

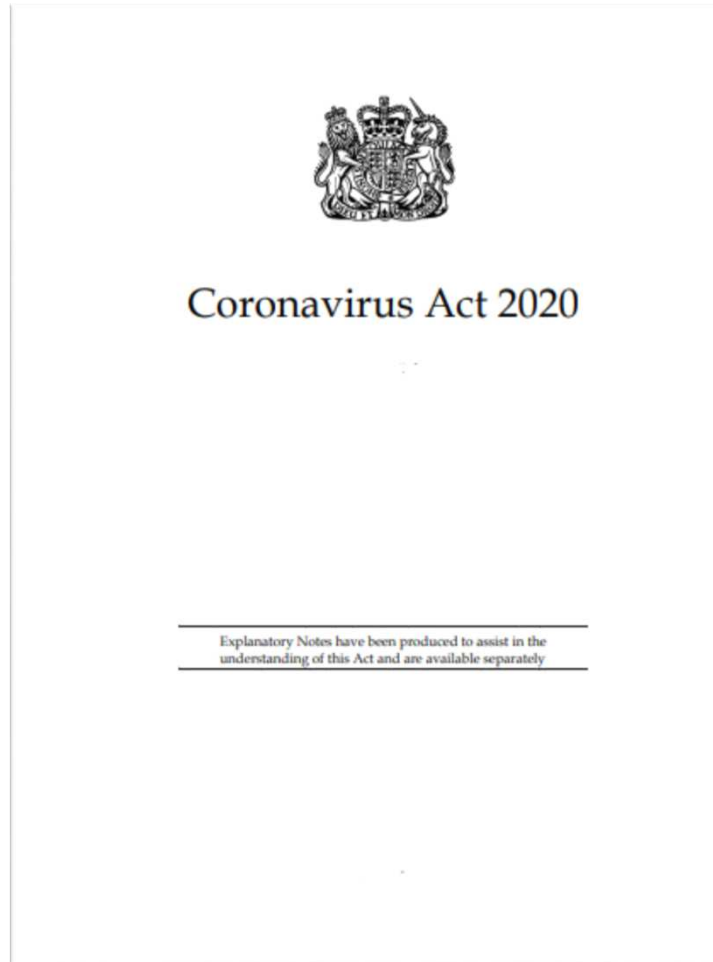


TRAFFORD
COUNCIL



Coronavirus Act (2020) and its impact on Adult Social Care

The Coronavirus Act



- The Coronavirus Act (CVA) received Royal Assent on the 25th March 2020
- It is time limited (up to 2 years)
- Ministerial discretion to extend or shorten up to 6 months

The Coronavirus Act covers...

- Restrict or prohibit public gatherings
- Control or suspend public transport
- Order businesses to close
- Temporally detain people suspected symptomatic of COVID-19
- Suspend operation of airports & ports
- Halt evictions of tenants
- Protects volunteers from becoming unemployed
- Indemnity for NHS staff
- Enrol medical students and retired health care workers
- Powers to suspend elections
- Emergency registration of retired social workers
- Relaxes regulations to healthcare services
- Amendments to the Care Act (2014)
- Amendments to the Mental Health Act (1983)



The Care Act (2014) statutory duties



Care Act 2014

- Overarching wellbeing Principle
- National eligibility criteria (based on 10 domains)
- Carers
- Safeguarding
- Prevention
- Integration
- Information, advice & advocacy
- Transition
- Diverse care markets
- Charging & Financial Assessments
- Care & Support planning
- Personal Budgets & Direct Payments

Amendments to the Care Act (2014)

The Coronavirus Act suspends the following duties:

- ✘ To assess needs of the person
- ✘ To assess the needs of a carer (including child carers)
- ✘ To determine eligibility
- ✘ To assess financial resources
- ✘ Care Planning
- ✘ People moving area or service (transition)
- ✘ To provide choice of preferred care home

UNLESS it would be a breach of a person human rights NOT to meet their urgent need for care and support

However...

Local Authorities can ONLY enact the Care Act amendments or 'easements' as they are referred where **absolutely necessary** and in accordance with a robust four staged process:



Stage 1

Continue to operate under the pre amended Care Act (2014)

Stage 2

Applying flexibilities under the pre amended Care Act (2014)

Stage 3

Streamlining services under the Care Act easements

Stage 4

Prioritisation under the Care Act easements

Stage 1: Continue to operate under the pre-amended Care Act (2014)

- Business as usual
- We are currently in this stage
- We will continue to operate at the stage for as long as feasibly possible

Stage 2: Applying flexibilities under the pre amended Care Act (2014)

- COVID-19 related absence means service types need to be changed, delayed or cancelled short term
- Includes home care & supported living
- Relevant Senior Manager / Assistant Director should consult the Principal Social Worker
- Clear decision making including ;
 1. why the decision needs to be made
 2. impact of the decision on the people who ordinarily use the service
 3. impact of the decision on families and carers of people who ordinarily use the service; and
 4. possible alternative sources of care and support and the likelihood of this being available.
- Where the Principal Social Worker is satisfied, presented to the Director of Adult Social Services for a final decision about moving into stage 2
- It is important to note that all other services may well continue to deliver their services as business as usual
- If this were a provider related issue, we would continue to operate under the pre amended Care Act-although would be in stage 2

Stage 3: Streamlining services under the Care Act easements

- Impact of the pandemic is making Care Act compliance unachievable or untenable, Local Authorities will need to make the decision to cease carrying out those eased Care Act functions and move to a position of proportionate assessment and planning.
- Relevant Senior Manager / Assistant Director should consult the Principal Social Worker
- Clear decision making as described in slide 7
- If Principal Social Worker is satisfied that the Care Act easements need to be enacted, a meeting of the Senior Management Board should be called for a final decision
- Consider and informed by a conversation with the local NHS Leadership
- The Director of Adult Social Services and the Principal Social Worker should ensure that their **lead member has been involved** and briefed as part of this decision-making process.
- DHSC should be notified

Stage 4: Streamlining services under the Care Act easements

- Changing support for people
- Consider and allocate capacity across the whole of adult social care.
- An example might be where a Local Authority is faced with a decision about reducing personal care for one person so that another gets the help they need to eat.
- Relevant Senior Manager / Assistant Director should consult the Principal Social Worker
- Clear decision making as described in slide 7
- If a stage 4 decision is required, the Principal Social Worker should call an Emergency Decision Meeting of the Director of Adult Social Services where a decision about **whether and how to prioritise care across ASC will need to be made.**
- Sufficient care and support to remain in place at all times
- The Director of Adult Social Services and the Principal Social Worker must ensure that **their lead member has been involved and briefed as part of this decision-making process.**
- DHSC should be notified.
- Any decisions taken to prioritise or reduce support should be reviewed every two weeks with the Principal Social Worker. Full service should be restored as soon as is reasonably possible

How to ensure compliance without breaching a person's convention rights

- Should we need to enact easements (stage 3 & 4)
- The Ethical Framework for Health & Social Care provides 8 values and principles for all public sector employee's...
 - Respect
 - Reasonableness
 - Minimising Harm
 - Inclusiveness
 - Accountability
 - Flexibility
 - Proportionately
 - Community
- We have created an assessment document to ensure that we are compliant with the both the Human Rights Act (1998) & Ethical Framework