

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER**

**25 June 2020**

**Report of the Executive Director for Adult Social Care and Health**

**ADULT SOCIAL CARE INFECTION CONTROL FUND**

**ADULT CARE**

**1. Purpose of the Report**

To seek Cabinet Member approval to distribute the remaining 25% of the first tranche of the infection control fund allocated to home care and care home providers.

**2. Information and Analysis**

**2.1 Background**

On the 22 May 2020, the Minister of State for Care wrote to local authorities setting out details of how a new Infection Control Fund should be used. This funding will be paid as a Section 31 grant ring fenced exclusively for actions which support care homes and domiciliary care providers which must only be used by them to tackle the risks of COVID-19 infections.

For Derbyshire the total fund is £9.741m, with the first tranche of two instalments equating to £4.870m.

75% of each instalment is to be paid to care homes providers on a “per bed” basis with no distinction to be made whether the local authority has a contract with the provider or not. Payments have already been made and providers are now submitting their declarations that they will use the funds in line with the grant criteria.

**Allocating the remaining 25% of the fund**

The local authority has the discretion to target the allocation of the remaining 25% of the funding to care homes or to domiciliary care providers and to

support wider workforce resilience. The funding must only be used for infection control purposes. It should not be used for fee uplift.

Payment is subject to the Provider having completed the Capacity Tracker at least once and being committed to completing the Tracker on a consistent basis. The local authority must remain satisfied at all times that the funding is being used for infection control purposes.

Providers must account for all payments paid out of their allocation and keep appropriate records which must be produced to the local authority upon request. The first tranche of funding has to be allocated by the Council by 26 June 2020.

The Chair of the Scrutiny Committee (People) has been consulted and has agreed that the report is properly an urgent one and cannot reasonably be deferred until the next meeting in light of when the measure were announced, the steps that local authorities are required to take, and the pending deadline.

## **2.2 Proposed Actions**

It is proposed to apportion the remaining 25% of the fund as follows:

- Care Homes - allocated on a registered CQC bed basis at £75.73 per bed. This will mean the whole care home market is treated the same. As with the 75% the fund must be used on Covid-19 infection control measures and may be used towards cleaning and the provision of PPE
- Home Care and Supported Living – whilst the majority of the market is contracted for by the Council, it is proposed to pay all providers a flat rate of £183.87 per client. This will mean the whole market is treated the same. Providers will be advised this funding must be used on Covid-19 infection control measures; and may be used towards cleaning and the provision of PPE

Home Care providers will also be asked as part of their receipt of these funds to ensure that they complete the CQC provider tracker. We have been advised that the take up rate in Derbyshire is 60%. This tracker was introduced to provide CQC and government with an overview of Home Care activity across the country. Providers will be asked to provide feedback on this funding allocation in readiness for the distribution of the second tranche of 25%.

## **2.3 Business Continuity**

It is worth noting that there is an inherent risk that if additional payments are not made that the sustainability of individual services may be put at risk. Over

half of the providers commissioned to provide care on behalf of Adult Social Care have made requests for funding to assist with meeting additional costs including spiralling costs of Personal Protective Equipment (PPE) and meeting the costs associated with backfilling self –isolating staff with agency workers and the additional staffing needed to care for people who are self-isolating, especially in a care home setting.

The Executive Director of Adult Social Care and Health notes that following discussion and agreement with the Director of Finance and ICT and Cabinet Member for Adult Care it was agreed to make additional temporary payments of 10% on fee rates for May and June 2020. This decision was made following Cabinet approval on the 23 April 2020 to make temporary payments of 10% extra to care homes and home care providers to cover additional costs associated with the impact of Covid 19. Cabinet also agreed at that time that the Executive Director of Adult Social Care and Health would have delegated powers to make a decision about additional temporary funding for May and June 2020 following discussion and agreement with the Director of Finance and ICT and Cabinet Member for Adult Care. The total payment over the three months was £4.238m.

### 3. Financial Considerations

The following table describes the funding allocated to the Council

Total Allocation	9,740,972
1st Tranche (50%)	4,870,486
Less; 75% Passported for CQC-Registered Beds	
Independent Sector	3,168,180
In House	387,479
<b>Balance Available (25%)</b>	<b>1,314,827</b>

As proposed the above available funding of £1.324m will then be distributed to care homes and home care providers operating in Derbyshire as set out below:

	No of Clients	£ per Client	No of Beds	£ per Bed	Total £
Residential and Nursing			6,582	75.73	498,461
Ind Dom Servs	3,347	183.87			615,400
Non-Contracted Home Care	265	183.87			48,725

Supported Living	828	183.87	152,241
			<b>1,314,827</b>

#### **4. Legal Considerations**

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.

Due regard has been given to the Department of Health & Social Care's Guidance About the Adult Social Care Infection Control Fund published 9 June 2020 and the Local Authority Circular: Adult Social Care Infection Control Fund ring-fenced Grant 2020.

Whilst support provided by the Adult Social Care Infection Control Fund may constitute state aid, in relation to funding to residential care providers to implement COVID-19 infection control measures, the Department of Health and Social Care (DHSC) considers that such funding is covered by the Services of General Economic Interest Decision (SGEI) 2012/21/EU and therefore, such funding does not amount to state aid. This is because the measures will help reduce the incidence and spread of COVID-19 and are over and above that which care providers would normally be expected to provide and are of particular importance to and are in the interest of care home residents, workers and their families and the general public.

#### **5. Equality and Diversity Considerations**

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.

#### **6. Other Considerations**

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

#### **7. Key Decision**

No

**8. Is it necessary to waive the call-in period in respect of any decisions proposed in the report? Yes**

The Cabinet Member is intended to treat this report as urgent and is, therefore, not subject to call in in view of the need to meet the deadline for distribution of the funding .The Chair of the Scrutiny Committee (People) has been consulted and he has agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

### **9. Officer's Recommendation**

That Cabinet Member agrees to distribute 25% of the first tranche of the nationally distributed adult social care infection control fund to the following:

- £75.73 per care quality commission registered care bed
- £183.87 per home care client including non-contracted care

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