uk/myservices/coronavirus-covid-19/health/the-lewisham-covid19-outbreak-prevention-and-control-plan>

3. Updated National COVID-19 Contain Framework

3.1. On 5th August 2021, the national COVID-19 contain framework was updated. The framework sets out 'how national, regional and local partners should continue to work with each other, the public, businesses, institutions (including schools, prisons, hospitals, care home and homelessness settings), and other local system partners in their communities, to prevent, manage and contain outbreaks of COVID-19'.

3.2. The framework outlines:

- the roles and responsibilities of local authorities and local system partners, and those of regional and national teams, as well as the decision-making and incident response structures
- the core components of the COVID-19 response across the spectrum of outbreak prevention and management, including to variants of concern (VOCs)
- the requirements of local authorities on the continued COVID-19 response, as well as how this should be factored into local outbreak management plans (LOMPs)
- the support local authorities can expect from regional and national teams

3.3 Since the end of national restrictions in July, the government has committed to:

1. Reinforce the country's vaccine wall of defence through booster jabs and driving take up.
2. Enable the public to make informed decisions through guidance, rather than laws
3. Retain proportionate test, trace and isolate plans in line with international comparators.
4. Manage risks at the border and support a global response to reduce the risk of variants emerging globally and entering the UK.
5. Retain contingency measures to respond to unexpected events, while accepting that further cases, hospitalisations and deaths will occur as the country learns to live with COVID-19.

3.4 In terms of local responsibilities:

- The DPH has a statutory duty for the COVID-19 Local Outbreak Management Plan; supported by wider local authority teams as necessary.
- The local authority chief executive is responsible for the local response, providing strategic leadership and direction, shaping local communications and engagement, and deploying local government resources.
- Local authorities, through their elected mayors and council leaders, are

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accountable to their local community for the local response, decisions and spending undertaken.

- Councillors, as local systems leaders, and local community leaders can facilitate systems relationships and community engagement.

- 3.5 The Lewisham Health and Wellbeing Board will therefore continue to have a role as the Local Outbreak Engagement Board going forward to oversee local efforts to manage COVID-19.
- 3.6 The Lewisham COVID-19 Local Outbreak Management Plan will be updated in line with the contents of the national contain framework this month and published on the Lewisham Council website.

(Source: <https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers>)

4. Financial implications

- 4.1. There are no significant financial implications of this report.

5. Legal implications

- 5.1. The legal context for managing outbreaks of communicable disease which present a risk to the health of the public requiring urgent investigation and management sits:
- With 'Public Health England' under the Health and Social Care Act 2012,
 - With Directors of Public Health under the Health and Social Care Act 2012
 - With Chief Environmental Health Officers under the Public Health (Control of Disease) Act 1984
 - With NHS Clinical Commissioning Groups to collaborate with Directors of Public Health and Public Health England to take local action (e.g. testing and treating) to assist the management of outbreaks under the Health and Social Care Act 2012
 - With other responders' specific responsibilities to respond to major incidents as part of the Civil Contingencies Act 2004
 - Specifically within the context of COVID-19 there is the Coronavirus Act 2020 which received royal assent on 25th March 2020.
- 5.2. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.4. In summary, the Council must, in the exercise of its functions, have due regard to the

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need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

5.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at above.

5.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

5.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

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- 5.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6. Equalities implications

- 6.1. COVID-19 has had a disproportionate impact on specific groups including older adults, and those from Black, Asian and Minority Ethnic groups. Health and Wellbeing Board Members' attention should be drawn to the following reports regarding these inequalities:

- Disparities in the risks and outcomes of COVID-19, PHE, 2020 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892085/disparities_review.pdf)
- Beyond the data: understanding the impact of COVID-19 on BAME groups, PHE, 2020 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

7. Climate change and environmental implications

- 7.1. There are no significant climate change and environmental implications of this report.

8. Crime and disorder implications

- 8.1. There are no significant crime and disorder implications of this report.

9. Health and wellbeing implications

- 9.1. The health and wellbeing implications for this report are outlined in the main body of text.

10. Report author and contact

- 10.1. Dr Catherine Mbema

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