The Coronavirus Act
Your Questions Answered

This document will be updated regularly to keep pace with developments as they happen. This is Version One, Published on the 31st March 2020.

Why is there a Coronavirus Act?
The Act is designed to strengthen the government’s response to Covid-19. This includes measures to reduce the spread of the disease, protect vulnerable people, care for those who require hospital treatment and keep essential services running.

Constitution Secretary Michael Russell said:

“It is only because of the extraordinary public health challenge confronting us, as a result of the global pandemic, that these measures have had to be considered”1

Does this apply to Scotland?
Yes, the Act covers all 4 nations. Some of the actions in it don’t apply to Scotland, as they relate to English law. Other parts of it are specific to Scotland, including some actions relating to The Carers (Scotland) Act 2016 and the Social Care (Self-directed Support) (Scotland) Act 2013.

What is contained in the Coronavirus Act?
The Act sets out actions in 5 areas. These actions will only be taken when required and for as short a time as necessary.

This is a summary of some of the key measures:

1. Measures to increase the care workforce.
   • This includes emergency registration for retired professionals and students who are about to qualify.
   • The introduction of emergency volunteer leave.

2. Easing the burden on frontline staff by reducing admin tasks and suspending some of their current duties.
   • Not everyone who requests an Adult Carer Support Plan, a Young Carer Statement, or a needs assessment will receive one. This is in order to free up resources for local services to prioritise people with the greatest needs and to avoid any unnecessary delay in providing support.
   • Changes to mental health legislation, including removal of time limits for treatment and changes to the powers needed to detain and treat patients.

3. Containing and Slowing the Virus

1 Constitution Secretary Michael Russell, Statement to the Scottish Parliament, 19th March
• Restricting and prohibiting events and gatherings
• Closing schools and childcare facilities
• The ability for Scotland to make its own regulations for additional measures to delay and prevent the spread of the virus

4. Managing the deceased with respect and dignity
• Measures to enable the death management system to deal with increased demand for its services

5. Supporting People
• Payment of Statutory Sick Pay from the first day people are off work
• Employers of less than 250 people can reclaim Statutory Sick Pay for sickness absences related to coronavirus

To read more about the contents of the Act you can download further information here

Is this law yet?
The Act received Royal assent on the 25th March, which means it is now law.

The government is currently writing guidance to accompany the Act, which will set out in greater detail how these measures will work in practice.

This Act works slightly differently to most other legislation because the measures set out in it can be switched on and off depending on when they are needed. It is also time-limited to 2 years.

When will the measures be switched on and for how long?
Constitution Secretary Michael Russell said:

“These are emergency powers that will be in force temporarily and only used if required”.

Although legislation will be in place for an initial period of two years, this could be shortened or lengthened by regulations, and it will be reviewed as a whole every six months.

Where matters are devolved in Scotland, including the provision of health and social care, the Scottish Government will decide when measures will come into force. It is even possible that different areas in Scotland could have different measures in force at different times, to enable local areas to respond effectively to local issues.

Are there any measures in the Act specifically relating to carers
Yes, the Act temporarily relaxes the duty in the Carers (Scotland) Act 2016 which provides all carers with the right to an Adult Carer Support Plan or a Young Carer Statement.

It also relaxes the duty to provide a needs assessment for people who require care.

This means that as a temporary measure, local authorities do not have to undertake a full assessment for carers, or the people they care for. This is to enable local authorities to prioritise people with the greatest needs and to avoid any unnecessary delay in providing support.
These measures haven’t been switched on yet in Scotland, we will let you know when this happens

**How will this change the way carers get support**

Local authorities will 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. The duty to provide social care support and carer support will remain in place.

Constitution Secretary Michael Russell said:

> “The bill does not remove the obligation on local authorities to provide care; it removes the obligation to undertake a full assessment, if that assessment cannot be undertaken in such a way that will expedite the delivery of social care. If there is a difficulty in the bureaucratic system, the provision will reduce that”

Where carers require support, they should still contact their local carers centre or their local authority

**Will Scotland be developing its own legislation?**

Yes, Scotland is intending to develop its own coronavirus legislation which will cover further issues that are devolved to Scotland.

This will be developed in the Spring.

We will keep you up to date with developments.

**How will the Act be regulated and monitored?**

Constitution Secretary Michael Russell said:

> “I make a commitment here today that we will institute, after discussion across the Parliament, appropriate reporting on how and when the powers in the bill have been used by the Scottish Government and in our own further emergency Coronavirus legislation. .... We will embed such reporting and renewal - including on our use of provisions in the UK Bill - in law.”

**Further Information**

Claire Cairns, The Coalition of Carers in Scotland coalition@carersnet.org

Fiona Collie, Carers Scotland fiona.collie@carerscotland.org

Suzanne Munday, MECOPP suzanne@mecopp.org.uk

Paul Traynor, Carers Trust, ptraynor@carers.org

Kate Hogarth, Shared Care Scotland, Kate.Hogarth@sharedcarescotland.com