

**From:** Richard Smith, Corporate Director of Adult Social Care and Health

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

**Decision No:** 20/00061

**Subject:** **Infection Control Grant**

**Classification:** Unrestricted

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** County Council

**Electoral Division:** All

**Summary:**

Social care providers are a key part of the emergency response to the COVID19 pandemic. The social care provider market has been significantly affected by rising costs associated with the COVID-19 pandemic, this could impact on their ability to continue delivering the services commissioned by Kent County Council and on the ability to support the NHS and social care to discharge their statutory responsibilities.

In addition to the substantial support provided by the council to care home providers, on 14 May, the government wrote to Local Authorities announcing that £600 million will be issued to councils to support care providers through a new Infection Control Fund. This will be received in two instalments: 50% in late May and 50% in July. The government has required that 75% of this funding is for direct passporting to homes that have met the conditions outlined in the grant. There is more discretion over how the remaining 25% of the grant can be spent.

**Recommendation(s):**

Proposed decision – The Cabinet Member for Adult Social Care and Health, is asked to agree that:

- i) Kent County Council accepts the Infection Control Fund grant (£18.88m) under the terms set out by the government.
- ii) 75% of the Infection Control Fund received from central government (£14.16m) is made available to all registered care home beds in Kent based on the number of registered beds,.
- iii) In line with the terms set out by the government, the money will be paid to each provider in two equal instalments upon the provider entering into a legally binding commitment to:
  - (a) Complete and update the national capacity tracker

- (b) Only spend the money for infection control purposes as set out in the letter from the Secretary of State for Health and Social Care
  - (c) Only spend the money on expenditure relating to Kent care homes which they would not otherwise have incurred.
  - (d) Apply open book accounting methods to demonstrate how the money has been spent
  - (e) Return any money paid where they cannot demonstrate that the money has been spent as permitted by 30 September 2020
  - (f) to minimise third party charges (for example, costs to avoid the use of public transport)
  - (g) Confirm that in no circumstances is any element of profit or mark-up applied to any costs or charges to be reimbursed as part of this scheme.
- iv) when the second instalment of infection control funding is received, the second instalment is made available on the same basis as the first, to operators once they can demonstrate they have spent the first instalment
- v) the Corporate Director for Adult Social Care will 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. These proposals will be subject to a further key decision
- vi) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, in consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to finalise the terms of and confirm the relevant payments as required; and
- vii) **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

## 1. Introduction

- 1.1 Social care providers are a key part of the emergency response to the COVID19 pandemic. The social care provider market has been significantly affected by rising costs associated with the COVID-19 pandemic, this could impact on their ability to continue delivering the services commissioned by Kent County Council and on the ability to support the NHS and social care to discharge their statutory responsibilities.
- 1.2 Care home operators are reporting increasing difficulties with extra costs involved from staffing and changing advice from Public Health England with respect to the use of Personal Protective Equipment (PPE), which sees an increasing cost to providers.

- 1.3 In order to aid the prevention of outbreaks in care homes, the government are asking all local authorities to put in place a care home support plan, drawing on local resilience and business continuity plans. A return setting out the Kent Local Care Homes Support Plan was submitted to the Department for Health and Social Care on 29 May 2020 and is available on Kent.gov.uk
- 1.4 As part of the Government's request for councils to submit a plan it was confirmed that an infection control fund of £600m will be given to local authorities. This fund is to support providers to reduce the rate of transmission of COVID-19 in and between care homes and support workforce resilience. For Kent the allocation amount is £18.88m.
- 1.5 This will be received in two instalments: 50% in late May and 50% in July. The government has required that 75% of this funding is for direct passporting to homes that have met the conditions outlined in the grant. There is more discretion over how the remaining 25% of the grant can be spent, and the proposals around this element will be subject to a further decision.

## **2. Strategic Statement and Policy Framework**

- 2.1 This decision links to KCC's Strategic Statement and specifically the strategic outcome:
  - Older and vulnerable residents are safe and supported with choices to live independently.
- 2.2 This proposed decision does not relate to a plan or strategy set out in the Council's Policy Framework.

## **3. Financial Implications**

- 3.1 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.
- 3.2 A first instalment of £9.44m was received at the end of May and is required to be passed on to the market as soon as possible. This is based on 75% of the allocation being for all care homes in the market. This includes elements of the market that, until now, the Council has not had dealings with, and arrangements will need to be made with each home to ensure payment can be made to them.
- 3.3 The payment of the second instalment to providers is contingent on the first being used for infection control measures and being used in its entirety, if not fully used funds will need to be returned to government.

- 3.4 The guidance sets out that the remaining 25% is for support to the whole market, to include other types of provision but with greater discretion at deciding how this proportion of funding can be spent.
- 3.5 Responsibility and accountability for the administration and management of the grant, once accepted from government, will sit 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.
- 3.6 There is also a risk that if, after payments are made to providers, 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 budget. The contractual terms set up with each provider aim to mitigate against this risk.

#### **4. Legal Implications**

- 4.1 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.
- 4.2 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.

#### **5. Equality Implications**

- 5.1 In view of the urgency of this decision a full equality impact assessment has not been undertaken, but no significant adverse impact is considered likely on any people with a protected characteristic, as this grant will ultimately support and protect vulnerable and elderly people in the community.

#### **6. Conclusions**

- 6.1 Social care providers are a key part of the emergency response to the COVID19 pandemic. The social care provider market has been significantly affected by rising costs associated with the COVID19 pandemic, this could impact on their ability to continue delivering the services commissioned by Kent County Council and on the ability to support the NHS and social care to discharge their statutory responsibilities.

6.2 In addition to the substantial support provided by the council, the Infection Control Fund grant will provide support to social care providers during this difficult time, and it is important that the funding allocated for each provider reaches them as soon as possible.

## 7. Recommendations

### 7.1 Recommendation(s):

Proposed decision – The Cabinet Member for Adult Social Care and Health, is asked to agree that:

- i) Kent County Council accepts the Infection Control Fund grant (£18.88m) under the terms set out by the government.
- ii) 75% of the Infection Control Fund received from central government (£14.16m) is made available to all registered care home beds in Kent based on the number of registered beds, in the sum of £971.15 per bed .
- iii) In line with the terms set out by the government, the money will be paid to each provider in two equal instalments upon the provider entering into a legally binding commitment to:
  - (a) Complete and update the national capacity tracker
  - (b) Only spend the money for infection control purposes as set out in the letter from the Secretary of State for Health and Social Care
  - (c) Only spend the money on expenditure relating to Kent care homes which they would not otherwise have incurred.
  - (d) Apply open book accounting methods to demonstrate how the money has been spent
  - (e) Return any money paid where they cannot demonstrate that the money has been spent as permitted by 30 September 2020
  - (f) to minimise third party charges (for example, costs to avoid the use of public transport)
  - (g) Confirm that in no circumstances is any element of profit or mark-up applied to any costs or charges to be reimbursed as part of this scheme.
- iv) when the second instalment of infection control funding is received, the second instalment is made available on the same basis as the first, to operators once they can demonstrate they have spent the first instalment
- v) the Corporate Director for Adult Social Care will develop proposals on how to allocate the remaining 25% 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. These proposals will be subject to a further key decision
- vi) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, in consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to finalise the terms of and confirm the relevant

payments as required; and

vii) **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

## **8. Background Documents**

None

## **9. Report Author**

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