

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Cabinet Member for Adult Social Care and Public Health

**DECISION NO:**

20/00062

**For publication**
**Key decision\***

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

**Subject: INFECTION CONTROL FUND (PART 2) – WIDER SOCIAL CARE MARKET SUPPORT**

**Decision:** As Cabinet Member for Adult Social Care and Public Health, I propose to:

- a) **AGREE** for the Corporate Director of Adult Social Care and Health to allocate the 25% of the Infection Control Fund Grant in line with the proposals co-developed with the market as outlined in section 3.2 of the recommendation report; and
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health to take other 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.

**Reason(s) for decision:**

Under Decision 20/00061 Infection Control Fund, KCC accepted an £18.88m grant from government. 75% of this was passported to care homes in accordance with direction from government but with the requirement that KCC take on accountability and responsibility for management of the funding, 25% of this funding (£4.72) must now be deployed on other infection control measures as determined by KCC.

As part of the previous key decision, it was agreed that the Corporate Director for Adult Social Care and Health would develop proposals on how to allocate the remaining 25% (£4.72m) of the Infection Control Fund grant, in line with the terms of the grant, to support the whole care market (including homecare, supported living and those on direct payments) with wider resilience in relation to COVID-19 Infection Control.

This proposed decision is necessary to progress with delivering this allocation of the £4.72m.

In recognition of the challenging situation for providers, KCC is moving at pace to develop the detailed proposals with providers via co-production.

**Financial Implications:**

The funding to the Council is received as a grant paid under section 31 of the Local Government Act 2003 ring-fenced exclusively for actions which support care homes in reducing the rate of COVID-19 transmission or to support wider workforce resilience including to domiciliary care providers; the total value is £18.88m.

The guidance sets out that the remaining 25% (£4.72m), not passported to care homes under Decision 20/00061, is for the whole market to include other types of provision but with greater discretion at deciding how this proportion of funding can be spent.

Responsibility and accountability for the administration and management of the grant sits with the Council. The administrative costs relating to the Infection Control Fund grant are not provided for from the grant and will need to be met by the council.

There is also a risk that the DHSC is not satisfied that the funding has been spent in accordance

with the grant conditions, it subsequently requires the repayment of the whole or any part of the grant monies paid and the Council is unable to claw back those funds from providers. Under these circumstances the Council would be required to provide these monies to government from the Council's budget.

The proposals developed will be designed to ensure that they meet the conditions of the grant in order to minimise this risk.

**Legal Implications:**

Legal support has been engaged to develop an Infection Control Grant Agreement, in line with the requirements from Central Government and KCC's own contractual and commissioning policies. These agreements will need to be completed by the recipients before funding is released.

The issue of whether state aid will apply to these payments has been considered during the development of the agreement and measures are in place to ensure appropriate compliance. The agreement makes clear the conditions of the funding and provides for detailed monitoring of the application of the funding and requires re-payment where not used for specified purposes or where compliance is not met.

**Equality Implications:**

Equalities implications will be considered in the design of the proposals for spending this money

**Data Protection Impact Assessment Implications**

There are no anticipated data implications associated with this decision.

**Cabinet Committee recommendations and other consultation:** The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 14 July 2020 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

**Any alternatives considered:** None

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

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signed

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date