



This leaflet explains your Care and Support and the Coronavirus Act 2020.

The Coronavirus Act received Royal Assent on the 25.03.2020.

Paragraph 15 and Schedule 12 of the Coronavirus Act 2020 was implemented by Statutory Instrument on the 31.03.2020.

Care and Support and The Law:

The Care Act 2014 Sections 9,10 and 13 imposes a duty on the Local Authority to carry out a care and support needs assessment. Section 12(3) and (4) imposes a duty to provide a written records of an assessment.

Normally this assessment would be carried out with a written record provided to you for your consideration before the package of care and support was set up.

The Coronavirus Act 2020 has modified the Local Authorities obligations in this respect, Schedule 11 paragraph 2(1) and (2) removes this duty on the Local Authority.

The Coronavirus Act 2020 further modifies the Local Authorities obligations under Section 18 of the Care Act 2014 (duty to meet needs for care and support). Paragraph 4 of Schedule 12 states Local Authorities do not need to meet assessed eligible needs for care and support as in the current Care Act 2014 section 18, the duty has been significantly minimised, a local authority must meet an adult's needs for care and support if *'the authority considers that it is necessary to meet those needs for the purpose of avoiding a breach of the adult's Convention rights'*.

The relevant articles of the Convention in most cases being Article 2 (right to life), Article 3 (right not to be subjected to inhuman or degrading treatment) and/or Article 8 (right to family and private life which includes one's psychological and physical integrity).

Section 30 of the care Act 2014 is modified by The Coronavirus Act 2020 paragraph 8 the person's right to express a preference for accommodation is suspended.

This may mean the package of care and support that is put in place is not as wide ranging or as comprehensive as it would normally be.

Some services will not be provided such as cleaning and shopping, if a family member or friend cannot assist with shopping support can be accessed through the Compassionate Communities Hub. This is to ensure critical care and support can be provided to all those in need.

Financial Assessments and the Law:

The Care Act 2014 section 14 gives the Local Authority the power to charge and section 17 allows the Local Authority to carry out a financial assessment to ascertain how much a person's

assessed weekly care charge will be towards their care and support. Most people have to pay an assessed weekly care charge towards their care and support.

Normally this financial assessment would be carried out shortly before or after the package / placement of care and support commenced, however in the current climate this may not be possible. The Coronavirus Act 2020 has modified the Local Authority's obligations in this respect, schedule 12 paragraph 3 removes the Local Authority's duty to carry out a financial assessment but states the Local Authority cannot charge until such time as the financial assessment has been completed.

The Act goes on to state at schedule 12 paragraph 10 that the Local Authority can, once the financial assessment has been completed, back date the assessed weekly care charge to the date the care and support started.

This means you may not be required to make a payment towards your care and support immediately, but you will, subject to the financial assessment, be asked to in the future. It is therefore very important that you put to one side funds to cover any future invoiced