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PUBLIC

To: Members of Cabinet Member - Adult Care

Tuesday, 17 August 2021

Dear Councillor,

Please attend a meeting of the **Cabinet Member - Adult Care** to be held at **10.30 am** on **Wednesday, 25 August 2021** in Members Room, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

5. Distribution of the Infection Control Fund and Rapid Testing Fund Grants 2021/22 (Pages 1 - 8)

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Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER

25 August 2021

**Report of the Executive Director of Adult Social Care and Health
Distribution of the Infection Control Fund and Rapid Testing Fund
Grants 2021/22**

(Adult Care)

1. Divisions Affected

Not applicable as this paper relates to grant payments to provider services.

2. Key Decision

This is not a Key Decision.

3. Purpose

The purpose of this report is to:

- notify the Cabinet Member of the distribution of the Adult Social Care Infection Control and Testing Fund ring-fenced grant 2021 (ICTF) for eligible expenditure for the period 1 April to 30 June 2021.
- seek approval for the distribution of the Adult Social Care Extension to Infection Control and Testing Fund ring-fenced grant 2021 (EICTF) for the period 1 July to 30 September 2021.

4. Information and Analysis

4.1 Background

The Adult Social Care Infection Control Fund was first introduced in May 2020 to support adult social care providers in England with infection prevention and control. The Rapid Testing Fund was introduced in January 2021 to support additional rapid lateral flow testing of staff in care homes, and enable indoors, close contact visiting where possible.

Due to the success of the Infection Control Fund and the Rapid Testing Fund in supporting care providers to reduce transmission and re-enabling close contact visiting, these funding streams have been consolidated and extended until June 2021.

The Department of Health and Social Care (DHSC) has provided the ICTF grant, and more recently the EICTF grant to the Council to support adult social care providers, including those with whom the local authority does not have a contract:

- i. to reduce the rate of COVID-19 transmission within and between care settings through effective infection prevention and control practices and increase uptake of staff vaccination; and
- ii. to conduct additional rapid testing of staff and visitors in care homes, high-risk supported living and extra care settings, to enable close contact visiting where possible

The DHSC requested that local authorities distributed the grants to eligible care providers who satisfied the conditions of the respective grants.

This funding was initially for the period 1 April 2021 to 30 June 2021, but has since been extended via the EICTF for a further three months to cover the period 1 July 2021 to 30 September 2021.

The grant conditions include a clause that all unspent monies at the end of each relevant period (ICTF: 30 June 2021 and extended ICTF: 30 September 2021) are to be returned to the DHSC.

4.2 Grant for April to June 2021

The total grant allocated was £5.293m (£3.170m for Infection Prevention and Control [IPC] and £2.123m for Rapid Testing [RT]). The initial allocation, totalling £3.570m was distributed directly to providers as follows:

- 70% of the infection prevention and control allocation to care homes on a 'per beds' basis, and CQC-regulated community care providers on a 'per user' basis, within the Council's geographical area including providers with whom the Council does not have existing contracts; and
- 60% of the rapid testing allocation to care homes on a 'per beds' basis within the Council's geographical area including providers with whom the Council does not have existing contracts.

Distribution of the remaining 30% of the infection prevention and control allocation could be distributed at the Council's discretion and could be directed to other COVID-19 infection prevention and control measures; this could include providing support to a broader range of care settings, supporting providers who faced increased infection control costs as a consequence of their circumstances or effects of the pandemic and wider measures to boost the resilience and supply of the adult social care workforce to support effective infection control.

Distribution of the remaining 40% of the rapid testing allocation could be distributed at the Council's discretion to support the sector to operationally deliver lateral flow testing.

Due to the tight timescales for the distribution of the balance of £1.723m, the Executive Director of Adult Social Care and Health took an officer decision to distribute the discretionary payments using the same methodology as the non-discretionary payments as outlined above.

All payments were made in accordance with the Grant conditions which are set out in the detail within Annexes A and C to the Adult Social Care Infection Control and Testing Fund: local authority circular.

4.3 Grant for July to September 2021

The DHSC has announced a further grant which is referred to as the Extension to Infection Control and Testing Fund (EICTF). This extends the funding stream to September 2021, with two distinct allocations of funding, an allocation of £2.238m for the Infection, Prevention and Control funding (IPC) and £1.697m for the Testing Funding (TF).

70% of the infection prevention and control allocation is expected to be distributed as follows:

- to care homes, including residential drug and alcohol services, within the local authority's geographical area on a 'per bed' basis
- to CQC-regulated community care providers (domiciliary care, extra care and supported living) within the local authority's geographical area on a 'per user' basis
-

The direct funding portion of the testing allocation of £1.232m is expected to be distributed to care homes, including residential drug and alcohol services, within the local authority's geographical area on a 'per beds' basis.

Distribution of the remaining 30% of the infection prevention and control allocation must be distributed at the Council's discretion to put in place other COVID-19 infection control measures. The DHSC specifically advise that it would like local authorities to consider using this fund to put in place infection prevention and control measures to support the resumption of services, including those providers who may be facing more significant infection prevention and control costs.

Distribution of the discretionary allocation of the testing funding allocation (£0.466m) to support the care sector to operationally deliver testing. This now extends to include support to community care providers for costs associated with PCR testing (whereas previously this was part of the passported Infection Prevention Control Fund within the previous ICTF). The EICTF Guidance specifically asks local authorities to use this allocation to provide funding to community care providers for that purpose.

The payments are to be made subject to the providers meeting the conditions stated within the Adult Social Care Extension to Infection Control and Testing Fund Ring-Fenced Grant 2021 Guidance.

It is requested that approval be given to the distribution of the discretionary allocation of the testing funding of £0.466m solely to community providers, as otherwise they would not receive any funding towards the cost of covid testing from this grant; and the distribution of the discretionary infection prevention and control allocation of £0.671m solely to residential providers to offset the loss of the discretionary element of the testing fund.

5. Alternative Options Considered

- 5.1 The discretionary element of the testing funding could be distributed using the same methodology as for the non-discretionary 70%. However, this would mean that there was no testing funding available for home care providers, who have stated that this is now one of their largest cost pressures. A distribution to home care providers is also in accordance with the DHSC Guidance.
- 5.2 A further alternative would be to use the discretionary element to support the resumption of services. However, we have continued to fund closed services (mainly day services) from council funds, so any services that are still closed have not been reopened due to assessed Covid risks rather than through a lack of funding.

6. Implications

- 6.1 These additional grant payments to providers will help to cover additional costs associated with infection control and the requirement for testing of care staff and visitors. The grant payments seek to reduce the rate of COVID-19 transmission within and between care settings and seek to enable close contact visiting where possible.

7. Background Papers

- 7.1 Held on file within the Commissioning, Communities and Policy Department. Officer contact – Graham Woodhouse

8. Appendices

- 8.1 Appendix 1 - Considerations

9. Recommendation

- 9.1 That the Cabinet Member notes the distribution of the infection prevention and control and rapid testing allocation for April to June 2021 from the Adult Social Care Infection Control and Testing Fund.
- 9.2 That the Cabinet Member approves the distribution of the infection prevention and control and testing funding allocation from the Adult Social Care Extension to Infection Control and Testing Fund for July to September 2021.

10. Reasons for Recommendation

10.1 70% of the fund has to be distributed as per the grant conditions. With the 30% balance being used at the Council's discretion to seek to reduce the rate of COVID-19 transmission within and between care settings and seek to enable close contact visiting where possible.

11. Is it necessary to waive the call-in period?

11.1 No

Report Author: Graham Woodhouse, Head of Client Financial Services

Contact details: 01629 532104

Implications

a) Financial

As detailed in the report

b) Legal

The Care Act 2014 places a duty on the Council to promote an efficient and effective market. In performing that duty, the Council must have regard to the importance of ensuring the sustainability of the market.

Funding has been and will be paid as a Section 31 Local Government Act 2003 grant ring fenced exclusively for actions which support care homes and CQC-regulated community care providers mainly to tackle the risk of COVID-19 infections and enable close-contact visiting. Conditions are attached in accordance with s31(4), [Annex C: grant conditions - GOV.UK \(www.gov.uk\)](#) as regards the Infection Control and Testing Fund and [Adult Social Care Infection Control and Testing Fund 2021 \(publishing.service.gov.uk\)](#) for the Extension to Infection Control and Testing Fund

From 1 January, the government is no longer bound by the EU state aid rules. Guidance was published by the Department for Business, Energy and Industrial Strategy on 31 December on complying with the UK's international obligations on subsidy control. DHSC considers that this grant, and the measures it is intended to support as specified in annex C are consistent with the UK's international obligations on subsidy control. This is because the measures will help detect COVID-19, hence reducing its incidence and spread, and are over and above that which care providers would normally be expected to provide. Due to their potential to limit the transmission of COVID-19 and therefore prevent loss of life, these measures are of particular importance to care users, workers and their families, as well as being in the general public interest. Furthermore, without intervention they would not be provided by the market at the level or quality required, and thus to secure their provision, compensation needs to be provided to incentivise an undertaking or set of undertakings.

c) Equality and Diversity

Providers are required to adhere to Derbyshire County Council's Equal Opportunities policies. The Council also encourages Providers to gain the Derbyshire Respect and Dignity Award.

d) Other

In preparing this report the relevance of the following factors has been considered: human resources, health, environmental, transport, and crime and disorder considerations.