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Coronavirus Bill

The Coronavirus Bill will enable action in five key areas:

1. Increasing the health and social care workforce, for example by allowing recently retired NHS staff and social workers to return to work
2. Easing the burden on front line staff by reducing the administrative tasks local authorities are otherwise required to complete
3. Containing and slowing the virus by reducing unnecessary social contact, for example strengthening quarantine powers of police and immigration officers
4. Managing the deceased with respect and dignity, and
5. Allowing people to claim Statutory Sick Pay (SSP) from day 1
6. (not day 3) and supporting the food industry to maintain supplies.

The key provision for the care sector will be in the alteration of the Care Act 2014.

To enable local authorities to prioritise the services they offer and ensure the most urgent care needs are met, they will not be required to comply with every aspect of the Act as it stands.

Effectively this means they may not meet everyone's assessed needs in full and may be forced to delay some assessments.

The Government has said that local authorities "will still be expected to do as much as they can to comply with their duties to meet needs." The amendments will not remove their duty of care regarding risks of serious neglect or harm. It has also said that these alterations will only be effected if "demand pressures and workforce illness during the pandemic meant that local authorities were at imminent risk of failing to fulfil their duties."

In terms of the current guidance on social distancing, those who have visitors providing them with care should limit this to 'essential care' only, which is said to cover washing, dressing or preparing meals. The implications of these protective measures on the elderly and vulnerable are considerable. Limiting contact for these people, whilst undoubtedly the only way to best protect them physically, may well mean they are at their most vulnerable mentally. In addition to the above change, it is understood that the following provisions will also be included in the bill, though the exact detail is not yet known: allowing regulators to emergency register suitable people as regulated healthcare professionals, e.g. recently retired professionals and students temporarily add social workers who have recently retired to registers enable employees and workers to take Emergency Volunteer Leave in blocks of 2, 3 or 4 weeks (which will be key to caring for the elderly, those with long-term health conditions or those suffering mental ill-health)

alter powers under the Mental Health Act to allow one doctor (rather than two) to authorise detention under the Act to ensure people get the treatment they need delay the process of assessing an individual's access to NHS continuing healthcare (CHC) until after the emergency has ended.

The Government has stated that the measures are "temporary, proportionate and will only be used when strictly necessary. They will be in place for as long as is required to respond to the situation."

Whilst the bill may not reach the statute book until the end of this month, it is intended to have retrospective effect back to 13 March 2020. The legislation is subject to a two-year time limit, by which time it is hoped that it will no longer be needed.