

**DERBYSHIRE COUNTY COUNCIL
OFFICER DECISION AND DECISION REVIEW RECORD**

Officer: Helen Jones <i>*For emergency powers, this would be the Executive Director</i>		Service: Adult Social Care and Health
Delegated Power Being Exercised: Emergency Powers <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	<p>Agreement required to enable the Council to distribute the following two Department of Health and Social Care (DHSC) Grants to eligible care providers:</p> <ul style="list-style-type: none"> • Adult Social Care Rapid Testing Fund • Workforce Capacity Grant for Adult Social Care 	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	<p>Yes</p> <p>If yes, Pam Greaves will notify Democratic Services in relation to Key Decisions following approval of the ODR by SMT and CMT and a Cabinet Report is being developed.</p>	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	<p>Approval that the Council can distribute the two Department of Health and Social Care (DHSC) Grants to eligible care providers:</p> <ul style="list-style-type: none"> • Adult Social Care Rapid Testing Fund • Workforce Capacity Grant for Adult Social Care <p>Adult Social Care Rapid Testing Fund The main purpose of this funding is to support additional rapid testing of staff in care homes, and to support visiting professionals and enable indoors, close contact visiting where possible. A deadline of Friday 12th February has been set for receipt of declarations and it is recommended that any balance remaining (unallocated) will be distributed to Care Home providers based on the per bed rate allocation from the initial 80% allocation. Any underspend at 31 March 2021 will have to be returned to DHSC.</p> <p>Workforce Capacity Grant for Adult Social Care The purpose of this funding is to enable local authorities to deliver measures to supplement and strengthen adult social care staff capacity to ensure that safe and continuous care is achieved. DHSC's expectation is that the grant will be fully spent on staffing capacity measures and that the expenditure be incurred between 16 January and 31 March 2021.</p> <p>It is recommended that when the Council receives the remaining 30% balance of the grant, that this is combined with any unclaimed element of the first 70% allocation, to be</p>	

	<p>distributed in March 2021 to all providers who completed the declaration by the specified deadline.</p> <p><u>Review process</u> SMT and CMT will be advised of the final allocation of funds before reporting back to DCHS.</p>
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.</p>	<ul style="list-style-type: none"> • Adult Social Care Rapid Testing Fund • Workforce Capacity Grant for Adult Social Care <p>A decision is required to enable the Council to distribute the funds from these two grants before 31st March 2021. These funds are required to be distributed to providers so that they can use the funds before this deadline otherwise any underspend will need to be returned to DCHS.</p> <p>Both sets of funds will contribute to helping local social care providers being able to respond positively to challenges of COVID 19 and the impact on service delivery.</p> <p>Due to the tight timescale involved, it is recommended that a declaration form be sent to all care providers with a deadline of Friday 26th February and that the 70% proportion, less the £378,944 for the above DCC measures, is distributed using the Government apportionments.</p> <p>It is recommended that when the Council receives the remaining 30% balance of the grant, that this is combined with any unclaimed element of the first 70% allocation, to be distributed in March 2021 to all providers who completed the declaration by the specified deadline.</p>
<p>Alternative Options Considered (if appropriate) and reasons for rejection of other options</p>	<p>DHSC has specified the Grant Conditions for both funds and the Council is therefore unable to propose alternatives.</p>
<p>Has a risk assessment been conducted - if so what are the potential adverse impacts identified and how will these be mitigated</p>	<p>Yes</p> <p>Failure to distribute the funds will result in</p> <ul style="list-style-type: none"> • Paying all the grant back to DHSC • This would require explanation to Government Department • Failure to pay Providers that have been publicly assured the funding will be shared with them to assist with managing impact of COVID 19 would result in complaints and media interest. • Potentially undermine the effectiveness of the market, potentially resulting in greater service risk.
<p>Would the decision normally have been the subject of consultation with service users and the public. If so, explain why this is not practicable and the steps that</p>	<p>No</p> <p>Distribution of Grants following Government Guidance</p>

<p>have or will be taken to communicate the decision</p>	
<p>Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?</p>	<p>No Funds will be evenly distributed between providers using a methodology described within the guidance. For care homes this is a standard payment per registered care bed for home care this is a standard payment per recorded client.</p>
<p>Background/Reports/Information considered and attached (including Legal, HR, Financial and other considerations as required))</p>	<p>Adult Social Care Rapid Testing Fund The main purpose of this funding is to support additional rapid testing of staff in care homes, and to support visiting professionals and enable indoors, close contact visiting where possible. This includes adult social care providers with whom the local authority does not have a contract.</p> <p>Workforce Capacity Grant for Adult Social Care The purpose of this funding is to enable local authorities to deliver measures to supplement and strengthen adult social care staff capacity to ensure that safe and continuous care is achieved. The first payment of £1,269,557 (70%) has been received and the balance of £544,096 (30%) is due in March on the condition that the Council has completed a return to the DHSC by 12th February. DHSC's expectation is that the grant will be fully spent on staffing capacity measures and that the expenditure be incurred between 16 January and 31 March 2021. The funding must be used to deliver new or additional measures which support the purpose of the fund. The funding can be used to increase activities which deliver additional workforce capacity where these exist within the local authority or with social care providers.</p> <p>Local authorities can use this funding to deliver measures that help all providers of adult social care in their geographical area, this includes care home and home care, and with organisations providing care who may not be registered with the Care Quality Commission (CQC).</p> <p>Local authorities can also choose to passport funding directly to a care provider to deliver measures that increase staffing capacity within their organisation, however they should ensure funding is only given to a provider that is registered with the CQC. As with the other grant, any underspend as at 31st March will have to be returned to the DHSC.</p> <p>Following Adult Social Care SMT it is recommended that the Council should spend part of the funding on the following:</p>

- Increase the number of designated care beds at Castle Court by 3 to enable the Council to support people who are COVID 19 Positive whilst they undertake the self-isolation period.
- Increase the Community Care offer by 6 beds (2 each in The Grange, Oaklands and Thomas Fields)
- Create 18 overflow beds (10 at Ada Belfield and 8 at Whitestones)
- Block booking agency staff for the remainder of 2020/21
- Social Media campaign to attract people to work in social care

It is estimated that the above measures will cost £378,944.

Equality implications

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.

Principal Social Worker

Satisfied that these decisions have been made with due regard for the Department of Health and Social Care Ethical Framework. Funds will be evenly distributed and will help adult social care provide necessary and statutory services and promote safe contact to support the wellbeing of those in care settings.

Finance

Adult Social Care Rapid Testing Fund

The Council is in receipt of £1,424,978 from DHSC and are required to distribute this to providers that sign a declaration that they will spend the funds against the defined Grant criteria and maintain a record of the spend to facilitate external audit. Any failure to spend funds on eligible activity will be recovered by the Council and either redistributed to other eligible providers or returned to DHSC.

We are currently in the process of distributing this grant funding to meet DHSC grant condition requirements; the current position is:

Distributed to Date	1,424,978
Pending Payments	117,924
Allocation with no declaration rec'd	<u>398,412###</u>
Total 80% allocation	1,941,318
20% allocation - distribution to be decided	<u>485,329###</u>
Total Grant	<u>2,426,647</u>

Total currently Unallocated 883,745

The Total unallocated is expected to reduce over the next few days as late provider declarations are received noting their agreement to receive and spend the funds on eligible activity.

	<p>A deadline of Friday 12th February has been set for receipt of declarations and it is recommended that any balance remaining (unallocated) will be distributed to Care Home providers based on the per bed rate allocation from the initial 80% allocation. Any underspend at 31 March 2021 will have to be returned to DHSC.</p> <p>Legal considerations</p> <p>The Council’s Constitution provides that “notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.”</p> <p>The Improvement and Scrutiny Procedure Rules states: “13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public interest. All reports recommending that decisions be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency should be reported to the next available meeting of the Council, together with the reasons for urgency.”</p> <p>In accordance with the Access to Information Procedure Rules, where it is intended to make a key decision in cases of special urgency, then the key decision can only be taken if the decision maker obtains the agreement of the chairman of a relevant Improvement and Scrutiny Committee that the taking of the decision is urgent cannot be reasonably deferred.</p> <p>The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the ‘benefit of the authority, its area or persons resident or present in its area.’ The proposed benefit of this action is to identify those persons identifying as asymptomatic whilst having Covid-19 and to thereby reduce the spread of the infection.</p>
--	--

	<p>Background documents: https://www.gov.uk/government/publications/adult-social-care-rapid-testing-fund/adult-social-care-rapid-testing-fund-guidance</p> <p>https://www.gov.uk/government/publications/workforce-capacity-fund-for-adult-social-care/workforce-capacity-fund-for-adult-social-care</p>
<p>Consultation with relevant Cabinet Member (s) – please note this is obligatory.</p>	<p>Julie Vollar Service Director, briefed Councillor Wharmby on 09.02.21 of the need to urgently agree the distribution of these two Government Grants. This recommendation to ask for urgent approval was agreed.</p>
<p>Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived and key decision to be made without requisite notice – please note this is obligatory in those circumstances</p>	<p>Councillor Musson, chair of Improvement and Scrutiny Committee – People has approved the waiver of the call in due to the urgent nature of the decision required; has agreed special urgency applies and the notice of key decision is not required; and supports the action being taken.</p>
<p>Decision:</p>	<p>To distribute the Department of Health and Social Care (DHSC) Grants to eligible care providers:</p> <p>Adult Social Care Rapid Testing Fund: to support additional rapid testing of staff in care homes, and to support visiting professionals and enable indoors, close contact visiting where possible.</p> <p>Workforce Capacity Grant for Adult Social Care: to enable local authorities to deliver measures to supplement and strengthen adult social care staff capacity to ensure that safe and continuous care is achieved.</p> <p>Date of original decision by CMT: 11 February 2021 Review dates and by which decision making group: Weekly ASC SMT Gold reviews and reporting to CMT Gold</p>
<p>Signature and Date: 15 February 2021</p>  <p>Simon Stevens, Service Director, Adult Social Care (Deputy DASS)</p>	