



Department
for Work &
Pensions

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Kamran Mallick
Disability Rights UK

26 March 2020

Dear Kamran

Disability Rights UK works tirelessly for disabled people and the Government greatly values the commitment to ensuring that disabled people are supported during this challenging and worrying time.

We will do everything in our power to ensure the needs of disabled people are addressed.

You will have seen that there was cross-party support to pass Emergency Legislation to allow the Government to respond to the Coronavirus. This included vital measures to make sure we maintain frontline services and support, particularly for the vulnerable and for disabled people.

We thought it would be helpful to explain some of the potential changes under the Coronavirus Act below.

Coronavirus Act

The provisions in the Act are time-limited, to come into force when absolutely necessary and to be terminated as soon as circumstances allow. We will ensure that once the crisis is over, the Care Act will again apply. We expect local authorities to do everything they can to maintain existing services and to meet the needs of as many as possible, particularly for those with the most acute needs.

Care Act 2014

We know that elderly people and those that rely on the support provided by their carers are particularly at risk during this difficult period. That is why we are committed to working closely with partners from across the social care sector, including care providers, local authorities, and the health and social care workforce.

In the coming period there will be more need for care services, but sickness and the need to isolate is likely to reduce the number of dedicated social workers and care staff available to support those in need. We know local authorities and providers will do everything they can to continue to meet all needs including those of disabled people in line with the Care Act.

Children and Young People with SEN and Disabilities

The Government has been very clear that it is prioritising support for vulnerable children during this pandemic and has issued guidance to local authorities and schools to help them work with parents to ensure that children with Education, Health and Care (EHC) plans have the help they need at this worrying time:

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>

We are committed to supporting residential special schools and other settings that care for children with the most complex needs, who cannot be cared for safely at home, to stay open and provide that vital support to families wherever possible. We recognise that this may be challenging and so are encouraging local authorities to work collaboratively across schools to re-deploy staff where needed to keep this specialist provision open where it is needed. Further guidance on how to implement isolation in specialist settings is here:

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>

The powers in the Act will provide temporary flexibility over how the EHC plan process works, to help frontline workers to focus on direct support for those with the most complex needs, including disabled people and on the response to COVID-19.

Our overwhelming aim in doing so is to balance the needs of children and young people with SEND to receive the support they need with managing the demands on local authorities, schools, colleges and health bodies to respond to coronavirus. These emergency powers will allow for the relaxation of certain legal requirements on local authorities, health bodies and education settings over EHC plans. For example, if the Secretary of State for Education issues a notice, where a local authority is unable to put in place the provision stated in an EHC plan, it will need to use its 'reasonable endeavours' to do this but will not be penalised for failing to meet the existing duty in the 2014 Act. These emergency powers will only be exercised for the shortest period and where necessary, and will be regularly reviewed.

These measures may impact care plans. However, this will be temporary and based on careful risk assessment. We are in close contact with schools and local authorities to ensure all frontline professionals are able to keep disabled children safe and secure, working closely with their families.

The Mental Health Act

The power to recommend individuals be detained under the Mental Health Act could be implemented using one doctor's opinion instead of two, if otherwise it would cause delay which would be harmful to patients. We hope that these temporary easements never have to be used. If they do, that is no reflection on people with mental health needs. Instead it is because this area of medicine is, rightly, very tightly regulated.

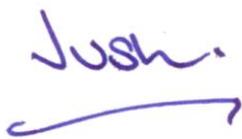
This is about keeping people safe. This is not about singling out mental health patients, but unlike other areas, temporary legislative and regulatory changes are required to allow services to flex to ensure the appropriate care continues to be available in extremely challenging circumstances.

European Convention of Human Rights

The inclusion of the Human Rights Act in these provisions is also intended to underscore that, where local authorities need to prioritise care during the coming period, there is an absolute obligation on them to meet everyone's Human Rights as an absolute minimum.

We are taking decisive action in order to save as many lives as possible and also ensure the highest levels of support for disabled people, their carers, and their families during this challenging time.

Yours sincerely,



Justin Tomlinson MP
Minister of State for
Disabled People, Health
and Work



Helen Whately MP
Minister of State for
Care



Vicky Ford MP
Parliamentary
Under-Secretary of
State for Children
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