

The Emergency Bill provisions relating to the Council and its business

The areas in the Bill which relate to the Council and its business are as follows:

Temporary registration of social workers

The Bill introduces emergency registration powers for the Social Work regulatory body to temporarily register fit, proper and suitably experienced persons with regard to an emergency, as social workers. This is intended to assist in addressing any shortage of social workers in the children's and adult social care sectors as a result of increased staff absenteeism or demand.

Emergency volunteers

The Bill introduces a new form of unpaid statutory leave and powers to establish a compensation scheme to compensate for some loss of earnings and expenses incurred by volunteers. These measures will enable the Council (and other relevant health and social care bodies) to maximise the pool of volunteers that they can draw on to fill capacity gaps by addressing two primary deterrents to participation: risk to employment and employment rights, and loss of income. These measures are intended to maximise the number of volunteers that are able to fill gaps in capacity, thus helping to safeguard essential services that could be at risk due to demand on services as a result of pandemic pressures.

Mental health and mental capacity

The Bill introduces temporary amendments to the relevant legislation to allow certain functions relating to the detention and treatment of patients to be satisfied by less stringent health opinions or certifications. Temporary amendments also allow for the extension or removal of certain time limits relating to the detention and transfer of patients.

Local authority care and support

The Bill will allow the procedure for discharge from an acute hospital setting for those with a social care need to be simplified. Current duties on the Council in the Care Act 2014 to assess needs for care and support, and to meet those needs will be replaced with a power to meet needs for care and support, underpinned by a duty to meet those needs where not to do so would be a breach of an individual's human rights, and a power to meet needs in other cases. The Bill also allows that, if a Local Authority has not charged an individual for their care during the COVID-19 pandemic, they are able to do so retrospectively after the conclusion of this period subject to financial assessment. These measures are intended to reduce operational burden so local authorities can prioritise the service they offer in order to ensure the most urgent and serious care needs are met.

In order to support Local Authorities in operating under the new powers, including making prioritisation decisions in a consistent, and ethical manner, the Government will publish guidance with which the council will be required to comply.

Registration of deaths etc

The Bill will simplify the process for the registration of deaths to provide more flexibility in an emergency situation by enabling a doctor who may not have seen the

deceased to certify the cause of death without the death being referred to the coroner and allowing a person to register a death without attending the register office to do so. This is intended to recognise that the current systems may be put under additional pressure and aims to provide flexibility and mitigate the spread of infection. The Bill also enables streamlining of some of the processes around Coroner notification by temporarily modifying much of existing legislation. The Bill would also allow cremations to take place without the need for additional medical practitioner oversight, reducing the burden on healthcare professionals allowing them to be available to support with other duties. It will also reduce the likelihood of delays to allowing families to be able to make cremation arrangements for the deceased.

Inquests

Currently, as COVID-19 is a notifiable disease in England any inquest into a death where the coroner has reason to suspect that the death was caused by COVID-19 must take place with a jury. The Bill will modify the current legislation to disapply this requirement so that inquests can take place before the Coroner without a jury where there is reason to suspect the death was caused by COVID-19. This is intended to alleviate potential resource implications for coroner workload and avoid a delay in the inquest process for families affected.

Schools, childcare providers etc

COVID-19 presents particular challenges and risks to those operating in an educational or childcare context, whether children, students, teachers or visitors, because of the need or tendency for persons to learn together in groups and because of the harmful effect that any break in education may have on a young person's development and progression to further study or employment. The Government believes that what is in the best interests of those in the education arena will vary according to the level of risk which presents itself in a particular place at a particular time. Accordingly, the Bill seeks to include a suite of powers to enable Government to react flexibly to manage differing levels of risk.

The provisions would only be in place for the period of time required to mitigate the effects of a COVID-19 pandemic. Some provisions will remain in force after the expiry of other provisions in the Act to deal with any residual matters. The Bill includes three powers relating to education:

- a. a power to require/direct temporary closure of an educational institution or registered childcare provider
- b. a power to make specified types of directions in connection with the running of the education and registered childcare systems; and
- c. a power to dis-apply or vary specified existing requirements contained in or arising out of education and childcare legislation.

Powers relating to potentially infectious persons

The Bill will include provisions for the screening and isolation of certain persons, including powers to impose restrictions and requirements on them. It will also provide public health officers (as well as constables and immigration officers) with the means to enforce sensible public health restrictions, including returning people to places that they have been required to stay. These measures aim to fill existing gaps in

powers to ensure the screening and isolation of people who may be infected or contaminated with the virus and to ensure that constables can enforce health protection measures where necessary.

Courts and tribunals: use of video and audio technology

The Bill recognises that the efficiency and timeliness of court and tribunal hearings will suffer during a COVID-19 outbreak. The Bill therefore amends existing legislation so as to enable the use of technology either in video/audio-enabled hearings in which one or more participants appear before the court using a live video or audio link, or by a wholly video/audio hearing where there is no physical courtroom and all participants take part in the hearing using telephone or video conferencing facilities.

Powers in relation to bodies

The Bill introduces powers of direction to give local authorities the necessary powers to direct agents involved in the processes around death to ensure excess deaths caused by COVID-19 do not overwhelm the system. National and local authorities will have, where necessary, additional powers to direct organisations to ensure that deceased bodies can be stored, transported and disposed of with care and respect.

Postponement of elections

On Friday 13 March, the Prime Minister announced that the elections scheduled for 7 May 2020 would be postponed until 6 May 2021. This affects the Police and Crime Commissioner (PCC) elections in England and Wales. The Bill enables the postponement of the polls scheduled for 7 May and also covers the handling of other elections and referendums (such as by-elections and local referendums) that might arise during the COVID-19 outbreak and may need to be postponed for public health reasons in a similar way.

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