

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00106

For publication**Key decision***

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

Subject: INFECTION CONTROL FUND

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

- a) **ACCEPT** the Infection Control Fund: round 2 grant, under the terms set out by the government;
- b) **ACCEPT** any future additional Infection Control Funding (should it become available) to be allocated in line with the guidance and terms and conditions issued by government;
- c) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, after 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 amounts of the relevant payments as required; and
- d) **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:

On 1 October 2020 the government wrote to Local Authorities announcing that the Adult Social Care Infection Control Fund (first introduced in May 2020) was being extended until 31 March 2021, with an extra £546m of funding. This is a new grant with revised conditions from the original Infection Control Fund.

It is expected the grant will be fully spent on infection control measures (as outlined in the grant determination letter) by 31 March 2021. The guidance is clear that 'spent' means that expenditure has been incurred on or before 31 March.

The guidance states that local authorities should prioritise passing on the 'per bed'/'per user' allocation (as outlined below) to care homes and CQC-regulated community care providers (domiciliary care, extra care and supported living) in their geographical area. It is expected, where possible, this will take no longer than 20 working days upon receipt of the funding in a local authority, subject to providers meeting the conditions as stated in the local authority circular (October 2020).

It is unclear at this time whether further Infection Control Funding will become available either before or post 31 March 2021, therefore as part of this decision it is proposed that the Cabinet Member for Adult Social Care and Public Health, also agrees to accept any future additional Infection Control Funding should it become available which will be allocated in line with the guidance and terms and conditions issued by government.

Financial Implications:

The funding to the Council is received as a grant paid under section 31 of the Local Government Act 2003 ringfenced exclusively for actions which support care homes in reducing the rate of COVID 19

transmission. The total value of the grant to KCC is £16.65m. The guidance states that all funding must be used for COVID-19 infection control measures. Local authorities should pass 80% of each (of the two) instalment to:

- care homes¹ within the local authority's geographical area on a 'per beds' basis
- CQC-regulated community care providers (domiciliary care, extra care and supported living) within the local authority's geographical area on a 'per user' basis.

This includes social care providers with whom the local authority does not have existing contracts. The allocations per local authority have been published in annex B of the local authority circular (October 2020).

The other 20% of the funding must be used to support care providers to take additional steps to tackle the risk of COVID-19 infections but can be allocated at the local authority's discretion. Any funding allocated through this 20% will be used to support the full range of social care providers regardless of whether the local authority already commissions care from them.

Legal Implications:

Legal advice has been received to develop an Infection Control Grant Agreement between the council and the grant recipients, 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 grant recipients before funding is released.

Equality Implications:

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 care homes and in the community.

Data Protection implications:

There are no anticipated data protection implications associated with this decision.

Reason for Urgency:

The decision needs to be taken under urgency procedures as the funding has already been received. The grant conditions require the funding be passported, as per the Infection Control Guidance, to care providers within 20 days.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, agreed that the decision could not be reasonably deferred

No comments were received by the Group Spokespeople of the Scrutiny Committee or the Chair and Group Spokespeople of the Adult Social Care Cabinet Committee.

Any alternatives considered:

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

N/A

Mrs C Bell

28 / 10 / 2020

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signed

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date

