

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER

6 August 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 second 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 second tranche of two instalments equating to £4.870m.

75% of each instalment 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 have submitted their declarations that they will use the funds in line with the grant criteria.

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 had to be allocated by the Council by 26 June 2020.

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 any fee uplift.

Any unallocated funding from the 75% of the second tranche will be added to the 25% of funding available to be distributed as described below.

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 £82.35 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 £192.16 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

These funding levels may increase if further providers turn down their allocation from the 75% of the second tranche as per the grant conditions.

Home Care providers will also be asked as part of their receipt of these funds to ensure that they complete the CQC provider tracker. This tracker was introduced to provide CQC and government with an overview of Home Care activity across the country.

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. 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.

3. Financial Considerations

The following table describes the funding allocated to the Council

Total Allocation	9,740,972
Adjusted 1st Tranche	4,791,801
Less; 75% Passported for CQC-Registered Beds	
Independent Sector	3,147,964
In House	395,330
Balance Available (25%)	1,405,877

As proposed the above available funding of £1.406m 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			6,534	82.35	538,061
Ind Dom Servs	3,989	192.16			766,545
Supported Living	527	192.16			101,271
					1,405,877

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 second tranche of the nationally distributed adult social care infection control fund to the following:

- £82.35 per care quality commission registered care bed
- £192.16 per home care and supported living client including non-contracted care.

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