

Briefing for roundtable: Legal and advice sector response on Covid 19 Pandemic

The current public health crisis and global impact of the COVID-19 pandemic is an unprecedented event with both short and long-term consequences, including a wide range of social and legal issues for people in their everyday lives, and interventions by Governments. It also presents a huge challenge to advice and free legal services and support organisations.

This forum is intended to bring together organisations from the voluntary and legal sectors with the following purpose:

- to identify legal needs arising from the health crisis;
- to monitor and review the impact for providers of legal information, support, advice and representation;
- to consider responses and recommendations to help address the above needs, including and potential policy recommendations (to Government and others);
- to inform and support the mobilisation and co-ordination of the advice sector, legal aid, charities, volunteer lawyers and legal professionals, for people with legal and advice needs;
- as part of that mobilisation, to encourage sector-wide collaborations, initiatives and technology driven solutions - sharing information, resources and learning.

Briefing on policy and legislative interventions

Over the past few weeks there have been unprecedented policy interventions as part of the Government's public health effort to slow the outbreak, introduce social distancing, restrictions on normal activity and travel, and home-working and remote platform working for all but the most essential/necessary face-to-face and consumer services. These measures have included:-

Legislative

Key provisions are:-

- The Health Protection (Coronavirus) Regulations 2020, an SI under the Public Health (Control of Disease) Act 1984, gives powers to enforce quarantine measures; the 1984 Act as amended by the Health and Social Care Act 2008 give powers of the secretary of state for health, local authorities and magistrates to order compulsory health measures.
- The Coronavirus Bill will give the government discretionary powers to limit or suspend public gatherings, to detain individuals suspected to be infected, and to intervene or relax regulations in a range of sectors to limit transmission of the disease, ease the burden on public health services, and assist healthcare workers and those economically affected. Areas covered by the bill include the National Health Service, social care, schools, police, Border Force, local councils, funerals and courts. There are sections aimed at reducing pressures

on frontline sectors, for example by relaxing rules around detention under mental health laws and increasing the use of audio and video links in courts.

- It is speculated that following the Government's announcement on 23rd March, the Government may invoke emergency powers under Part 2 of the Civil Contingencies Act 2004, which allows the Government to make regulations to deal with an emergency that “threatens serious damage to human welfare” and to amend or suspend legislation. Regulations made under the Act may have a potentially wide scope, including powers to:
 - prohibit or require the movement of people to or from specified places;
 - prohibit assemblies of certain kinds; and
 - create offences of failing to comply with the regulations.

Government Departments have also introduced a range of operational measures and economic interventions, some of which are intended to mitigate the disruption of lives, protect vulnerable people, and provide support to employers, businesses and charities.

DWP & HMRC. Changes to benefits & tax system

- Suspension of requirements for jobcentre appointments in claiming benefits
- Reviews and reassessments for disability benefits suspended for the next three months
- Adjustments to statutory sick pay, with costs to employers partially underwritten by Government
- Increase in standard Universal Credit (and working tax credits) of £20 per week

BEIS & HM Treasury

- Government to pay 80% of salary for staff kept in by their employer, covering £2,500 per month
- A refund scheme for statutory sick pay
- Interest free cash grants to small businesses, a loan scheme for SMEs, and a Corporate Financing Facility for larger businesses transferring short term debt from companies to the Bank of England
- VAT payments by business deferred until June
- Business rates holiday
- The Finance Conduct Authority have requested that mortgage lenders provide a 3 month mortgage holiday and stop all repossession actions

Ministry of Justice

- All new trials postponed, and existing listed crown court cases expected to take more than three days are postponed
- Social distancing and hygiene measures in court and in court buildings
- Expand telephone and video hearings during the Coronavirus outbreak for all proceedings that can be dealt with in this way

- Reduced administrative requirements from the Legal Aid Agency

Department of Health

- Various measures to increase hospital inpatient and critical care capacity, including early discharge, postponement of non-urgent surgery, workforce redeployment etc.
- Enhanced primary care triage measures (most primary care services no longer doing face to face)
- Local authorities in conjunction with their Local Resilience Forums (LRFs) to have lead responsibility for overseeing support for older and vulnerable people isolated at home over the coming months. Community health services and voluntary organisations should engage with LRFs on how to do this.

Communities and Local Government

- Activate existing requirements for Councils to have emergency plans
- £3 billion extra funding for adult social services
- Emergency legislation promised to suspend new evictions from social or private rented accommodation while this national emergency is taking place
- No new possession proceedings through applications to the court to start during the crisis
- £3.2 million emergency support for rough sleepers
- Landlords to be protected as 3 month mortgage payment holiday is extended to Buy to Let mortgages (see above)

Key challenges

- Increased unemployment and potential long-term impacts for the labour market
- Gig economy workers and the informal economy
- Potential for significant disruption in essential services supply chains
- Support for older isolated people in the community
- Food poverty or accessibility issues (note food relief operations like Foodbanks etc are set up to tackle food poverty, not food inaccessibility).
- Digital exclusion (in accessing advice, legal but also other essential services)
- Human rights and civil liberties issues
- Voluntary sector response - a big volunteer mobilisation is expected and encouraged by Government; however budgetary measures (which have focussed on SME support) have not so far included a dedicated financial resource to charities support this. See DCMS press release on Government work with the voluntary sector
www.gov.uk/government/news/culture-secretary-works-with-charities-to-galvanise-covid-19-volunteers