



**31<sup>st</sup> March 2020**

Dear Colleagues,

### **Coronavirus Act 2020: Care Act Easements**

I am writing to you about the easements to Care Act duties in the Coronavirus Act 2020 and their potential use by Local Authorities.

First of all, I want to thank you all again for your continued dedication to ensuring provision of crucial services to some of the most vulnerable people in society during this unprecedented time. We are grateful for social care workers on the frontline who are working tirelessly every day to respond quickly and effectively to the many challenges posed by Covid-19 and for the input of leaders across the sector who have given up their time to contribute to national work through the National Adult Social Care Covid-19 Group (NACG). We are committed to supporting Local Authorities and their partners to continue their vital work at this challenging time.

### **Coronavirus Act 2020**

I wrote to you on 18 March about the Care Act provisions in the Coronavirus Bill. As you will have seen, the Bill gained Royal Assent and passed into law on 25 March<sup>1</sup>. Section 15 and Schedule 12 of the Coronavirus Act 2020 introduced significant changes to Local Authority duties under the Care Act 2014, which will enable Local Authorities, working with providers, to streamline assessments, reviews and care planning, and to prioritise care and support so that the most urgent and acute needs are met during the coming, critical period. The powers in the Act, which come into force today, will enable you to prioritise more effectively in the context of this crisis than would be possible under the Care Act 2014 prior to its amendment.

I'd like to draw some important aspects of the powers to your attention –

- Most importantly, the powers are there only to be used if absolutely essential. Local Authorities should do everything possible to continue meeting their existing duties, for as long as possible. Any use of the powers should be as narrow as possible and should be reported to DHSC.
- The powers are temporary. The Secretary of State will keep them under review and terminate them, on expert clinical and social care advice, as soon as possible.
- All assessments and reviews that are delayed or not completed need to be followed up and completed in full once the easements are terminated.
- Local Authorities will remain under a duty to meet needs where failure to do so would breach an individual's human rights under the European Convention on Human Rights. These include, for example, the right to life under Article 2 of the ECHR, the right to freedom from inhuman and degrading treatment under Article 3 and the right to private and family life under Article 8.
- The CQC will continue to provide oversight of providers under existing legislation. Throughout this period the CQC will take a pragmatic approach to inspection and

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2020/7/contents>



proportionate action as necessary while maintaining its overriding purpose of keeping people safe.

The Secretary of State commenced these time-limited easements today based on the best clinical and expert advice regarding the current situation. It remains down to your local judgement as to whether you can continue to comply with existing duties or – if essential – need to make use of the easements.

### **Care Act Easements Guidance**

Today we have published guidance<sup>2</sup> which has been developed with input from colleagues from Local Authorities, providers, user / carer groups and the CQC who have all been exceptionally generous with their time.

The guidance will help Local Authorities to use the easements when necessary to ensure that those with the most acute needs receive care and support during this period. The guidance outlines the protections and safeguards that remain unchanged by the Coronavirus Act 2020 and emphasises the importance of continuing to put people with care and support needs at the centre with a statement developed with help from Think Local, Act Personal. The guidance should be read alongside the Department's Ethical Framework for Adult Social Care, published on 19 March<sup>3</sup>. The guidance covers decision-making to be followed before using the easements, oversight, details about streamlining processes, and prioritisation and safeguarding. We will keep this guidance under review and update it as appropriate in line with sector feedback.

We have also worked with colleagues from Local Authorities to create a core script which we hope will help answer your questions and those of your colleagues concerning the Care Act easements. In addition, we will be hosting a webinar next week to explain the legislation and answer any further queries.

I will continue to update you on other aspects of our preparations for the sector. Please cascade this letter to your staff, delivery partners and other interested parties.

Yours sincerely,

**JONATHAN MARRON**  
**Director General, Prevention, Community and Social Care**

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<sup>2</sup> <https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014>

<sup>3</sup> <https://www.gov.uk/government/publications/covid-19-ethical-framework-for-adult-social-care/responding-to-covid-19-the-ethical-framework-for-adult-social-care>