

INFORMATION SHEET



CBF Summary: Care Act Easements- Guidance for Local Authorities (summary)

Department of Health and Social Care (DHSC) last updated 1st April 2020

The Coronavirus Act includes temporary changes to the Care Act 2014 called ‘easements’. These are temporary changes to the actions local authorities have to undertake around assessments and provision of services, allowing them to prioritise support for those who need it most in the event of a local outbreak, or an increase in pressure on services caused by Covid 19.

The easements can be triggered by local authorities locally in times of high-pressure. You can find out whether your local authority has ‘turned on’ the easements [here](#)

This guidance for families explains what local authorities have been told and the changes to their duties to provide care as well as what they are still required to do **if they choose to turn on the easements.**

Under the easements, key things that Local Authorities may no longer have to do include:

- Carrying out detailed assessments of care and support needs (including for carers)
- Preparing and reviewing care and support plans
- Providing support to meet care and support needs that would otherwise have been eligible (unless a failure to do so breaches a person’s human rights)
- Conducting assessments of children approaching transition age
- Financial assessments for new care provided during this period- if the assessment is carried out at a later date the local authority can charge you retrospectively for this.

Below are the key points from the guidance for families of individuals with learning disabilities and/or autism:

- Local authorities will still have to meet requests for care and support within a **reasonable timeframe** where a **failure to do so would breach human rights** i.e. right to life, right to freedom from inhumane treatment, right to a private and family life.
- Local authorities’ duties under the Care Act to **safeguarding adults**, under the Mental Capacity Act to **Deprivation of Liberty Safeguards**, and under the Equality Act to use **reasonable adjustments** when it comes to care and support given, should remain in place.
- Local authorities must continue to respect **personalisation and co-production.**

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- Before making any changes, local authorities will need to **justify** their decision to the Department of Health and Social Care and should have made a clear record of steps taken to reach this decision and steps taken to mitigate the use of the powers; this also includes informing all service providers, carers and service users of the decision.

The guidance is clear Local Authorities should do everything within their power to maintain the same duties as before. Only where maintaining the highest possible level of care under normal operations is **not** possible, are they allowed to make the changes set out in the guidance. The Secretary of State will keep the changes to the Care Act under review, with the aim to terminate as soon as possible.

Here you can read the [full guidance](#) and [Mencap's summary and easy read version](#). We have also produced a series of Legal FAQs which contain more specific information about the easements that you may find useful. Legal FAQs are available on our [Covid-19 Information and Resources](#) page.

We aim to update summaries in line with guidance which is changing regularly, this summary was last updated on 21st May 2020.