

Health and Wellbeing Board



Report subject	The Application of Care Act Easements for BCP Council Adult Social Care
Meeting date	4 June 2020
Status	Public Report
Executive summary	<p>To advise the Health and Wellbeing Board that BCP Council Adult Social Care has implemented three easements to the Care Act (2014) under powers granted by the Coronavirus Act (2020).</p> <p>The easements all follow a comprehensive evaluation of service changes resulting from the Covid-19 pandemic undertaken by the Principal Social Worker and are classified as “Level 2”; that is, using flexibilities already present within the Care Act to change, delay or cancel some service types. These easements have been introduced because Government recognises that the Covid-19 pandemic has placed unprecedented pressures on adult social care and that the full requirements of the Care Act (2014) may be difficult for Local Authorities to discharge.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Health and Wellbeing Board note three easements to the Care Act (2014) introduced by BCP Adult Social Care:</p> <ol style="list-style-type: none">1) Assessments for people who are deaf are delayed in some cases because these can only be undertaken face-to-face with interpreters. Further work is in hand to explore whether technology may provide a solution which would allow this easement to be lifted.2) Changes in the provision of Occupational Therapy prescribed adaptations and community equipment provisions in response to suppliers and builders operating a reduced or suspended service. There will be delays to some adaptations and equipment provision but, where appropriate, Occupational Therapy services will arrange for interim solutions.

	<p>3) Day services have been closed in order to comply with social distancing measures. Their function has been replaced by alternative provision within the community or client's homes, including information, advice and welfare checks.</p>
Reason for recommendations	<p>The Covid-19 Act guidance notes that where services need to be changed, delayed or cancelled under a Level 2 easement, the relevant Local Authority Senior Manager or Assistant Director should consult the Principal Social Worker (PSW) and, assuming the PSW is satisfied, this position can then be presented to the Director for Adult Social Services for agreement. The easements set out in this report have been agreed using this governance process, following which, the guidance advises, the Health and Wellbeing Board should be notified.</p>

Portfolio Holder(s):	Councillor Lesley Dedman, Cabinet Member for Health and Adult Social Care
Corporate Director	Jan Thurgood, Corporate Director for Adult Social Care
Contributors	David Vitty, Director, Adult Social Care Services Amy Hurst, Principal Social Worker, Adult Social Care
Wards	All
Classification	For Information

Background

1. The Covid-19 pandemic has placed unprecedented pressures on local government adult social care. Government has recognised that the full requirements of the Care Act (2014) may be difficult for Local Authorities to discharge and has introduced easements to the Act. The provision of easement powers for Local Authorities took legal effect on 31st March 2020 through the Coronavirus Act (2020).
2. The associated statutory guidance recognises that easements should only be exercised by Local Authorities where the workforce is significantly depleted or the demand on social care increases to the extent that it is no longer reasonable to comply with Care Act duties.
3. In order to maintain the highest possible level of services, Local Authorities are required to comply with the pre-amendment Care Act provisions as far as possible, prioritising the well-being and safety of individuals.
4. The guidance sets out four stages of easement:

Stage 1. Business as usual: operating under the pre-amendment Care Act;

Stage 2. Applying flexibilities under the pre-amendment Care Act: Individual services are to be prioritised in the short term to ensure proper allocation of care and support using the current flexibilities within the Care Act. This would include the changing, delaying or cancelling of some service types.

Stage 3. Streamlining services under Care Act easements: Operating under Care Act easements which introduce changes to Assessment, Care and Support Planning and Financial Assessments.

Stage 4. Prioritisation under Care Act easements: Re-prioritisation of resources across the whole of adult social care which will mean removing resource from some service types. Sufficient care and support remains in place in order to ensure that the rights enshrined in the Human Rights Act are respected for all those in need of care and support.

5. During April 2020, the Principal Social Worker (PSW) for BCP Adult Social Care reviewed all operational services to determine the three easements identified in this report.
6. Health partners and local MPs have been briefed on the Easements as is required by national guidance. Easements have been published on the BCP Council website and service users and carers who are directly affected by the changes have been informed and engaged in discussion about the impact of the changes for themselves.

Summary of financial implications

7. Although the overall response to Covid-19 has financial implications for Adult Social Care, there are no direct implications as a result of the easements, which reflect the legal process of recognising changes to statutory local authority duties.

Summary of legal implications

8. The legal position was set out in Government guidance for Care Act easements published on 31st March 2020:

“Local Authorities and care providers are already facing rapidly growing pressures as more people need support because unpaid carers are unwell or unable to reach them, and as care workers are having to self-isolate or unable to work for other reasons. The Government has put in place a range of measures to help the care system manage these pressures. Local Authorities should do everything they can to continue meeting their existing duties prior to the Coronavirus Act provisions coming into force. In the event that they are unable to do so, it is essential that they are able to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs are met. The powers in the Act enable them to prioritise more effectively where necessary than would be possible under the Care Act 2014 prior to its amendment. They are time-limited and are there to be used as narrowly as possible.”

Summary of human resources implications

9. None for BCP Council, but it is recognised that Tricuro day centre staff have been re-assigned to alternative roles or functions in response to centres closing.

Summary of environmental impact

10. The closure of day services has temporarily ended transport by taxi and fleet buses of clients to the centres which, in turn, will have reduced emissions.

Summary of public health implications

11. The Director of Public Health has been made aware of the easements and although there is an impact on some adult social care clients of the three flexibilities set out in this document, there is no broad Public Health impact.

Summary of equality implications

12. Care Act Easement Checklists were used by the Principal Social Worker to establish the impact of Covid-19 on all services. The checklists identified the following equality implications:

Pressure on carers as a result of day centre closures could adversely impact women, as they are more likely to fulfil carer roles.

OT provision supports and promotes the independence and wellbeing of people with a disability or long-term condition or age-related frailty. Delays in adaptations will impact these groups.

People who are deaf are having their assessment delayed or undertaken using alternative methodologies due to the challenges of interpretation and social distancing.

Summary of risk assessment

13. It is recognised that the closure of day services will place pressure on carers which, in the longer term, may lead to a risk of carers breakdown. To mitigate this, ASC carers services are supporting carers with new approaches such as video conference support meetings. Respite care remains available and day services, although not offering a buildings-based service, are providing outreach support to carers.

Background papers

Government Guidance: Coronavirus (COVID-19): changes to the Care Act 2014. 31st March 2020

https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014?utm_source=5993ac2b-7a43-48cc-b4ba-62c7d8f070e9&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Appendices

There are no appendices to this report.