



In-depth Briefings

Coronavirus Bill

March 2020

On 19th March, the UK Government set out new emergency powers to deal with the outbreak and to tackle the spread of Coronavirus (COVID-19).

This in-depth briefing provides a summary of the main provisions of the Bill which will affect housing associations and their related activities in relation to Coronavirus. The briefing will also explore related actions already being taken by housing associations, and the work undertaken by CHC to support them.

Key provisions of the Bill include:

- Emergency registration of health professionals and social workers
- Provision of emergency volunteers
- Mental health and mental capacity
- Health service indemnification
- NHS and local authority care and support
- Suspension of requirement to hold inquests with jury
- Temporary closure of schools and childcare providers
- Powers relating to events, gatherings, and premises
- Funding of statutory sick pay and suspension of waiting days
- Postponement of elections

This briefing considers the relevant sections of the Bill related to three priority areas:

- health professionals and social workers;
- school closures, childcare and wider public service provision; and
- Statutory Sick Pay



Clauses relating to health professionals and social workers

- Emergency registration of health professionals and social and care workers

This will allow registrars to carry out the emergency registration of healthcare professionals. Registration of any with both the Nursing and Midwifery Council and the Health and Care Professions Council. It is hoped that this will help to ease the pressure on services to deliver essential healthcare services in this emergency period.

It is proposed that the Nursing and Midwifery Order 2001, and the Regulation and Inspection of Social Care (Wales) Act 2016, will be amended to allow the registration of a person or groups of people deemed “fit, proper and suitably experienced” by the registrar in the event that Welsh Ministers or the relevant Secretary of State have declared an emergency has occurred, is occurring, or is about to occur.

Further provisions in the Bill provide Welsh Ministers with the power to disapply or modify regulations governing social care service providers and independent health care providers in Wales, including requirements relating to vetting procedures for staff before they are permitted to start work.

- Emergency volunteers

This clause creates a temporary new form of statutory unpaid leave for employees and workers who wish to volunteer, allowing the relevant Secretary of State to make arrangements for payment to those volunteers to cover both loss of earnings and travel and subsistence.

With health and social care workforces under increasing pressure, health and social care volunteers play an essential role in the delivery of day-to-day services, as they have a wide range of skills and experience that can be deployed to undertake a number of regulated and unregulated activities.

- Mental health and mental capacity

A number of temporary amendments to the Mental Health Act 1983 are proposed in order to support mental health services. For example, certain functions relating to the detention and treatment of patients will be satisfied by fewer doctors’ opinions and certifications.



- Health service indemnification

It is expected that fewer staff will be available in the healthcare sector due to staff being diagnosed with coronavirus. To overcome this, medical students will be required to assist in the delivery of NHS services; staff will be asked to undertake activities not part of their usual role; and dentists and GP practice nurses may be asked to assist in hospitals.

The indemnity clause allows for the Secretary of State for Health and Social Care, and Welsh Ministers, to provide indemnity for clinical negligence liabilities of healthcare professionals and others arising from NHS activities carried out as part of the coronavirus outbreak.

- NHS and local authority care and support

Currently, patients with social care needs can progress through a number of stages before they are discharged from hospital.

This provision temporarily reduces the number of duties imposed on Local Authorities under the Social Services and Wellbeing (Wales) Act 2014 when assessing the needs of individuals relating to care and support.

- Easing of legislative and regulatory requirements

This provision allows NHS providers to delay undertaking the assessment process for NHS Continuing Health Care until after the coronavirus outbreak has ended. It is recognised that the NHS is going to face huge demands and reduced capacity. This will ensure patients who are ready to leave hospital can do so rapidly.

The Impact on Housing Associations

These clauses are aimed at creating additional capacity throughout both the NHS and social care services across the country. The addition of emergency social workers and nurses has the potential to help deal with any staff shortages which may be suffered as a result of increased staff absenteeism or increased demand.

However, the demands on health services are likely to be unprecedented throughout this period, and the pressure on all forms of housing association care and support is likely to increase as a result. CHC is working closely with our members to support conversations around staff pooling arrangements to ensure service continuity. We are also engaging with colleagues in health and care services nationally and locally to



understand what role housing associations can play in managing the nationwide demands.

Clauses relating to school closures, childcare and wider public service provision

- Education and childcare settings

The legislation would enable Welsh Ministers to give directions for the restriction of attendance at premises used for the provision of education or childcare. Powers would be created to allow:

- individuals to attend different premises,
- for the change of term and/or holiday dates, and
- to allow institutions to provide additional services such as extended hours childcare.

Welsh Ministers will also have the power to temporarily disapply or modify existing legislative requirements in education and childcare legislation, for example requirements to provide school meals.

Further powers are proposed to stop the spread of coronavirus and ensure the welfare and safety of those working and studying in schools and other educational institutions. This power gives the Secretary of State and the Welsh Ministers the ability to direct institutions to take steps to stop people attending for a temporary period of time specified in the direction.

The powers created in these parts of the legislation are those that will be used to direct schools to remain open for the provision of childcare and/or education to children of key workers.

- Courts and tribunals: use of video and audio technology

To limit the spread of coronavirus, the legislation will extend the availability of live video links across courts to allow proceedings to be conducted by video or telephone.



- Powers relating to potentially infectious persons: constables and immigration officers

This aims to give constables and immigration officers the necessary powers to support the wider public health efforts to manage the spread of coronavirus.

The proposals will provide the police with the means to enforce sensible public health restrictions, and to direct individuals to seek appropriate treatment.

The proposals will ensure immigration officers and constables can support the wider public health effort where they encounter a person who is infectious during the course of their normal functions at the border.

- Postponement of elections

The Bill makes provision to postpone elections in England and Wales scheduled for 7th May 2020 for a year. Other relevant elections and referendums (by-elections, for example) will also be postponed.

- Powers relating to events, gatherings and premises

The Bill confers powers to both Welsh and UK Ministers which will allow them to prohibit public gatherings or events to prevent the spread of Coronavirus.

The Impact on Housing Associations

The closure of schools and childcare settings is likely to have a significant impact on the availability of staff with childcare responsibilities across the country. The provision of education and childcare to those whose parents are key workers has been enabled to ensure that people directly involved in the public service response to Coronavirus are able to attend work.

The UK Government has published a list of list of roles which qualify as critical for the purposes of their children attending school or nursery. However, this is an England only list, and Welsh Government is working to confirm its own list of roles. We are seeking urgent clarity from Welsh Government on this issues.

In the likely event that Welsh guidance is similar to that produced by the UK Government, the breadth of activity covered in the guidance could apply to many housing association staff. As a sector it will be vital that we act responsibly and only identify those staff who are critical to the continued running of essential services.



For housing associations who haven't done so already, it may be pertinent to consider staff pooling arrangements locally to ensure service continuity. CHC has begun discussions with members on how we can support this.

The wider public service provision in the Bill, particularly relating to the courts and the role of police and other public service staff, could have impacts on community wellbeing. CHC has stated that we are confident that tenants will not be evicted from a housing associations home because of financial hardship due to Coronavirus. However, there is likely to be a significant impact on the capacity of the courts during this period and cases relating to anti-social behaviour may also be unlikely to proceed. Housing associations will need to consider how to manage situations affected by this, working closely with community partners.

Clauses relating to employment and Statutory Sick Pay (SSP)

- Statutory Sick Pay: funding of employers' liabilities and suspension of waiting days

UK Government has said that it wants to ensure that small and medium enterprises (SMEs) receive financial support where they incur SSP costs due to absences relating to coronavirus, and will therefore allow SSP to be recovered.

The provisions in the Bill will allow for a rebate to be paid to employers to refund employers the costs of SSP for absences relating to coronavirus. The rebate will be capped at two weeks per employee.

The provisions in the Bill will also allow the government to temporarily suspend the first three waiting days of SSP. Those who are ill due to coronavirus will be paid from the first day of illness.

The Impact on Housing Associations

This will allow housing associations to cover the cost of SSP for employees affected by Coronavirus, reducing the financial burden on the employer.

However, further announcements outside of this legislation are expected from UK Government on how they will support both businesses and employees who are affected by Coronavirus.

The extension of SSP will also provide some certainty to any tenants who are affected by the virus in terms of their income. However, given the levels at which SSP are set, many tenants will see a drop-off on income regardless and may suffer financial hardship as a result.



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