

Information Governance Team

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21 May 2020

Dear Sir/Madam.

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ07090**

Thank you for your request for information relating to Care Act easements.

You have requested the following information:

- 1. As of 30 April 2020 or by the date the council deems it feasible to respond this FOI request, whichever is the sooner, has the Local Authority decided to adopt all or any of part of the easement of the Care Act duties as provided for in the Coronavirus Act schedule 12 and associated Care Act easements: guidance for local authorities (DHSC)? YES/NO**

Yes.

If NO, please choose one of the following:

- a. We intend to do so by the end of May 2020/June 2020 (please state a date if a date is planned for adoption by the time this FOI request is answered)**
- b. We are aiming or planning not to adopt the easements**
- c. A decision not yet been made about adoption, but strategic planning is underway**

Questions 1a to 1c are not applicable. Please refer to Question 1.

2. If adoption has already been resolved upon, has the requested notification to the DHSC, referred to in the national Easements Guidance, been made? YES/NO

Yes.

3. Given that schedule 12 has been brought into force and has already formally modified sections 18, 19 and 20, of the Care Act, as a matter of law, is the council operating currently on the basis that these specific modifications are regarded as optional, in accordance with the general discretion described in the easements guidance, or operating on the basis that they constitute the governing law of England, and thus all current council functions relating to care planning and finalising of personal budgets? OPTIONAL AT OUR DISCRETION / ALREADY in FORCE and BINDING

This is an unclear question as both interpretations are correct and therefore it is not possible to choose between the answers. It is the Council's view that the Coronavirus Act is in force and therefore binding, but the effect of that change of legislation is to allow local authorities to modify the way it meets its responsibilities under the Care Act 2014.

In this authority we are currently operating on the basis that we are meeting our Care Act responsibilities to assess and support plan for those who are in need of services. However, our approach to those processes has had to be modified in order to meet social distancing requirements and manage demand with a reduced workforce.

a. If the latter, (ie in force, and binding) then what has the council done to change its operating mode or instructions to staff with regard to planning budgets and packages based on avoidance of a breach of human rights, or with regard to exercising the s19 power to meet needs, compliantly with public law and other wider legal principles such as equalities law? PLEASE GIVE BRIEF DETAILS.

Please refer to Question 3. This authority is operating at Stage 3 for some easements. The main impact of which has been to change the way assessment and care planning work is completed and suspend routine reviews; although urgent reviews are being completed.

We are not currently operating at Stage 4.

4. Whatever the council's position with respect to the easements and the modification of s18-20, has the position been publicized in any written information for the public to the council's network of advice and information channels around the local area? PLEASE GIVE BRIEF DETAILS.

Yes, the decision has been published on the Council's webpages and a stakeholder communication and engagement plan enacted.

5. When a member of the public wishes to know whether there has been any change in the position of the council with respect to the optional easements, to whom should she or he direct the enquiry? Please NAME that officer with an email address and phone number.

Andrew Errington, Adults Principal Social Worker
Email: Andrew.Errington@coventry.gov.uk

Pete Fahy, Director of Adult Services
Email: Peter.Fahy@coventry.gov.uk

6. What route for challenge to any decision or action with regards to a person's request for assessment, an eligibility decision, a care plan, a review or a revision, does your council wish members of the public to engage with, during this period?

- Request for PSW or other management review
- Monitoring Officer (contravention of enactment consideration duty)
- Safeguarding Lead
- Complaint system
- Director of Adult Social Services
- Councillor/Lead Cabinet Member

The Council's complaint system should be used in the first instance, although others could be contacted. Methods for challenging decisions made by the authority have not changed.

The supply of information in response to a freedom of information request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance