

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: 20/00062

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

Classification: Unrestricted

Past Pathway of Paper: Adult Social Care and Health Governance Board – 3 July 2020
Adult Social Care Cabinet Committee – 14 July 2020

Future Pathway of Paper: Cabinet Member decision

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 2020, 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.

Recommendation(s): The Cabinet Member for Adult Social Care and Public Health is asked 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 – 3.4 of the report
- 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.

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, which will be received in two instalments (50% was received in late May and 50% will be received in July)
- 1.5 Under decision number 20/00061 Infection Control Fund, Kent County Council (KCC), accepted the £18.8m grant allocation and in accordance with direction from government, passported 75% (£14.16m) to care homes that met the conditions outlined in the grant.
- 1.6. There is more discretion over the remaining 25% of the grant can be spent. This report sets out proposals to allocate the remaining 25% (£4.72m) to support the wider care market.

2. Strategic Statement and Policy Framework

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

3. The Report

- 3.1 Through the Infection Control Grant the Local authority was given autonomy to spend 25% of the grant based on need across the care sector, as long as it was demonstrably spent on infection control, including domiciliary care workforce.

- 3.2 Officers worked with the two key trade associations, namely the Kent Integrated Care Alliance (KICA) and the National Care Association (NCA) to co-produce how this money could be spent to best effect. Consideration was made to share the funding equally amongst all community care providers, using similar principles to the 75% allocation, however it was decided that this would spread the funding too thinly.
- 3.3 It was agreed that a proportion of the money should be given to KICA and NCA to support all providers through a suspension of membership fees, support and guidance with infection control measures, including Webinars and information sharing. The trade associations have been tasked with producing a paper detailing the cost and benefits of the proposal.
- 3.4 The majority of the money will be shared amongst community providers who deliver commissioned care hours, namely Care and Support in the Home, Supported Living and Extra Care Housing. Money will be allocated based on a blend of commissioned hours and number of clients. Finance are currently undertaking the work to determine the providers and their commissioned hours to enable the finalisation of the allocation.
- 3.5 As we are granting the money to providers with whom we hold a contractual relationship, we will issue a variation letter detailing the terms of the grant agreement and the necessary claw back arrangements if these conditions have not been met. The letters will be issued by the Head of Commissioning.
- 3.6 Tracking of the expenditure against the grant will form part of our wider governance process surrounding the implementation and management of the Infection Control Fund.

4. Financial Implications

- 4.1 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.
- 4.2 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.

- 4.3 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.
- 4.4 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.
- 4.5 The proposals developed will be designed to ensure that they meet the conditions of the grant in order to minimise this risk.

5. Legal Implications

- 5.1 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.
- 5.2 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.

6. Equality Implications

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

7. Data Protection Impact Assessment Implications

- 7.1 There are no anticipated data implications associated with this decision.

8. Conclusions

- 8.1 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.

8.2 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.

9. Recommendation(s)

9.1 Recommendation(s): The Cabinet Member for Adult Social Care and Public Health is asked 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 report

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.

10. Background Documents

20/00061 - Infection Control Fund

<https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2358>

11. Contact details

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