

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER

3 March 2020

Report of the Executive Director for Adult Social Care and Health

**ADULT SOCIAL CARE RAPID TESTING FUND AND
WORKFORCE CAPACITY GRANT FOR SOCIAL CARE**

ADULT CARE

1. Purpose of the Report

To seek Cabinet Member approval to:

- the distribution of the Adult Social Care Testing Fund to Care Home Providers to assist with introduction of increased testing regime.
- the distribution of the workforce capacity grant for social care to be shared between eligible care homes and home care providers to further assist with meeting the costs associated with provision of infection prevention and control procedures.

2. Information and Analysis

2.1 Background

The Department of Health and Social Care (DHSC) has transferred the following two funds to the Council and requested that the funds are distributed to eligible care providers:

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 to assist with close contact visiting, for instance supporting families to be able to undertake end of life visiting. The grant funding allocated by the Government is to be shared and spent by the Care Homes by 31 March 2021.

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. This grant funding can be used by Care Providers to increase activities which deliver additional workforce capacity. This funding has to be allocated and spent by 31 March 2021.

4. Financial Considerations

The funding allocated to the Council is as follows:

- Adult Social Care Rapid Testing Fund
- The first payment of £1,269,557 (70%) of the Workforce Capacity Grant for Adult Social Care 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.

5. 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.

Whilst support provided by the two funds described in this report may constitute state aid, in relation to funding to care home and community providers to implement measures to respond to the impact of COVID-19 on these services, the Department of Health and Social Care (DHSC) stipulates in general such funding is lawful if it is de minimis and given in relation to a Services of General Economic Interest Decision (SGEI) and made in accordance with Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Art 197 & 108 of the Treaty of the Functioning of European Union to de minimis aid granted to undertakings providing services of general economic interest.

State aid is lawful if it is de minimis state aid and is made in accordance with the Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (the Regulation). Local authorities must comply with the requirements in that regulation and particularly in paragraph 1 of Article 6 when it intends to provide support to a care provider which is paid for from the grant and must not provide the support if to do so means that the aid is not de minimis. Broadly state aid is de minimis if in a 3-year period the undertaking has not received more than 200,000 euros of aid. This is aid from any government source. Accordingly, if aid were found not to fall within the scope of the SGEI Decision or the services it supports found not to constitute

services of general economic interest, it might still be exempted from notification provided it fell below the lower de minimis level provided by these general de minimis provisions (which apply to aid other than that granted in relation to an SGEI).

From 1 January 2021, the government has announced that the UK will no longer be bound by the EU state aid rules. A new UK-wide subsidy control regime will be introduced based on WTO subsidy rules after the end of the transition period. Guidance is expected to be published before the end of the year for public authorities.

6. 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.

7. 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.

8. Key Decision

No

9. 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.

10. Officer's Recommendation

To support

- the distribution of the Adult Social Care Testing Fund to Care Home Providers to assist with introduction of increased testing regime.
- the distribution of the workforce capacity grant for social care to be shared between eligible care homes and home care providers to further assist with

meeting the costs associated with provision of infection prevention and control procedures.

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