

Exercise of emergency functions – Use of the Care Act Easements, created under the Coronavirus Act 2020.

1. Part 2M of the constitution of the City Council provides for the Scheme of Functions delegated to Employees including to the Chief Executive/Head of Paid Service.
2. Paragraph 3.8 of Part 2M of the Constitution enables the Chief Executive, in consultation with the Leader to make decisions required in an emergency.
3. As part of its response to COVID-19, the Government introduced the Coronavirus Act 2020 which received Royal Assent on 25th March 2020. Section 15, Schedule 12 of the Act contains provisions modifying the powers and duties of local authorities in England and Wales in relation to the provision of care and support.
4. The “*Care Act easements: guidance for local authorities*” (most recently updated on 1st April 2020 and available here: <https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014/care-act-easements-guidance-for-local-authorities>) sets out how local authorities can use the Care Act easements created under the Act to ensure the best possible care for people during this exceptional period.
5. The purpose of the easements is to enable local authorities and care providers to respond to the unprecedented anticipated pressure on services at the current time. Whilst the expectation is that authorities will do everything possible to continue meeting duties that existed prior to the amendment of the Care Act, the easements will enable authorities to respond to current pressure by streamlining assessment arrangements and prioritising care to ensure the most urgent and acute needs are met.
6. The Guidance is clear that a local authority should only take a decision to exercise these easements when the workforce is significantly depleted, or demand on social care increased, to an extent that it is no longer reasonably practicable for it to comply with its pre-amendment Care Act duties and where to continue to try to do so risks urgent or acute needs not being met, potentially risking life.
7. The decision to operate the easements is to be agreed by the Director of Adult Social Services in conjunction with or on the recommendation of the Principal Social Worker, and both must ensure that the Lead Member has been involved and briefed as part of the decision making process. The decision should be informed by discussion with the local NHS CCG leadership team. Both the Health and Wellbeing Board and the Department of Health and Social Care should be kept informed of the decisions taken.
8. Adult Social Services have thus far been operating at Stage 2 of the easements and have been prioritising services to ensure that care and support continues to

be delivered in accordance with Care Act principles. I am informed however that, following discussion with the Adult Social Services Senior Management Board, the Lead Member and local NHS Leadership, the Director of Adult Social Services and the Principal Social Worker are satisfied that it is now necessary to move to operating under the Care Act Easements.

9. On the basis set out above, I am satisfied that the decision being taken pursuant to this emergency provision is critical to the Council's ability to streamline and prioritise services. This will ensure that so far as possible the City Council will continue to meet need as set out in the Care Act but where necessary will be able to move to prioritising service delivery so that urgent or acute needs are met, supporting the most vulnerable people in the City.
10. In light of the above I agree that this constitutes an emergency and I am making the decision that the City Council:
 - Moves to operating under the Care Act easements as set out in the relevant Guidance; and
 - delegated authority be given to Peter Fahy (following consultation with the Principal Social Worker, the Lead Member for Adult Social Care, and the local NHS leadership team) to
 - determine when it is necessary to move between Stage 3 and Stage 4 of the easements and to review any move to Stage 4 every 2 weeks,
 - notify the DHSC of the decision,
 - determine when it is no longer necessary to operate under the Care Act easements.

I have consulted with the Leader of the City Council to confirm his agreement to this course of action.

A report will be taken to Council at the next appropriate meeting that will include information about this emergency decision, in particular

- the reasons for the decisions that have been taken
- the nature of the changes to demand or the workforce
- the steps that have been taken to mitigate against the need for this to happen
- the expected impact of the measures taken
- how the changes will help to avoid breaches of people's human rights at a population level
- the individuals involved in the decision-making process, and
- the points at which decisions will be reviewed.

Signed:



Chief Executive of Coventry City Council

Dated: 24.04.20