

## Health and Wellbeing Board



Report subject	<b>The Application of Care Act Easements for BCP Council Adult Social Care: Revisions August 2020</b>
Meeting date	3 September 2020
Status	Public Report
Executive summary	<p>To advise the Health and Wellbeing Board that BCP Council Adult Social Care has revised three easements to the Care Act (2014) under powers granted by the Coronavirus Act (2020). These easements were previously reported to the Health and Wellbeing Board on 4 June 2020</p> <p>The Stage 2 easements use the flexibilities already present within the Care Act to change, delay or cancel some service types. The easements were introduced because Government recognised 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. Since implementation in May 2020, two of the three easements have been withdrawn.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>The Health and Wellbeing Board note that two previously applied stage 2 easements are no longer required, but that one remains in place.</b></p> <ol style="list-style-type: none"> <li><b>1) The easement relating to assessments for people who are deaf were delayed in some cases because these can only be undertaken face-to-face with interpreters. This is no longer required as adult social care staff are now able to undertake visits.</b></li> <li><b>2) The easement relating to changes in the provision of Occupational Therapy prescribed adaptations and community equipment is no longer required as the building and supply trades have resumed operations.</b></li> <li><b>3) The easement relating to day centre closure in order to comply with social distancing measures remains in place. Day services continue to be provided through alternative provision within the community or client's homes, and increasingly through the resumption of buildings-based day centre support. Social distancing will, however, continue to preclude the full opening of</b></li> </ol>

	<b>day centres to the before COVID level of attendance for the foreseeable future.</b>
Reason for recommendations	<p>The Coronavirus Act easements guidance notes that where services need to be changed, delayed or cancelled under a Stage 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 the report to Health and Wellbeing Board on 4 June 2020 complied with these conditions. The decision to maintain the easement on day centres but cease easements for assessment relating to deaf people and occupational therapy equipment and adaptations has been, similarly, approved.</p> <p>The Principal Social Worker (Adults) reviews easements fortnightly to ensure that any easements, including stage 2 flexibilities, affect the least number of people and for the shortest time possible to enable the best support and services to adults and carers locally.</p> <p>Sight and Hearing teams and Occupational Therapy easements have now both returned to a Stage1 easement; Business as usual: operating under the pre-amendment Care Act. Our teams are now offering visits, ensuring they first risk assess and follow staff guidance and PPE recommendations. Sign Language Interpreters are now able and willing to support when it is urgent and necessary following risk assessments. Occupational Therapy minor and major adaptation work has resumed, and providers have restarted their usual business. There is some backlog from the pandemic for Occupational Therapy work, and there continues to be some delays to building supplies which are causing delays to some work. Some people continue to decline our across all services visits due to pandemic concerns.</p> <p>Day services continue as an easement. Stage 2 easements use the flexibilities already present within the Care Act to change, delay or cancel some service types. Our building-based services remain closed in general, with an offer of emergency respite where it is individually assessed as necessary. Services continue to provide alternative support to meet individual needs. Whilst we are looking at how we can increase the building based day services offer in a safe way, adhering to social distancing and infection control requirements, it is unlikely that we will be able to resume day services as they were before the pandemic. This easement remains at present.</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:

Stage1. 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.

### **Summary of financial implications**

5. 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.

The closure of day centres has had a financial impact in terms of lost service user contribution in the region of £150k for the first 6 months of this year where service users have not had benefit of an equivalent service.

### **Summary of legal implications**

6. The legal position was set out in Government guidance for Care Act easements published on 31<sup>st</sup> March 2020:

“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.”

The closure (or partial closure) of day services remains to reduce the risk of breaching social distancing guidance. Needs are met through alternative support arrangements.

### **Summary of human resources implications**

7. 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 or changes to the pattern of client attendance.

### **Summary of environmental impact**

8. 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. As day centres partially re-open, transport volumes are likely to increase.

### **Summary of public health implications**

9. The Director of Public Health, who has been made aware of the easements, will continue to advise on day centres and day opportunities based on factors such as the level of Covid-19 community transmission. The safety of day services will also be held under review by the Director of Public Health as part of the Local Outbreak Management Plan.

### **Summary of equality implications**

10. Care Act Easement Checklists were used by the Principal Social Worker to establish the impact of Covid-19 on all services. It is recognised that the continued

disruption to day centre attendance will place pressure on some carers who rely on the service for respite care and adversely impact women, as they are more likely to fulfil carer roles.

### **Summary of risk assessment**

11. 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 are increasingly becoming more available for limited attendance where it is safe to do so as well as providing outreach support to carers.

### **Background papers**

Government Guidance: Coronavirus (COVID-19): changes to the Care Act 2014. 31<sup>st</sup> 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](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)

The Application of Care Act Easements for BCP Council Adult Social Care, Report to Health and Wellbeing Board June 4 2020

### **Appendices**

There are no appendices to this report.