

Response to Request for Information

Care Act Easements

I can confirm that the information requested is held by Wolverhampton Council. I list below the information that is being released to you.

In your request you asked:

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

[City of Wolverhampton Council is operating under the pre-Covid Care Act, with some flexibilities and minor changes to the way we carry out our work.](#)

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
[We do not have plans at this current time to implement Care Act easements but we are continually reviewing the situation and monitoring local demand and capacity.](#)

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

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

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

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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.

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.

The council has undertaken a short public consultation to consult on our proposed procedure for, and approach to, Care Act easements in case we ever need to use them. We communicated the consultation to all partners including health stakeholders, councillors, Health and Wellbeing board members, providers, staff, carer groups, people groups, (e.g Changing our Lives, Alzheimer's society etc) and others to invite them to take part in this consultation. The feedback is currently being analysed, however the consultation documentation remains available to view on the following link <https://consultation.wolverhampton.gov.uk/cwc/care-act-easement-procedure/>

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.

Current status is due to be added to, and any subsequent changes will be notified on the following web page accessible by the public <https://www.wolverhampton.gov.uk/coronavirus-advice-and-information/providing-and-receiving-care/advice-those-receiving-care>

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

During the pandemic the normal timescales for dealing with complaints will be followed as far as possible. An acknowledgement of the complaint will be provided to the complainant or their representative within three working days by the complaints team. The complaints team will forward the details to the relevant Head of Service/Director of Adult Services for investigation and they will involve the council's legal team where appropriate.

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Please quote the reference number 1619525 in any future communications.


If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Governance Team
Governance
City of Wolverhampton Council
Civic Centre
St. Peter's Square
Wolverhampton WV1 1SH

Email: foi@wolverhampton.gov.uk

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner, contact details can be found on their website: www.ico.org.uk

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