

## **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 25<sup>th</sup> 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 20<sup>th</sup> May 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 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. Having been informed by the Director of Adult Social Services and the Principal Social Worker that they were satisfied that it was necessary to move to operating

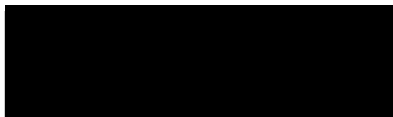
under the Care Act Easements on the 24<sup>th</sup> April 2020 following consultation with the leader of the Council I made the decision to do invoke the Care Act easements.

9. I made this decision on the basis that it was critical to the Council's ability to streamline and prioritise services but on the understanding that so far as possible the City Council would continue to meet the needs as set out in the Care Act but where necessary would 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. I have now been advised by the Director of Adult Social Care that after careful review and consideration it is currently no longer necessary to operate under the Care Act easements and I am therefore making the decision to revoke the instigation of the Care Act easements by the City Council.
11. It is recognised however that that the Care Act Easements as set out under the Coronavirus Act 2020, remain in force and that it may be necessary at some future date to review this position should demand again increase as a result of the current pandemic.

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.

Signed:

A solid black rectangular box used to redact the signature of the Chief Executive of Coventry City Council.

Chief Executive of Coventry City Council

Dated: 02.06.20