

Restoring the Rights of Disabled People: Scrap the Coronavirus Act Easements

This briefing was prepared in advance of the Coronavirus Act review, which will be debated on the 30th of September in the house of Commons and on the 28th of September in the House of Lords.

The Coronavirus Act 2020 diminished disabled people's rights to social care and education and weakened already inadequate safeguards for people detained under the Mental Health Act.

What are the Care Act Easements?

Schedule 12 of the Coronavirus Act allows Councils to not comply with certain duties stipulated under the Care Act 2014. This means that when easements are being operated Councils have significantly reduced duties to meet the needs for care and support, provide assessments or prepare care and support plans for individuals who rely on provision in the community. Since the powers took effect on March 31st 2020, eight councils have officially implemented easements. These Councils have all since stopped operating these easements and there are currently no Councils officially operating them.

The Impact of the Easements on Disabled People

Although only 8 local authorities introduced the easements officially, there is mounting evidence about the significant reduction in support.¹ Inclusion London's survey of Disabled people's experiences during and post the lockdown shows:²

¹ Survey conducted by Mencap showed 7 in 10 people with learning disabilities experienced a cut to their support package. <https://www.mencap.org.uk/get-involved/campaign-mencap/socialcarecrisis>

² Inclusion London's report summarising findings can be found here: <https://www.inclusionlondon.org.uk/wp-content/uploads/2020/06/Abandoned-Forgotten-and-Ignored-Final-1.pdf>

- **Many disabled people receiving social care saw huge reductions in their support. This is because day services were closed and no alternatives were put in place, care and support providers were not able to meet the needs due to staff and PPE shortages, and people managing their support were left to deal with breakdown in their care and support on their own.**

“My son has gone from accessing activities/his centre 7 days a week to nothing. After easter he started crying a lot for no reason (he is non-verbal and can’t explain his feelings). I was terrified he was sinking into a depression” – Inclusion London survey respondent.

“My care agency are not getting adequate PPE, and they are so short-staffed at present that I've been lucky to get a shower once a month” – Inclusion London survey respondent.

“We are supporting a Disabled woman whose care package was cut during the lockdown, because she was not going out, it has not been restored since, despite this, the council want her to pay a much higher contribution towards her care. She is not getting out of her house and could have used this help to do her shopping as she struggled to access food or at least have someone to check on her” – Inclusion London survey respondent.

Liberty was contacted by a man who has PTSD and agoraphobia and is under the CMHT. He had an operation in February but was offered no care “because of the virus”. His cleaner stopped coming and he was forced to sleep on the settee and to pee in a bottle.

Liberty was also contacted by a 73-year-old ex-serviceman who is terminally ill with cancer. He has been having falls on the stairs inside his home and tried to register for food delivery slots but he could not do so because he explained that after March 2020 “everything stopped”. He could not get through his GP and social services did not contact him back. He survived on packets of crisps.

- **Assessments of care and support needs were paused or significantly delayed. This particularly had a significant impact on young people in transition and people with new care and support needs.**

“My 18-year-old disabled daughter with complex needs was in the midst of transition just before lockdown. Both adult and children services have barely

had any contact with us. The social work team for 0 to 25 years have been entirely non-existent and to sum up- useless!" – Inclusion London survey respondent.

Liberty was contacted by a 90-year-old disabled man who has no living relatives. His wife of 60 years passed away at the beginning of the pandemic. He was contacted by social services but his needs were not assessed. He was left feeling lonely and suicidal.

We believe the possibility of introducing the easements meant that there was not enough incentive to take proactive steps to ensure people got the support they needed.

Local Authorities that operated the Easements did not comply with all requirements set by the Department of Health and Social Care

Where the easements were operated by Local Authorities, it was underlined by opaque decision making and poor communication to those the changes affected. Many Local Authorities failed to provide any evidence that the high threshold for turning on the easement in their area had been reached. In addition, the vast majority of Local Authorities did not consider their duties under the Equality Act 2010 or the rights of service users or of their carers under the Human Rights Act 1998 when deciding to implement the easements. This highlights the danger of keeping the powers switched on even with the guidance in place. Moreover, there has been no correlation between the number of Covid-19 positive cases and decisions to operate the easements, with Local Authorities in comparable situations choosing not to do this.

The Care Act Easements Need to be Switched Off

Social care was not prioritised and this is reflected in delays in accessing testing and PPE for social care staff and the devastating increase in deaths among people who receive social care.³ We believe diminishing disabled people's right to social care is not the way to address those problems. Instead the government needs to allocate necessary resources and ensure the Social

³ <https://www.cqc.org.uk/news/stories/cqc-publishes-data-deaths-people-learning-disability>;
<https://www.cqc.org.uk/news/stories/our-concerns-about-mental-health-learning-disability-autism-services>

Care Action Plan includes all necessary measures to enable Local Authorities to comply with the Care Act in full.

We recognise that Local Authorities find themselves under unique circumstances and pressure. However, reductions to care put the lives and livelihoods of Disabled people who rely on social care at risk, and create the opportunity for discrimination. As the Coronavirus Act approaches its six-month review, now is the time to consider the impact this power has had.

The Care Act easements can be removed by amending the Coronavirus Act. Alternatively, Sections 92 and 93 of the Coronavirus Act allow for the easement powers granted to Local Authorities to be suspended by the Minister via statutory instrument. They can be switched back on if deemed necessary by the Secretary of State.

At such a strained and worrying time for everyone, this unnecessary power that no Local Authority is even using hangs over the heads of Disabled people, causing only anxiety. At a minimum, it should now be switched off.

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