

Coronavirus Act – Summary as It Affects Wales

SOCIAL SERVICES

Clause Number	Heading	Details/What Does it Mean
6	Temporary registration of social workers: England and Wales	<p>The addition of emergency registrants to the register held by the Registrar of Social Work England (SWE) and Social Care Wales (SCW) will help to deal with any shortage of social workers in the children's and adult social care sectors as a result of increased staff absenteeism, or increased demand, for example, for care planning.</p> <p>Schedule 5 details</p>
10	Temporary modification of mental health and mental capacity legislation	<p>During a severe coronavirus outbreak, it is anticipated that there will be a surge in demand for healthcare services, including mental health services. There will also likely be higher staff absence rates than usual, particularly during the peak weeks. It is thought likely that organisations will find it very difficult to comply with a number of procedural requirements set out in the Mental Health Act 1983.</p> <p>The consequences of this would include meaning that patients needing mental health treatment in an inpatient setting would be less likely to receive it, particularly in those cases where a person is so unwell he or she is not able or willing to consent formally to treatment. It would also mean that people would have to wait for an extended period before receiving mental health assessments, and be unwell and untreated for longer. These waits would include those for assessments following detentions made by the police under the Act, which would be a burden on police time, and could result in an increase of the number of people being assessed within police stations.</p> <p>In order to support these services and give them the flexibility they will need to continue treating patients during a severe coronavirus outbreak, a number of temporary amendments to the Mental Health Act 1983 are proposed. These include:</p> <ul style="list-style-type: none">- allowing fewer health care professionals needed to undertake certain functions (one Doctor's opinion rather than the current 2); and <p>extension or removal of time limits relating to detention and transfer of patients.</p>

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		<p>In practice, the amendments would mean that an approved mental health professional may decide to detain a person on the advice of one doctor approved under section 12 of the Act. The Act requires the advice of two doctors, the second having acquaintance with the patient.</p> <p>Patients who are being treated without their consent have the right, after three months, to have their treatment reviewed by a Second Opinion Appointed Doctor, a service provided by the Care Quality Commission. To reduce the impact on resources at the end of the emergency period and avoid a peak in demand on to fulfil this right, an amendment sets out that the three-month period will commence from the end of the emergency period.</p> <p>For prisoners, an amendment would help to ensure that defendants and prisoners with a mental health condition can be admitted to hospital for treatment during a time of staff shortages and disruption to services. The flexibilities will change the number of doctors' opinions and time limits required for detention and movement between court, prison and hospital. For prisoners, an amendment would help to ensure that defendants and prisoners with a mental health condition can be admitted to hospital for treatment during a time of staff shortages and disruption to services. The flexibilities will change the number of doctors' opinions and time limits required for detention and movement between court, prison and hospital.</p> <p>Schedule 8 details</p>
15	Local authority care and support	<p>Amendments to the Social Services and Well-being (Wales) Act 2014 to assist LAs to be able to prioritise care in order to protect life and reach rapid decisions over the provision of care without undertaking full compliant assessments.</p> <p>These provisions, which would only be brought into operation for the shortest possible time at the peak of the coronavirus outbreak (when LAs were at imminent risk of failing to fulfil their duties) and only last the duration of the emergency, would allow LAs to do this by</p>

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		<p>temporarily releasing them from some of their duties.</p> <p>LAs would still be expected to do as much as they can to comply with their duties to meet needs during this period and these amendments would not remove the duty of care they have towards an individual's risk of serious neglect or harm.</p> <p>Schedule 12 – Part 2 details for Wales</p> <p>Assessing needs for care and support – local authority does not need to comply with the duty to assess needs of an adult for care and support / duty to assess the needs of a carer for support;</p> <p>Duty to carry out financial assessment - local authority does not need to comply with the duty to carry out a financial assessment</p> <p>Duties to meet needs for care and support –</p> <p>Charging for meeting needs during emergency period;</p> <p>Care and support plans etc. - local authority does not need to comply with the duty in relation to care and support plans and support plans;</p> <p>Portability of care and support.</p> <p>Duties arising before commencement.</p> <p>Guidance – Welsh Ministers may provide Guidance on the above, which must be taken into consideration.</p>
33	Disclosure Wales: Disapplication etc. by welsh Ministers of DBS provisions	<p>Welsh Ministers may make provision for health or social care DBS to be disappplied / modified by reference to—</p> <p>(a) a specified person or description of persons;</p> <p>(b) a specified area;</p> <p>(c) any other matter.</p>
54	Expansions of availability of live links in criminal proceedings.	Expand the availability of video and audio link in court proceedings.

Clause Number	Heading	Details/What Does it Mean
55 56	Live links in magistrates court appeals against requirement or restrictions imposed on potentially infectious person	<p>The clauses:</p> <ul style="list-style-type: none"> • permit the expansion of the use of fully video and video-enabled hearings in various criminal proceedings; • make provision for public participation in court and tribunal proceedings conducted by audio and video hearings to ensure that the principle of open justice is protected; • provide for all parties to an appeal to the magistrates' court against a quarantine order to participate by phone or video link unless the court directs otherwise. <p>Schedules , 23, 24, 25, 26 details</p>

EDUCATION

Clause Number	Heading	Details/What Does it Mean
		Schedules , 23, 24, 25, 26 details
37	Schools, childcare providers etc. – temporary closure of educational institutions and childcare premises	<p>This power gives the Secretary of State and the Welsh Ministers the ability to direct educational institutions or childcare providers to take steps to stop people attending for a temporary period of time specified in the direction.</p> <p>These powers would be needed to stop the spread of the disease and ensure welfare and safety of those working and studying in schools and other educational institutions, including childcare providers, by temporarily closing institutions as required. This would involve schools, including independent schools, Further and Higher Education institutions as well as registered childcare providers (including childminders) closing temporarily to prevent the spread of the virus.</p> <p>Schedule 16 - Part 1 details</p>
38	Temporary continuity: education, training and childcare	<p>These powers may be used to require relevant educational / childcare providers to stay open or reopen, enable individuals or groups to attend different premises, to change term/holiday dates. The powers may also be used to require relevant institutions to provide additional services, for example, provide extended hours' childcare.</p>

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		<p>This gives the Secretary of State and Welsh Ministers the power to temporarily dis-apply or modify existing legislative requirements in education and childcare legislation e.g. requirements to provide school meals, including free school meals, and local authority duties to ensure education / reducing teacher ratios / relaxing provisions for those with special educational needs.</p> <p>This will enable Local Authorities (LAs) and education and childcare providers to operate a service level different from usual practice, without being in breach of regulatory requirements. The intention is that this would, however, not extend to essential requirements such as safeguarding, health and safety or permanent exclusion. It will also enable the Secretary of State to suspend duties, such as those on parents in respect of child attendance at school.</p>

HEALTH

Clause Number	Heading	Details/What Does it Mean
		Schedule 17 - Part 1 details
2	Emergency registration of nurses / health and care professionals	<p>The power provided in this clause will allow Registrars the ability to carry out emergency registration of healthcare professionals such as nurses, midwives or paramedics. This will allow for the registration of any professional regulated by the Nursing and Midwifery Council or the Health and Care Professions Council. It is hoped that this will help to ease the pressure on services to enable to delivery of essential healthcare services in this emergency period.</p> <p>Schedule 1 details</p>
3	Emergency arrangements concerning medical practitioners: Wales	<p>Schedule 2 details</p> <p>As with the others in terms of emergency arrangements, to ensure adequate staff on the ground.</p>

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11	Health service indemnification – England and Wales	<p>In the response to the coronavirus outbreak staff may be asked to undertake NHS activities that are not part of their normal day-to-day work. It may also be necessary to require medical students to assist in the delivery of some NHS services.</p> <p>This indemnity clause allows the Secretary of State for Health and Social Care (in relation to the NHS for England) and the Welsh Ministers (in relation to the NHS for Wales) to provide indemnity for clinical negligence liabilities of healthcare professionals and others arising from NHS activities carried out as part of the response to a coronavirus outbreak.</p> <p>Alternatively, the clause allows the Secretary of State or the Welsh Ministers to arrange for such indemnity to be provided by a person authorised by the Secretary of State or the Welsh Ministers. This indemnity will not apply to those already covered by state-backed schemes (the Clinical Negligence Scheme for Trusts (CNST) or the Clinical Negligence Scheme for General Practice (CNSGP) in England and the Welsh Risk Pool (WRP) or the Scheme for General Medical Practice Indemnity (GMPI) in Wales).</p> <p>It will also not cover healthcare professionals who have indemnity cover for the clinical negligence in question through a private Medical Defence Organisation (MDO), a professional body or where they have commercial insurance. [There are similar provisions for Scotland and Northern Ireland.]</p> <p>The clause will provide indemnity for clinical negligence liabilities arising from NHS activities connected to the diagnosis, care and treatment of those who have been diagnosed as having coronavirus disease or who are suspected, or who are at risk, of having the disease. It will also cover healthcare professionals and others providing NHS business-as-usual activities (connected to the diagnosis, care or treatment of a patient) that a person is asked to carry out in consequence of the outbreak, including where such activities are outside the scope of their usual day-to-day practices.</p>