



Department
of Health &
Social Care

*From Helen Whately MP
Minister of State for Care*

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Ms Wendy Burt, Mr Jordan Smith and Mr Scott Watkin
Representative Body Co-Chairs
Learning Disability England

By email to: info@ldeengland.org.uk

10 August 2020

Dear Ms Burt and colleagues,

Thank you for your correspondence of 20 March to the Prime Minister and copied to Matt Hancock about the Coronavirus Bill. I apologise for the delay in replying.

I appreciate your concerns regarding the effect of the Coronavirus Act on people with disabilities.

Since the start of this pandemic, we have been working closely with the sector and public health experts to put in place guidance and support for adult social care. Our priority is for everyone who relies on care to get the care they need throughout this time.

With regard to the suspension of Care Act duties, I would like to reassure you that this suspension will be temporary; the Secretary of State will keep any Coronavirus Act's provisions under constant review and terminate them immediately upon expert clinical and social care advice.

Even during the Coronavirus Act's provisions, local authorities (LAs) are still expected to consider and assess people's needs. However, to ensure that LAs are able to respond to increased pressures on the social care sector due to COVID-19, it may have to reduce the extent to which it would ordinarily do a needs or carers assessment, check people's needs are eligible, or conduct a financial assessment.

This means that the easements will only apply when it is no longer possible for LAs to carry out their pre-amendment Care Act duties in full. Currently, no LAs are operating under easements, which means that all LAs should be assessing in a Care Act compliant way.

Guidance states that LAs should still assess people's social care and support needs throughout this period and should make a written record of this assessment. LAs should

be able to evidence their decision, demonstrate their professional judgement, apply the Ethical Framework for Adult Social Care, and where necessary, record that they have considered the Convention on Rights.

I understand that human rights are a complex issue and my officials will consider elaborating on what it means to breach an individual's rights in any review of the guidance or accompanying document.

Turning to benefits in continuing direct payments, since the beginning of the pandemic, we have been working collaboratively with the Chief Social Workers and the National Co-production Advisory Group to issue guidance for holders of direct payments, commissioners and care providers. The Government has made clear that direct payments should continue as before wherever possible, and that LAs and clinical commissioning groups should make every effort to ensure that individuals' budgets and direct payments are maintained and supported.

With regard to the hospital discharge process, it is our priority to ensure that everyone is discharged safely from hospital and to the most appropriate and available place. Patients are only discharged when it is clinically safe to do so and no longer need acute care. Whenever possible, people who are clinically ready should be supported to return to their place of residence, where an assessment of longer-term needs will take place. This approach follows the 'Discharge to Assess' model, to support timely and appropriate discharge from hospital.

I hope this reply is helpful.

Kind regards,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke extending to the right.

PRIVATE SECRETARY

Signed on behalf of the Minister due to Parliamentary recess