



Julie Morgan MS

Senedd Cymru  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

11 November 2020

Dear Julie

In our meetings of April 23 and April 30 which were also attended by Jon Luxton, I expressed my concerns regarding the changes to care provision outlined in the Coronavirus Act 2020 Schedule 12 Part 2, so I was very pleased to discover that you were holding a consultation exercise regarding possible changes. I would like to take this opportunity to share my views.

**My concerns are as follows:**

Schedule 12 of the Coronavirus Act Part 2, removes the Duty Local Authorities have to provide care, transforming this Duty into a power, thus making the provision of care a choice. This negates most of the positive developments since 1968, including some of the most progressive elements of our own Social Services and Well-being (Wales) Act.

The removal of LA's Duty to assess and support disabled people and their personal assistants, is I believe draconian, as it removes some of the most crucial and basic civil and human rights that are central to the lives of many disabled people.

Through discussions at the Disability Forum, it is clear that disabled leaders are united in their opposition to Schedule 12 of the Coronavirus Act Part 2, and want it removed.

At times of crises, all civil and human rights must be protected. That is a principle that we all fully agree with, and yet we passed an Act which singles out disabled peoples' most basic rights as something that can be switched off when expedient to do so.

When the crisis is over, it is highly likely that the Coronavirus Act will be rescinded. If we only act at this point, moving on from this and regenerating trust from disabled people will be extremely difficult. However, by removing Schedule 12 of the Coronavirus Act now, we will be correcting an error, thus showing strong public leadership, and evidencing that we are guided by our firm socialist ideals.

**Scottish Government and Northern Ireland Executive responses to the potential crises in the provision of care.**

While across all the nations there were fears that LAs would not have the capacity to support the delivery of care, the reality of our experience has been different. While Wales and England travelled the same route (with the exception that we had better guidance in Wales), the Scottish Government and the NI Executive behaved very differently with neither removing the duty to

provide support to disabled people and their personal assistants, thus proving that Schedule 12 of the Coronavirus Act was never an inevitable choice.

### **Coronavirus Act Schedule 8 - Mental Health: England and Wales**

In addition to the main thrust of this letter, submissions have been made outlining the civil liberty issues caused through the adoption of the Coronavirus Act Schedule 8. Concerns centre around the changes that allow for an individual to be compulsory admitted to hospital for assessment or treatment on the recommendation of a single appropriate clinician. The mental health system has a history of inappropriate responses to BAME and disabled people, so the removal of the need for a second clinical assessment removes an important check and balance.

### **In summery**

My support for the removal of Schedule 12 Part 2 of the Coronavirus Act does not derive from the knowledge that it was not an inevitable choice, nor from the utilitarian perspective in that it has not been needed so why keep it, my support for its removal comes from a belief that it was a mistake as it is not compatible with our civil and human rights principles.

Yours Sincerely,

**Personal Data**

**Jane Hutt AS/MS**

Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip