

# Care Act Easements: A response from advocacy organisations to the survey by the Chief Social Workers

This response was written by VoiceAbility and was agreed and endorsed by the following advocacy and allied organisations:

Advocacy Focus	Advocacy for All
Asist	Bristol Mind
Cloverleaf Advocacy	Connected Voice Advocacy
Disability Advice Service Lambeth	Dorset Advocacy
Empowerment Charity	Gary Underhill – advocacy consultant
Kate Mercer Training	Jacqui Jobson Consultancy
n-compass	NDTi - the National Development Team for Inclusion
NYAS – the National Youth Advocacy Service	People First Independent Advocacy
Stockport Advocacy	Swindon Advocacy Movement
The Advocacy People	The Advonet Group
Vital Projects	Warrington Speak Up

## **What do you think should happen with the easements?**

Withdrawn completely.

## **Why do you think so?**

It is vital that support to people who rely on social care is sustained, this is needed more rather than less at times of increased pressure. Keeping the easements guidance in place, or merely suspending it, sends a message to people who rely on social care and their families that at times of pressure their support may be reduced. Instead, central and local government should be assuring people that in difficult times their support will be maintained, or supplemented, if needed.

The experience in Spring 2020 and subsequently, does not justify retaining the easements, but instead suggests strongly the need to withdraw them fully.

The vast majority of local authorities did not decide that they needed to activate the easements. They were used by eight local authorities (at stages 3 or 4). Two local authorities are reported to have used the easements to cease meeting needs they would

otherwise be required to meet. When they were used it is hard to evaluate whether they achieved their intended purpose to “prioritise care so that the most urgent and acute needs are met” as there was not always clear communication about the justification, nature or likely impact of the easements.

The limited use of the easements does not mean that the easement guidance was without major impact. Support appears to have been withdrawn or changed and assessment and care plans cancelled, with the reason given being “the easements,” even where the local authority had not put in place easements. By providing a mistaken rationale for reducing or withdrawing support, the existence of the easements guidance almost certainly had a more negative impact for people using services and their families than their actual approved use.

The local authorities applying the easements do not appear to match well with those where coronavirus was having the greatest impact at the time.

The easements state explicitly that they are time-limited. As we approach a year since their introduction and seven months since they were last formally used, anything other than full withdrawal of the easements cannot be squared with this. Keeping the guidance in place, or merely suspending it, might be interpreted as reserving the option to water down legal duties owed people who use social care and weaken the Care Act by the back door.

The easements were brought in to provide local authorities with the flexibility to respond to pressures which were genuinely unprecedented. The impact and strain caused by the pandemic are sadly no longer new. There is time to plan and make changes to manage the impact of the pandemic or future occurrences. It is vital that central and local government work together to ensure that there is proper investment in supporting people who rely on social care and to anticipate the demands.

### **Have you identified any barriers or challenges due to the easements? If so, what might we do to address them?**

Yes, a [survey](#) of over 400 advocates identified problems including withdrawal or support or reduction in it; increased isolation; increased difficulty in addressing concerns about keeping people safe from harm; and assessments not taking place. In several cases these problems were said to have arisen due to the easements, or misunderstanding over whether they were in place.

The report of the survey highlighted the need for better understanding of human rights and domestic law across the health and social care system as well as reinforcing the need for the long-awaited reforms to social care.

**Do you feel that there are alternative approaches to easements that could be used to support local authorities and people who use services when facing pressures due to Covid-19?**

Yes. In the short-term, investment in social care is needed, so that local authorities and people who use services do not have to address continuing challenges from a position of weakness and can build resilience, plan and prepare.

In the medium-term, it is vital to develop and invest in a new and fully shared vision, strategy and plan for social care.

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