

Care Act Easements

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Context

- Care Act Easements were created under the Coronavirus Act 2020
- DHSC Guidance was published in March 2020
- Purpose is to ensure the best possible care is provided during the pandemic
- The easements enable Adult Social Care to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs can be met.

Easements Available

- Temporarily 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
- Enable whole system prioritisation
- Decision making must remain personalised and consider Human Rights

Easements Not Available

There are no easements in respect of:

- Wellbeing duty
- Provision of information and advice
- Duties in relation to advocacy
- Safeguarding

Threshold for Enacting Easements

- Local decision
- Workforce is significantly depleted, or
- Demand on social care is increased, to an extent that it is no longer reasonably practicable to comply with Care Act duties and to try to do so is likely to result in urgent or acute needs not being met, potentially risking life.
- Agreed by DASS, on recommendation of PSW and involving Lead Member
- HWB and CCG should be kept informed.

National and Regional Position

- First lockdown – 7 Local Authorities enacted the easements, 5 were within the West Midlands
- The process of enacting the easements caused significant anxiety and distress to the public
- No Local Authorities in England are currently listed as enacting the easements and this has been the case since 3rd July
- WMADASS have agreed that the easements would be a last resort.
- National review currently underway.

Position in Worcestershire

- Governance process agreed
- Weekly review of data and intelligence
- Weekly report to and review by PDLT
- Threshold not currently met
- Some permissible flexibilities and arrangements for assurance in place.
- Dedication and hard work from the social work teams has contributed to Worcestershire being able to fulfil residents rights under the Care Act throughout the pandemic