

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 MARCH 2021

CARE ACT EASEMENTS AS A RESULT OF COVID-19

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel is to receive an update on the Council's position with Care Act easements.
2. The Strategic Director for People has been invited to the meeting, as well as the Cabinet Member with Responsibility for Adult Social Care.

Background

3. Care Act easements were introduced by the Coronavirus Act 2020 to give local authorities with responsibility for social care the flexibility to streamline assessment arrangements and prioritise care so that the most urgent and acute needs could be met.
4. As set out by the Government's supporting guidance, a local authority may choose to operate under easements when the pressures caused by a COVID-19 related increased demand for care and support and/or a reduced workforce availability due to illness and self-isolation, are such that the local authority can no longer meet their existing Care Act 2014 duties and where to continue to try to do so is likely to result in urgent or acute needs not being met, potentially risking life.
5. At its meeting on 11 June 2020 the Panel was first updated about the People and Communities Directorate response to COVID-19 for Adult Services and the Panel heard that at that stage the Directorate did not envisage needing to use easements although the future was not known. The Panel therefore agreed to maintain a watching brief.

Care Act Easements

6. The easements temporarily enable Local Authorities to streamline assessments and prioritise care by replacing the following duties with powers:
 - Assessment of people's care and support needs, including transitions to adult services
 - Meet eligible support needs
 - Prepare or review support plans
 - Financial assessments
7. The easements also enable whole system prioritisation of care and support.

8. There are no easements in respect of:
 - Wellbeing duty
 - Provision of advice and information
 - Duties in relation to advocacy
 - Safeguarding
9. The guidance is clear that local authorities should do everything they can to continue meeting their existing duties.

Context

10. A process for enacting the easements has been agreed with the Council's Legal and Democratic Services. Delegated authority has been given to the Strategic Director to make decisions to enact the easements based on a recommendation from the Principal Social Worker. The decision must be informed by discussions with the Directorate Leadership Team, the Lead Member and Clinical Commissioning Group leadership. The Health and Wellbeing Board will be kept fully informed.

11. In the first lockdown seven Local Authorities enacted the easements, five of these were within the West Midlands. Worcestershire County Council did not enact the easements. There are no local authorities currently listed as using the easements and this has been the case since 3 July 2020.

12. At a meeting of West Midlands Association of Directors of Adult Social Services on 14 January 2021 it was acknowledged that the process of enacting the easements during the first lockdown caused significant anxiety and distress to the public and would not be considered unless as a last resort.

Assessment

13. As national lockdown is in place and there continues to be pressure on urgent care systems across the country due to the number of COVID-19 related admissions, a weekly assessment is completed to determine whether the threshold for the Care Act easements has been met. The assessment is based on the analysis of workforce and performance information and information provided by frontline teams. This is reported to the Directorate Leadership Team.

14. The current position in Worcestershire is that the threshold is not met.

15. The Directorate Leadership Team will continue to review the position in relation to the easements.

Legal, Financial, and HR Implications

16. This approach is being guided and overseen by the Worcestershire County Council Legal Services who are linking nationally with legal experts in this field.

Purpose of the Meeting

17. Members are invited to consider and comment on the information discussed and agree:

- whether any further information or scrutiny work is required at this time
- whether there are any comments to highlight to the relevant Cabinet Member

Supporting Information

Appendix 1 – presentation slides

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

- Coronavirus (COVID-19); changes to the Care Act 2014 [web-link to Government guidance](#)
- Agenda and Minutes of the Adult Care and Wellbeing Overview and Scrutiny Panel on 11 June 2020 – available here: [web-link to agenda and minutes](#)