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Ask for: Emily Kennedy
Date: 18/11/2020

Dear Member

HEALTH REFORM AND PUBLIC HEALTH CABINET COMMITTEE - FRIDAY, 20 NOVEMBER 2020

I am now able to enclose, for consideration at next Friday, 20 November 2020 meeting of the Health Reform and Public Health Cabinet Committee, the following report(s) that were unavailable when the agenda was printed.

Agenda Item No

9 **20/00105 – Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood (Pages 1 - 4)**

This decision was taken urgently on 23 October 2020 – therefore it needs to come to this Cabinet Committee meeting for noting.

10 **Report of Decision taken between meeting (20/00095) (Pages 5 - 32)**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Watts', is written over a horizontal line.

Benjamin Watts
General Counsel

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From: Clair Bell, Cabinet Member for Adult Social Care and Public Health
Barbara Cooper – Corporate Director for Growth, Environment and Transport
Andrew Scott-Clark - Director of Public Health

To: Health Reform and Public Health Cabinet Committee
20 November 2020

Subject: Decision 20/00105 – Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood

Classification: Unrestricted

Past Pathway of Paper: Cabinet Member Decision

Future Pathway of Paper: N/A

Electoral Divisions: Malling Rural East and Maidstone Rural East

Summary: Decision 20/00105 – Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood was taken via Statutory Urgency procedures, with immediate implementation, on Friday 23 October 2020. It was therefore not possible to allow for Cabinet Committee consideration prior to the decision being taken.

Recommendation:

The Health Reform and Public Health Cabinet Committee is asked to NOTE;

- a. the reason why 20/00105 – Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood was taken without prior Cabinet Committee consideration; and
- b. that consideration of the decision is scheduled for the meeting of the Scrutiny Committee on 27 November.

1. Introduction

- 1.1 This paper reports that Decision 20/00105 was taken without Cabinet Committee consideration. As per section 12.35 of the Constitution, the reason for a Cabinet Member decision having been taken without prior consideration by the relevant Cabinet Committee must be reported to the next meeting of that Committee.

2. Reason why decision 20/00105 was taken between Cabinet Committee Meetings

- 2.1 The decision to issue a local lockdown Direction under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020, via the KCC urgent decision route, was necessary to implement a public health response with immediate effect. The decision was required to prohibit events due to take place from 23 October to 1 November 2020. There was therefore no facility to seek Cabinet Committee consideration prior to the immediate implementation required to deliver an appropriate Public Health response.

3. Conclusions

- 3.1 Full details of the decision, including the formal direction which was issued on 23 October and subsequently revoked via delegated Officer decision, are available online at <https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2412>
- 3.2 The Scrutiny Committee will receive an update on the decision for discussion and consideration by Members, as part of the agreed process for managing local lockdown decisions.

4. Recommendation

The Health Reform and Public Health Cabinet Committee is asked to **note**;

a. the reason why 20/00105 – Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood was taken without prior Cabinet Committee consideration; and

b. that consideration of the decision is scheduled for the meeting of the Scrutiny Committee on 27 November.

5. Background Documents

Decision 20/00105:

- Record of Decision
- Direction (ROD Appendix 1)
- Decision Report
- PH Risk Assessment
- DPH confirmation of advice

Officer decision to Revoke Direction

- Officer ROD

6. Contact details

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From: Clair Bell, Cabinet Member for Adult Social Care and Public Health

Andrew Scott-Clark, Director of Public Health

To: Health Reform and Public Health Cabinet Committee- 20 November 2020

Subject: Decision taken between Cabinet Committee Meetings

Classification: Unrestricted

Past Pathway of Paper: Cabinet Member Decision

Future Pathway of Paper: N/A

Electoral Division: All

Summary: The attached decision was taken between meetings of the Health Reform and Public Health Cabinet Committee as it could not be reasonably deferred to the next programmed meeting of the Cabinet Committee, for the reasons set out below.

Recommendation:

The Health Reform and Public Health Cabinet Committee is asked to note the following decision, which was taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution:

20/00095 – Local authority test and trace service support grant and associated outbreak management funding

1. Introduction

1.1 This paper provides details of the following decision that was taken between meetings of the Health Reform and Public Health Cabinet Committee.

2. Reason for decision 20/00095 to be taken between Cabinet Committee Meetings

2.1 Due to an urgent need to deploy the grant funding to support the mitigation against and management of local outbreaks of the coronavirus (COVID-19) pandemic, including the new local contact tracing service, the decision has been taken between meetings.

3. Background to the decision

- 3.1 A national pandemic has occurred in the form of COVID-19. In response to the pandemic, local authorities, including both upper and lower tiers, have and will continue to incur expenditure to mitigate and manage local outbreaks of the disease.
- 3.2 The Department of Health and Social Care has allocated £6,311,400 to Kent County Council from a new national funding package totalling £300 million. The purpose of the grant is to 'provide support to local authorities in England towards expenditure lawfully incurred or to be incurred in relation to the mitigation against and management of local outbreaks'.
- 3.3 Following the implementation of the Local COVID Alert, the government announced the Contain Outbreak Management Fund to support proactive containment and intervention measures in relation to COVID – 19. Funding levels were due to be assigned to the tiering system, in which local authorities would receive a payment of up to £1 to £8 per head of the population, dependent on the Local COVID Alert Level in place. In line with the national lock down announced on 31st October, KCC has been allocated funding of £12,652,440, equalling the maximum allowance (i.e. £8 per head).
- 3.4 Confirmation of the Contain Outbreak Management Fund allocation for Kent County Council (KCC) was received after the relevant Proposed Record of Decision (PROD) had been published. Therefore, changes have been made accordingly to the Record of Decision (ROD) to specifically reference the new funding (£12.6 million) in the decision. The scope of the decision remains the same as the published PROD.
- 3.5 In alignment with the grant funding conditions and purpose, the funding will be allocated across four overarching categories as described in a newly developed funding framework. This will include allocation of funding to implement a local contact tracing service in support of the national Contact Tracing and Advisory Service (CTAS) delivered by KCC's strategic partner Agilisys. In addition to funding agreements with the 12 district and borough councils to support local delivery in line with need.

4. Decision details

- 4.1 The Cabinet Member for Adult Social Care and Public Health has taken a decision to:
 - a) ACCEPT the Local Authority Test and Trace Service Support grant (£6,311,400) under the Department of Health and Social Care's (DoHSC) terms and conditions.
 - b) ACCEPT the funding from the Contain Outbreak Management Fund (£12,652,440) allocated to Kent by DoHSC.

- c) APPROVE the funding framework (see Annex 1 to this decision) for the Local Authority Test and Trace Service Support grant, Contain Outbreak Management Fund and the four categories of spend:
 - I. Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.
 - II. Enhance local activities including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.
 - III. Support population level approaches to mitigate against and manage local outbreaks of COVID-19.
 - IV. Management and overhead costs of administering the grant including project management, legal and IT software support.
- d) APPROVE the contracting of Agilisys for the provision of the local Kent Contact Tracing Service as part of grant spend related to category c) I.
- e) DELEGATE authority to the Director of Public Health to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the decision.
- f) DELEGATE authority to the Director of Public Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Finance, to accept and deploy further Test and Trace Support and associated outbreak management funding if made available by Government, providing the governance arrangements established by this decision may be applied with limited amendment.

5. Conclusions

- 5.1 Further details of the decision are published in the report that accompanied the decision.
- 5.2 The grant funding will support KCC to deliver its statutory duties to protect local residents, through the mitigation against and management of local COVID-19 outbreaks.
- 5.3 The decision notes the potential for receipt of additional, associated outbreak management funding and provides authority for the Director of Public Health, after consultation with the Cabinet Member and Corporate Director of Finance, to accept this funding and implement arrangements accordingly. All subsequent decisions on the allocation of any such additional funding will align to the described governance and funding framework.
- 5.4 Members will be kept informed of the funded activity and associated outcomes via periodic reporting to the Health Reform and Public Health Cabinet Committee.

6. Recommendation

The Health Reform and Public Health Cabinet Committee is asked to note that the following decision was taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution:

20/00095 – Local authority test and trace service support grant and associated outbreak management funding

7. Background Documents

20/00095 - Record of Decision

8. Contact details

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Relevant Director:
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Director of Public Health
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KENT COUNTY COUNCIL –RECORD OF DECISION

DECISION TO BE TAKEN BY:

Clair Bell, Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00095

For publication

Key decision: YES

Affects more than 2 Electoral Divisions and expenditure of more than £1m.

Subject Matter / Title of Decision Local Authority Test and Trace Service Support grant and associated outbreak management funding

Decision:

As Cabinet Member for Adult Social Care and Public Health, I agree to:

- a) **ACCEPT** the Local Authority Test and Trace Service Support grant (£6,311,400) under the Department of Health and Social Care's (DoHSC) terms and conditions.
- b) **ACCEPT** the funding from the Contain Outbreak Management Fund (£12,652,440) allocated to Kent by DoHSC.
- c) **APPROVE** the funding framework (see Annex 1 to this decision) for the Local Authority Test and Trace Service Support grant, Contain Outbreak Management Fund and the four categories of spend:
 - I. Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.
 - II. Enhance local activities including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.
 - III. Support population level approaches to mitigate against and manage local outbreaks of COVID-19.
 - IV. Management and overhead costs of administering the grant including project management, legal and IT software support.
- d) **APPROVE** the contracting of Agilisys for the provision of the local Kent Contact Tracing Service as part of grant spend related to category c) I.
- e) **DELEGATE** authority to the Director of Public Health to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the decision.
- f) **DELEGATE** authority to the Director of Public Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Finance, to accept and deploy further Test and Trace Support and associated outbreak management funding if made available by Government, providing the governance arrangements established by this decision may be applied with limited amendment.

Reason(s) for decision:

A national pandemic has occurred in the form of the coronavirus (COVID-19). In response to the pandemic, local authorities, including both upper and lower tiers, have and will continue to incur

expenditure to mitigate and manage local outbreaks of the disease.

The government has allocated £6,311,400 to Kent County Council from a new national funding package totalling £300 million. The purpose of the grant is to 'provide support to local authorities in England towards expenditure lawfully incurred or to be incurred in relation to the mitigation against and management of local outbreaks'.

Following the implementation of the Local COVID Alert, the government announced the Contain Outbreak Management Fund to support proactive containment and intervention measures in relation to COVID – 19. Funding levels were due to be assigned to the tiering system, in which local authorities would receive a payment of up to £1 to £8 per head of the population, dependent on the Local COVID Alert Level in place. In line with the national lock down announced on 31st October, KCC has been allocated funding of £12,652,440, equalling the maximum allowance (i.e. £8 per head).

The funding will be allocated across the four categories of spend set out in the decision and will include the implementation of a local contact tracing service.

The Director of Public Health will allocate an appropriate level of funding to 12 district and borough councils to facilitate the provision of local delivery against the purpose of the grant.

As the pandemic evolves, subsequent outbreak management funding may be announced to further enhance the Council's capacity to prevent and manage outbreaks. This decision notes the potential for the receipt of similar grants and provides authority for the Director of Public Health, after consultation with the Cabinet Member and Corporate Director of Finance, to accept this funding and implement arrangements accordingly. All subsequent decisions on the allocation of any such additional funding will align to the described governance and funding framework.

This funding will be used to support KCC and the Director of Public Health's statutory obligation to protect and improve the health of the local population as set out in the Health and Social Care Act 2012, to contribute towards the delivery of the Kent and Medway Local Outbreak Plan

(https://www.kent.gov.uk/_data/assets/pdf_file/0010/110224/Local-Outbreak-COVID-19-Control-Plan.pdf) and adhere to the DoHSC COVID-19 Contain Framework

(<https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers#annex-2>).

Cabinet Committee recommendations and other consultation:

Due to an urgent need to deploy the grant funding to support the mitigation against and management of local outbreaks of the coronavirus (COVID-19) pandemic, including the new local contact tracing service and the scheduled cabinet committee dates, the decision was not considered by the Health Reform and Public Health Cabinet Committee before it was taken.

However, the PROD was published to all members for comments and questions before the decision was taken, as per the KCC governance process.

The decision will be noted at the next Health Reform and Public Health Cabinet Committee on the 20th November 2020.

Any alternatives considered and rejected:

The following options have been considered and discounted:

- Reject the funding - As with any grant there is an option to accept or reject the funding. The funding will support the local response to the COVID-19 pandemic, KCC’s statutory requirements and activity which is planned to or already taking place, therefore rejecting the grant would not be in the public’s interest.
- Outsource the management of the grant – The management of the grant could be outsourced either in full or in part to a third party. Outsourcing the management of the grant was discounted to ensure that KCC can closely control and monitor the grant and ensure flexible application to emerging need.
- Allocate all the grant to the district councils - The grant in its totality could be disseminated to the Kent district and borough councils. However, this would not support economies of scale, e.g. the development and roll out of a countywide campaign therefore this option has been discounted.

In addition, an options appraisal was carried out to decide the best approach to delivering a local contract tracing service. Options considered include contracting with Agilisys who hold existing KCC contract for the KCC contact point (call centre) , competitive procurement, non-competitive procurement such as a single source. The preferred option was to carry out a contract variation to the Agilisys contract as this provided quick mobilisation, flexibility and adaptability to respond to changes in national demands and value for money. This route to market is permitted within the Public Contracts Regulations (PCR) and therefore has low risk of challenge.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

N/A



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signed

17 November 2020

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date

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From: Andrew Scott-Clark, Director of Public Health

To: Clair Bell, Cabinet Member for Adult Social Care and Public Health

Subject: 20/00095 - Local Authority Test and Trace Service Support grant and associated outbreak management funding

Key decision – It affects more than 2 Electoral Divisions and involves expenditure of over £1m

Classification: **Unrestricted**

Past Pathway of report: NA

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary:

The Government has allocated grant funding to Kent County Council to support the local response to the coronavirus (COVID-19) pandemic. This includes £6.3 million from the Local Authority Test and Trace Service Support grant, provided to support the mitigation against and management of local COVID-19 outbreaks and development of a local contract tracing service. In addition, a further £12.6 million from the Contain Outbreak Management Fund has been allocated, to support proactive containment and intervention measures in relation to COVID – 19 and help local authorities to come out of the 4-week lock down better prepared for the next 6 months.

This paper outlines the proposal for spending the grant funding, giving an overview of the purpose, governance and funding framework which includes four categories of proposed spend. These are to enhance the national response, enhance local activities, support population level approaches and cover management and overhead costs of administering the grant. The funding will be flexibly deployed to be responsive to local outbreaks and need

A director level project group, called the Test and Trace Grant Monitoring Group (TTGMG), is proposed to oversee the planning and implementation of the grant. The Corporate Director of Strategic and Corporate Services is accountable as per the published grant conditions, for ensuring the grant is spent in accordance with the DoHSC terms, with assurance provided by the Head of Internal Audit and Counter Fraud. It is proposed that the Director of Public Health be granted delegated authority to implement the recommended decision and be the responsible Director for administering the grant funding.

The funding will allow for the ongoing proactive management of the virus and will help keep residents safe.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to:

- a) ACCEPT the Local Authority Test and Trace Service Support grant (£6,311,400) under the Department of Health and Social Care's (DoHSC) terms and conditions.
- b) ACCEPT the funding from the Contain Outbreak Management Fund (£12,652,440) allocated to Kent by DoHSC.
- c) APPROVE the funding framework (see Annex 1 to this decision) for the Local Authority Test and Trace Service Support grant, Contain Outbreak Management Fund and the four categories of spend:
 - I. Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.
 - II. Enhance local activities including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.
 - III. Support population level approaches to mitigate against and manage local outbreaks of COVID-19.
 - IV. Management and overhead costs of administering the grant including project management, legal and IT software support.
- d) APPROVE the contracting of Agilisys for the provision of the local Kent Contact Tracing Service as part of grant spend related to category c) I.
- e) DELEGATE authority to the Director of Public Health to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the decision.
- f) DELEGATE authority to the Director of Public Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Finance, to accept and deploy further Test and Trace Support and associated outbreak management funding if made available by Government, providing the governance arrangements established by this decision may be applied with limited amendment.

1. Introduction

- 1.1 A key decision is required for the acceptance and use of the allocated Local Authority Test and Trace Service Support grant and the Contain Outbreak Management Fund and the associated spending framework.
- 1.2 The purpose of the Local Authority Test and Trace Service Support grant is to 'provide support to local authorities in England towards expenditure lawfully incurred or to be incurred in relation to the mitigation against and management of local outbreaks of COVID-19'.
- 1.3 Following the move to Local COVID Alert Levels, the Government announced the Contain Outbreak Management Fund, to support proactive containment and intervention measures in relation to COVID – 19. Funding levels are assigned to the newly announced tiering system (see section 2.7).
- 1.4 This decision includes the delegated authority to the Director of Public Health to accept and use Test and Trace Support, Contain Outbreak Management Fund and any further related pandemic mitigation grant funding, if made available by Government, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance.

- 1.5 KCC has already incurred expenditure in line with the grants, as rapid spend has been required in response to the pandemic. The same is true of district and borough councils who are using existing resources to meet current pressures.
- 1.6 This report sets out the proposed approach to utilise funding and deliver the relevant support in accordance with the grant conditions. With an overview of the purpose, governance and areas of spend associated with the grants and the recommendation that the Cabinet Member take the relevant decision to permit implementation.

2. Context and outline of the grant funding

- 2.1 Implementation of the national COVID-19 guidance has had a significant impact on upper and lower tier authorities. Areas of northern England who have experienced high rates of COVID-19 have been significantly impacted, with many having to rapidly set up a local test and trace contact tracing service.
- 2.2 In recognition of this, the Department of Health and Social Care (DoHSC) has allocated £6,311,400 to KCC from the new national test and trace service support grant totalling £300 million. The allocation was based on the distribution methodology for the 2020/21 Public Health Grant allocations.
- 2.3 The grant is conditional on upper tiers providing lower tier authorities with sufficient resources from the allocated fund to mitigate and manage outbreaks in their local area. This may include enforcement or inspections of businesses looking to reopen in a COVID-19 safe way. A working group including representatives from district and borough councils has been established to jointly consider the allocation and purpose of the grant funding for district and borough councils.
- 2.4 Other than this requirement the grant is to be used at the discretion of the local authority, in line with the purpose of the grant, to mitigate against and manage local outbreaks of COVID-19.
- 2.5 Research into other areas illustrates that funding has been used or is planned to support local contact tracing or outbreak management services, support for district councils including community engagement and enforcement, support for vulnerable people to self-isolate and communications activity. In the majority of areas funding is being overseen by the local Director of Public Health who plays a pivotal role in the management of outbreaks.
- 2.6 COVID-19 guidance and rules have changed regularly since the start of the pandemic in March 2020. In October 2020, the Prime Minister set out and implemented the three-tiered system of local COVID Alert Levels in England.
- 2.7 Following the implementation of the Local COVID Alert Levels, the government announced the Contain Outbreak Management Fund. Funding levels were due to be assigned to the tiering system, in which local authorities would receive a payment of up to £1 to £8 per head of population, depending on the Local COVID Alert Level in place. This funding was planned to be one off and is incremental not additional.

- 2.8 In line with the national lock down announced on 31st October, KCC has been allocated funding of £12,652,440, equalling the maximum allowance (i.e. £8 per head). The DoHSC has provided local authorities with examples of the activities/projects within the scope of the Contain Outbreak Management Funding (please see Annex 2).
- 2.9 KCC will use the confirmed funding and any additional funding awarded to increase activities that help to mitigate and manage outbreaks, including setting up a Kent contact tracing service.

3. The funding framework

- 3.1 A funding framework has been developed to ensure a transparent process for decision-making that aligns with the terms of the grant funding. This framework will cover the £6.3 million Local Authority Test and Trace Service Support grant, the £12.6 million Contain Outbreak Management Fund and subsequent associated outbreak management funding.
- 3.2 The key elements of the framework are set out below, please see Annex 1 for more detail:
- i. All spend should align to the purpose of the grant funding (Sections 1.2 and 1.3).
 - ii. All spending must align to the four categories of spend (Section 4).
 - iii. A proportion of the funding using an agreed distribution methodology will be allocated to district and borough councils, in line with the grant conditions.
 - iv. A consistent decision-making process in line with the delegated authority will be applied to all spend with final grant approval by the Director of Public Health.
 - v. Any recipients of the grant will be required to regularly report on the use of the funding and return any unspent funding if requested by KCC.
 - vi. A written summary of all funded activities will be recorded to provide an auditable process.
 - vii. The lead commissioner for Public Health or delegated officer will chair a monitoring group called the Test and Trace Grant Monitoring Group (TTGMG) and be responsible for ensuring the framework is applied consistently. This group will, consider all spend proposals against the four categories of spend and associated key questions (Annex 1). It will also ensure that it would not be appropriate for proposals to be funded via other funding streams. The TTGMG will work with and take account of the proposals for funding made by the working group representing the district and borough councils.
 - viii. The Director of Public Health will deploy the funding in a flexible way under officer delegation according to need, subject to compliance with the Funding Framework.
 - ix. The declaration of spend will be submitted to the DoSHC at the end of the financial year, following an assurance review by Internal Audit.

4. Allocation of the grant funding to KCC

4.1 The funding will be allocated in line with the grant conditions across the following four overarching categories of spend to mitigate against and manage local outbreaks of COVID-19.

Categories of spend	Summary of proposed category activities
<p>Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.</p>	<p>Activities required to enhance the national response, such as the delivery of a new local enhanced contact tracing service across Kent, in line with the national Contact Tracing and Advisory Service (CTAS). This service will manage contact tracing cases, transferred from the national service. More information on the local contact tracing service is provided in section 5. KCC may also be required to support the delivery of local asymptomatic testing infrastructure.</p>
<p>Enhance local activities, including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.</p>	<p>The district and borough activities funded will be dependent on local need and therefore will vary across the 12 districts. These may include increasing capacity to support local enforcement, inspections of premises, management of complaints (regarding COVID-19 noncompliance) and the provision of guidance and advice to the public and businesses. Other local activities which may be supported by the grant include; harnessing capacity within local sectors, support for local vulnerable and shielded people to self-isolate, the implementation of software to support data sharing for the identification of vulnerable households and the provision of a single point of access for Public Health Assessments (alongside environmental health and police) for local events in line with COVID-19 regulations.</p>
<p>Support population level approaches to mitigate against and manage local outbreaks of COVID-19</p>	<p>This will include COVID-19 communications and campaign work using Kent specific branding and dedicated websites. The communications will enhance the dissemination of national guidance to local communities, including social distancing rules and the new three tier system. This will involve timely and responsive COVID-19 communications in response to local need; for example, a geographical area, group, or sector that has seen a high number of outbreaks will receive targeted and tailored communications. This scheme will also deliver targeted proactive COVID-19 communications to communities with proven greater risk of COVID-19 (e.g. BAME) and those who may be less likely to follow the relevant regulations.</p>
<p>Management and overhead costs of administering the grant including project</p>	<p>Additional resources have already been and will continue to be sourced to support this work. This includes a fixed term Consultant in Public Health post, part funded by Medway Council. The post is supporting the Directors of Public Health to develop and co-ordinate the Kent and Medway Local Outbreak (COVID-19) Control Plan.</p>

management, legal and IT software support.	The planning, implementation and ongoing monitoring of the test and trace service support grant and funded initiatives requires additional legal, administrative and project support. Some existing capacity may require backfilling to ensure business as usual services/ activity are not affected. Additional project management support has been sourced to support the setup of the Kent contact tracing service. Other activities include the analysis of data to identify and support local vulnerable and shielded people.
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- 4.2 Due to the unpredictable nature of the pandemic and the required provision, the associated grant funding will be flexibly deployed, to be responsive to local outbreaks and need. Further funding in 2021/22 has not been confirmed and therefore contingency funding will be allocated to the four categories of spend.
- 4.3 The Contain Outbreak Management Fund will align with the above categories of spend and may include targeted interventions for specific sections of the local community, additional work with employers, voluntary sector, district and borough councils and other parties who play a key role in enforcement and public protection e.g. Trading Standards. Detailed plans for activities funded by the Contain Outbreak Management Fund are still in development in view of the funding only being confirmed to KCC very recently.

5. The Kent Contact Tracing Service

- 5.1 As detailed above, the local authority is required to implement a new local contact tracing service, to support the national Contact Tracing and Advisory Service (CTAS). Positive cases which cannot be traced by the national team within an agreed timeframe (24 hours) will be passed to the local team. The local team may have access to alternative contact details helping them achieve a successful contact with support from district and borough councils.
- 5.2 A project group has been established to lead the implementation of this new service. Following an options appraisal, the preferred approach is for the service to be delivered by KCC's strategic partner Agilisys, who currently deliver the KCC Contact Centre and the COVID-19 Kent Together Helpline. This will enable rapid mobilisation, value for money, flexibility to meet changing volumes and the ability to adapt to changing requirements both local and national.
- 5.3 There are a number of variables which may impact on the demand and required capacity of the contact tracing service. This includes the local rate of COVID-19 cases and outbreaks, as well as the timeframe in which the national team transfers the cases. For example, if the national team were to pass cases directly to local authorities to contact rather than wait 24 hours. Therefore, a flexible approach to the ongoing management of the service will be required.
- 5.4 The epidemiology of COVID-19 will be the basis on which parameters are set to determine how many contact attempts are made with a positive case. Where telephone or email contact by the local service is unsuccessful, door knocking may be considered to trace the positive case in exceptional circumstances.

- 5.5 Information gathered from each successful contact will be passed back to national teams, where required, for them to complete the full process of reaching the known contacts of each positive case.

6. Governance

- 6.1 A key decision is required to enable KCC to accept the Government funding and deploy it locally. The decision asks the Cabinet Member for Adult Social Care and Public Health to approve the approach set out in this paper and delegate authority to the Director of Public Health to implement the proposed arrangements.
- 6.2 A director level group is proposed to oversee the spending of the £6.3 million, £12.6 million and future associated outbreak management funding. The group has been named the Test and Trace Grant Monitoring Group (TTGMG). The group will meet regularly to oversee and apply the funding framework to ensure consistency for all spend.
- 6.3 Internal and external contractual agreements will be put in place and be proportionate to the value of spend. The agreements will set out reporting requirements and ask recipients to sign an assurance statement on the funding.
- 6.4 Relevant due diligence will be carried out at project level including completion of equality impact and data impact assessments. Completion of these assessments will be monitored by the TTGMG.
- 6.5 The Corporate Director of Strategic and Corporate Services will be accountable for signing off the use of the grant, in line with DoHSC grant declaration, with assurance provided by the Head of Internal Audit and Counter Fraud.

7. Financial Implications

- 7.1 This decision concerns the Local Authority Test and Trace Service Support grant, the Contain Outbreak Management Fund and any future associated outbreak management funding.
- 7.2 This grant funding is separate to the Public Health Grant. The cost of administration, including relevant staffing costs will be charged to the grant as appropriate.

Test and Trace Service Support Grant

- 7.3 The Local Authority Test and Trace Service Support grant totaling £6,311,400 allocated by the DoHSC to KCC can be used for both current and retrospective spend and may be used beyond April 2021.
- 7.4 An allocation of the grant has been developed which sets out planned activities against the four outlined categories of spend (summarised in Annex 3). However, due to the nature of the pandemic and limited data available for accurate modelling and forecast, the planned allocations across the range of activities may need to be varied depending on need. Any variance will be monitored and managed by the TTGMG, as set out in the funding framework.

Where significant updates or changes in approach are required, the Cabinet Member for Adult Social Care and Public Health will be consulted in advance of the change.

7.5 As stated in the Local Authority Test and Trace Service Support grant conditions, 'the Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return a declaration to the team leader of the Public Health Policy and Strategy at the Department of Health and Social Care with timings in line with normal Ministry of Housing, Communities and Local Government (MHCLG) reporting processes. If an authority fails to comply with any of the conditions and requirements above, the Minister of State may either:

- a) reduce, suspend or withhold grant
- b) by notification in writing to the authority, require the repayment of the whole or any part of the grant

Any sum notified by the Minister of State under point b shall immediately become repayable to the Minister.'

7.6 While the Corporate Director of Strategic and Corporate Services and Head of Internal Audit will review and approve the declaration to government to confirm KCC's adherence to the grant conditions, management of and administration of the Grant will be the responsibility of the Director of Public Health, supported by the TTGMG and the Corporate Director for Finance, as per the delegations set out in the proposed decision.

Outbreak Management Funding

7.7 The total Contain Outbreak Management Fund totalling £12,652,440 allocated by the DoHSC to KCC, is based on £8 per head of population and is expected to cover the period up to the end of the financial year.

7.8 A proposed allocation of the grant is currently being developed which will set out planned activities. However, as in the case of the Local Authority Test and Trace Service Support grant, due to the nature of the pandemic and limited data available for accurate modelling and forecast, the proposed allocations across the range of activities may need to be varied depending on need. Any variance will be monitored and managed by the TTGMG in line with the funding framework. Where significant updates or changes in approach are required, the Cabinet Member for Adult Social Care and Public Health will be consulted in advance of the change.

7.9 Collaboration with key partners such as district and borough councils will ensure funding is allocated equitably across organisations as required and will support innovative approaches that support the county to come out of the 4 week lock down better prepared for the next 6 months.

8. Legal implications

8.1 The acceptance and spending of this funding is in line with the statutory role of the Director of Public Health and the County Council. Relevant legislation is set out below.

- 8.2 NHS Act 2006 and the Health and Social Care Act 2012; these set out the statutory responsibilities of the Director of Public Health (DPH). Section 73A(1) of the 2006 Act, inserted by section 30 of the 2012 Act, gives the DPH responsibility for:
- i. all of their local authority's duties to take steps to improve the health of the people in its area;
 - ii. any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations. These include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;
 - iii. exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to the public's health.
- 8.3 Specific legislation to assist in outbreak control of COVID-19 in the UK includes the Coronavirus Act 2020 and the Health Protection Regulations 2010 (as amended).

9. Other corporate implications

- 9.1 Input has been sought from a variety of corporate functions and a number of these will have a continued input into the spending of the grant. This includes:
- i. The Corporate Communications Team – to plan and implement the COVID-19 communications and campaigns work across the county. To oversee the strategic partnership between KCC and Agilisys with regard to the planning and delivery of the Kent Contact Tracing Service.
 - ii. The Internal Audit and Counter Fraud Team – to review the grant expenditure to confirm the council have used the grant in line with the grant conditions.
 - iii. The Corporate Finance Team – to forecast, monitor and report against the grant spend.
 - iv. Agilisys – to deliver and manage the Kent Contact Tracing Service.
 - v. Public Health Advice - to provide COVID-19 advice and guidance as required.
 - vi. Public Health Commissioning – to support the required governance and commissioning activity required for the use of the grant.
- 9.2 As stated above, staff time can be recharged to the grant. Timesheets will be kept for key roles or functions as supporting evidence of the recharged amounts.
- 9.3 In line with the grant conditions (section 2.3), KCC is working with the Kent district and borough councils with regards to the allocation of the grant funding.

10. Conclusions

- 10.1 The Test and Trace Support, Contain Outbreak Management Fund and any further outbreak management grant funding will support KCC to deliver its statutory duties to protect local residents, through the mitigation against and management of local COVID-19 outbreaks.

- 10.2 The grant funding will be allocated in line with the grant conditions across four overarching categories of spend. This will include funding to district and borough councils to support the required provision at a local level.
- 10.3 Due to the unpredictable nature of the pandemic and the required provision, the grant funding will be flexibly deployed, to be responsive to local need and an element of contingency funding will be retained across the four categories of spend.
- 10.4 It is proposed that the TTGMG, supporting the Director of Public Health as the delegated officer, oversee and manage the grant funding framework to ensure consistency of decision making, alignment to grant terms and auditability.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to:

- a) **ACCEPT** the Local Authority Test and Trace Service Support grant (£6,311,400) under the Department of Health and Social Care's (DoHSC) terms and conditions.
- b) **ACCEPT** the funding from the Contain Outbreak Management Fund (£12,652,440) allocated to Kent by DoHSC.
- c) **APPROVE** the funding framework (see Annex 1 to this decision) for the Local Authority Test and Trace Service Support grant, Contain Outbreak Management Fund and the four categories of spend:
 - I. Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.
 - II. Enhance local activities including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.
 - III. Support population level approaches to mitigate against and manage local outbreaks of COVID-19.
 - IV. Management and overhead costs of administering the grant including project management, legal and IT software support.
- d) **APPROVE** the contracting of Agilisys for the provision of the local Kent Contact Tracing Service as part of grant spend related to category c) I.
- e) **DELEGATE** authority to the Director of Public Health to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the decision.
- f) **DELEGATE** authority to the Director of Public Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Finance, to accept and deploy further Test and Trace Support and associated outbreak management funding if made available by Government, providing the governance arrangements established by this decision may be applied with limited amendment.

11. Background Documents

11.1 Links to key background documents:

- i. Local Authority Test and Trace Service Support grant: conditions
<https://www.gov.uk/government/publications/local-authority-test-and-trace->

[service-support-grant/local-authority-test-and-trace-service-support-grant-conditions](#)

- ii. Local Authority Test and Trace Service Support grant: determination
<https://www.gov.uk/government/publications/local-authority-test-and-trace-service-support-grant/local-authority-test-and-trace-service-support-grant-determination>

11.2 Annexes:

- i. Annex 1 - Funding Framework Summary - Local Authority Test and Trace Service Support Grant and Associated Outbreak Management Funding
- ii. Annex 2 – Contain Outbreak Management Fund - Department of Health and Social Care guidance extract
- iii. Annex 3 – Proposed allocation of Local Authority Test and Trace Service Support grant across the overarching categories of spend

12. Contact details

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Annex 1: Funding Framework Summary - Local Authority Test and Trace Service Support Grant and Associated Outbreak Management Funding

1. Introduction

This funding framework has been developed in relation to decision 20/00095. This is to accept the Local Authority Test and Trace Service Support grant, the Contain Outbreak Management Fund and subsequent outbreak management funding, as well as to implement the relevant funding arrangements.

The following governance arrangements will facilitate management and implementation of the grant funding via officer delegated decision-making against four categories of agreed spend.

The key decision includes providing delegated authority to the Director of Public Health (DPH) to allow the DPH to manage the grant funding and Kent County Council’s (KCC) approach to deploying it, in accordance with this Framework which has been approved as part of the Key Decision.

2. Decision making process

A director level group has been established to oversee the spending of the Local Authority Test and Trace Service Support grant, the Contain Outbreak Management Fund and associated outbreak management funding.

This group is called the Test and Trace Grant Monitoring Group (TTGMG) and includes representation from public health advice, finance, public health commissioning and project/admin support. Terms of reference set out the purpose and quorum and operating processes.

Indicative values and associated activities for the Local Authority Test and Trace Service Support grant have been aligned to each category of spend. Indicative values and associated activities for the Contain Outbreak Management Fund are still in development. A proportion of the funding using an agreed distribution methodology agreed by the TTGMG will be allocated to district and borough councils, in line with the grant conditions. Proposed plans of spend will be endorsed by the TTGMG and approved by the Director of Public Health in consultation with the Corporate Director of Finance and the Cabinet Member for Adult Social Care and Public Health. Planned spend will be monitored by the Lead Commissioner for Public Health or delegated member of staff.

A written summary of all funded activities will be recorded to provide an auditable process which will need to clearly demonstrate alignment to at least one of the agreed four categories. All activity will need to set out considerations in relation to equalities, data protection, legal or regulatory requirements, risks, value for money and measurement of impact. The TTGMG will review and agree all written summaries of funding and consider the below questions:

Categories of spend	Key questions to be considered
Enhance the national response	Does the response support nationally directed activities in relation to the mitigation against and management of local outbreaks of COVID-19 and the use of this grant?
Enhance local activities	Will the funding enhance local activities in relation to the mitigation against and management of local outbreaks of COVID-19? Will it harness local activity, avoid duplication, maximise economies of scale and support best value?

Support population level approaches	Does the response illustrate benefit across the Kent population in relation to the mitigation against and management of local outbreaks of COVID-19?
Overhead costs	Are the costs fair and can they be clearly evidenced to support delivery of this funding?
Other considerations	Does the proposed activity present good value for money? Are relevant legal considerations well thought out? Can the funding be measured to enable auditable reporting on the use of the grant? Is there a robust plan or inclusion of key documentation EQIA, DPIA etc?

Contractual documents between KCC and the recipients of the grant funding (both internal and external to KCC) will mirror the national terms of the funding. Recipients will be required to confirm their agreement to spend in line with the grant conditions, provide regular monitoring on use of the funding and confirm adherence to relevant legal requirements and/or quality standards. A proportionate approach will be taken which complies with procurement and council financial regulations, appropriate to the value of spend and level of associated risk.

3. Monitoring spend and financial variance

Due to the limited data available on which to base financial forecasts, the rapid changing nature of the pandemic and additional funding which may be received by the council from Government; the planned allocations across the range of activities may need to be varied depending on need. Any variance will be monitored and managed by the TTGMG. The DPH will review the allocations on a regular basis via the TTGMG after consultation with the Corporate Director of Finance and agree any variance.

Significant variances of 50% or over £1,000,000 will be agreed via the TTGMG and highlighted to the Cabinet Member, with final approval of any amendment to allocations by the DPH.

Below this significant variance level, the Lead Commissioner may approve urgent spend, providing this does not exhaust the overall project budget, and this will be reported to the DPH and TTGMG. The Lead Commissioner will seek relevant advice from the DPH and TTGMG representatives as required.

Whenever an allocation against the four categories appears to be fully committed, this will be reviewed by the DPH and TTGMG in case amendments are required.

New areas of spend outside of the proposed plan which align to the four categories will be considered by the TTGMG and if supported, be approved by the DPH.

The TTGMG will aim to approve new areas of spend in scope of the grant within 10 working days following the receipt of the written proposal which provides the necessary level of detail.

In the event of an emergency that requires an immediate response, the DPH may approve additional expenditure providing the proposed spend aligns with the four agreed spend categories and does not cause the total expenditure committed against the grant to exceed the total grant.

For all emergency decisions, the Lead Commissioner for Public Health will arrange for these to be reported retrospectively to the TTGMG.

All agreed spend will be charged to the test and trace support budget code, aligned to Public Health.

4. Reporting and monitoring spend

a. Government grant reporting

The Local Authority Test and Trace Service Support grant declaration¹ is to be signed by the Corporate Director of Strategic and Corporate Services and the Head of Internal Audit and Counter Fraud at financial year end. Evidence of spend will be submitted to the Department of Health and Social Care, however the format is not prescribed. There may be a requirement for future declarations.

The required reporting on the Contain Outbreak Management Fund will be signed off by Corporate Director of Strategic and Corporate Services and the Head of Internal Audit and Counter Fraud (as required) at financial year end.

This document will be updated as required in relation to any further government funding spent in line with this framework.

b. Members and senior officers

The Director of Public Health will provide regular updates to the Cabinet Member for Public Health and Adult Social Care, the Corporate Director of Strategic and Corporate Services and Head of Internal Audit and Counter Fraud as required.

In addition, funded activity and associated outcomes will be reported to Members via the Health Reform and Public Health Cabinet Committee at periodic intervals, for example the end of the financial year.

c. Recipient reporting

Recipients will provide reporting in line with their contractual terms including financial spend.

d. Internal reporting and monitoring

Internal monitoring of the grant allocations across the four categories of spend will take place monthly in line with the Collaborative Planning (CP) process. Reporting against of the grant allocations across the four categories of spend will be shared on a monthly basis with the TTGMG group or more frequently as required. The monitoring report will include:

- Total grant allocation (including any unallocated amount)
- Allocation by service line
- Actual expenditure to-date by service line
- Committed expenditure
- Forecast expenditure for 20/21
- Variance – actuals against grant allocation
- Funding recipient reporting

e. Record keeping

A full record of spending decisions will be retained for a period of up to six years, to ensure all spend is auditable

5. Risk

Any key risks will be escalated to the TTGMG monthly or escalated to Corporate Directors as required. A risk register will be maintained by the TTGMG and risks will be escalated in accordance with KCC's Risk Management Policy.

¹ To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the LOCAL AUTHORITY TEST AND TRACE SERVICE SUPPORT GRANT DETERMINATION 2020/21: No 31/5075 have been complied with.

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Annex 2 –Contain Outbreak Management Fund - Department of Health and Social Care
guidance extract

Payment of the Contain Outbreak Management Fund will be made to Upper Tier Local Authorities, for onwards disbursement, to put additional public health and outbreak response measures in place. Funded activities are based on local need and the Department of Health and Social Care has provided the following example projects/activities that may be appropriate to fund;

At COVID Alert Level Medium and High it is to fund the following activities:

- a) Targeted testing for hard-to-reach groups out of scope of other testing programmes.
- b) Additional contact tracing.
- c) Enhanced communication and marketing e.g. towards hard-to-reach groups and other localised messaging.
- d) Delivery of essentials for those in self-isolation.
- e) Targeted interventions for specific sections of the local community and workplaces.
- f) Harnessing capacity within local sectors (voluntary, academic, commercial).
- g) Extension/introduction of specialist support (behavioural science, bespoke comms).
- h) Additional resource for compliance with, and enforcement of, restrictions and guidance

Local COVID Alert Level Very High has a broader scope, to support local economies and public health. To include activities such as (this list is not exhaustive):

- i) Measures to support the continued functioning of commercial areas and their compliance with public health guidance.
- j) Funding Military Aid to the Civil Authorities (marginal costs only).
- k) Targeted support for school/university outbreaks.
- l) Community-based support for those disproportionately impacted such as the BAME population.
- m) Support for engagement and analysis of regional areas to assess and learn from local initiatives.
- n) Providing initial support, as needed, to vulnerable people classed as Clinically Extremely Vulnerable who are following tier 3 guidance.
- o) Support for rough sleepers.

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Annex 3 - Proposed allocation of Local Authority Test and Trace Service Support grant across the overarching categories of spend

Category of spend	Allocation of the grant (£)
Enhance the national response and enable delivery of national policy priorities in relation to the mitigation against and management of local outbreaks of COVID-19.	2,762,800
Enhance local activities, including those conducted by district and borough councils in the mitigation against and management of local outbreaks of COVID-19.	2,572,500
Support population level approaches to mitigate against and manage local outbreaks of COVID-19.	505,900
Management and overhead costs of administering the grant including project management support and IT software support.	470,200
Total grant allocated	6,311,400

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