

## INDIVIDUAL CABINET MEMBER DECISION REPORT

Published on 13 October 2020

**Report Title: Infection Control Grant, Distribution to Providers**

<b>Dates between which decision will be taken</b>	Earliest date: 13 <sup>th</sup> October 2020 Latest date : 13 <sup>th</sup> October 2020
<b>Adult Social Care Commissioning</b>	<b>Councillor Carole Allaway Martin</b>
<b>Key Decision</b>	Yes
<b>Background Papers</b>	The Department of Health and Social Care's Local Authority Circular: Adult Social Care Infection Control Fund – round 2: Published 1st October 2020  Determination under section 31 of the Local Government Act 2003 of a ring-fenced infection control grant to local authorities for 2020/21 no. 31/5186 (The Determination)
<b>Location/Contact for inspection of Background Documents</b>	<a href="https://www.gov.uk/government/publications/adult-social-care-infection-control-fund-round-2">https://www.gov.uk/government/publications/adult-social-care-infection-control-fund-round-2</a>
<b>Main Consultees</b>	The Department of Health and Social Care has set a very restricted timeframe within which the funding described in this report must be allocated to adult social care providers, hence the usual procedure for carrying out a consultation process has not been possible. The council has, however, consulted with the provider representative organisation GCPA in order to understand current provider pressures.
<b>Planned Dates</b>	The intention is for the first of the two payments described in the Recommendations section of this report to be made on October 28 <sup>th</sup> 2020
<b>Divisional Councillor</b>	All

<b>Officer</b>	<p><b>Margaret Willcox</b>  Executive Director for Adult Social Care  Adult Social Care Directorate  Gloucestershire County Council  Shire Hall, Gloucester</p> <p>Telephone: 01452 328468  <b>Email:</b> <a href="mailto:margaret.willcox@gloucestershire.gov.uk">margaret.willcox@gloucestershire.gov.uk</a></p>
<b>Purpose of Report</b>	<p>To seek approval to pay grant funding to adult social care providers, including those with whom the council does not have a contract, as described in Local Authority Circular: Adult Social Care Infection Control Fund – round 2 (published 1st October 2020) for the purpose of reducing the rate of COVID-19 transmission in and between care homes and supporting wider workforce resilience.</p>
<b>Recommendations</b>	<p>That the Cabinet Member for Adult Social Care Commissioning delegates authority to the Executive Director of Adult Social Care to:</p> <ol style="list-style-type: none"> <li>1. Pay providers of bed-based care in care homes in Gloucestershire, including those with whom the council does not have a contract, the stipulated allocation of grant funds received pursuant to the Determination on a per bed basis in two instalments (the first in October 2020 and the second in December 2020).</li> <li>2. Pay providers of community-based care in Gloucestershire, including those with whom the council does not have a contract, the stipulated allocation of grant funds received pursuant to the Determination based on size of provider in two instalments (the first in October 2020 and the second in December 2020).</li> <li>3. Allocate 20% of the grant funds received to other infection prevention and control measures including (but not limited to) additional PPE reserves, day services, non-regulated residential care, carers' support services, DP recipients and employment of PAs, voluntary sector.</li> </ol>
<b>Reasons for Recommendations</b>	<p>To seek approval to offer the ring-fenced infection control grant funding to bed-based and community care providers and the wider care market for purposes set out above and in the main body of this report.</p>
<b>Resource Implications</b>	<p>The cost of the proposal will be fully met from the ring-fenced Infection Control Grant which nationally is worth £546 million. Gloucestershire's allocation is £6,621,410 with the number of registered care home beds being 6,025 and the number of Community Care users being 3,647 (as per Care Quality Commission (CQC) Care Directory with Filters September 2020).</p> <p>The grant will be received by the Council in 2 equal instalments. The first was received on the 1<sup>st</sup> October 2020 and the second will be received in December 2020. Both instalments are required to have been paid to qualifying recipients by 31<sup>st</sup> March 2021. The second instalment will only be</p>

paid to the Council if it has submitted a completed ASC Winter Plan to DHSC no later than 30<sup>th</sup> October 2020, and provided the first instalment has been used by qualifying recipients for infection control purposes as evidenced by the CQC Capacity Tracker (set up in April to understand the impact of coronavirus on people receiving care, the care workforce, and the capacity of services) and returns submitted pursuant to the terms of grant agreements that will be entered into with grant recipients.

All monies to be distributed by the Council are from the government's Infection Control Fund only. The total to be distributed in respect of Gloucestershire shall be a sum not exceeding the £6,621,410 that has been paid to the council for distribution between care providers under section 31 of the Local Government Act 2003 of a ring-fenced infection control grant to local authorities for 2020/21 no. 31/5186 (The Determination)

## MAIN REPORT CONTENTS

### Background

1. The Adult Social Care Infection Control Fund was first introduced in May 2020 and was initially worth £600 million. The purpose of this fund is to support adult social care providers, including those with whom the local authority does not have a contract, to reduce the rate of COVID-19 transmission within and between care settings, in particular by helping to reduce the need for staff movements between sites.
2. Due to its success in limiting the transmission of COVID-19 within and between care settings, the Adult Social Care Infection Control Fund has been extended until March 2021, with an extra £546 million of funding. This is a new grant, with revised conditions from the original Infection Control Fund. It brings the total ringfenced funding for infection prevention and control to £1.146 billion.
3. The terms of the Determination require Local Authorities to ensure that 80% of the Infection Control Fund Ring-Fenced Grant is allocated to care providers to stop transmission in and between care homes and in the community, in particular by minimising the movement of staff to reduce the risk of asymptomatic transmission of the virus.
4. The allocation for care homes is to be spent on the following listed infection prevention and control measures:
  - ensuring staff receive normal wages/do not lose income – includes 2 scenarios under this eg staff/families with symptoms awaiting tests, others in household testing positive, people quarantined awaiting NHS procedures
  - limiting staff movement between care settings unless absolutely necessary
  - limiting or cohorting staff to individual groups of residents or floors/wings, inc segregation of positive residents
  - supporting active recruitment of additional staff and volunteers to help working in only one care home or assigned resident group
  - steps to limit use of public transport
  - providing accommodation for staff who choose to stay away from their families
  - supporting safe visiting (inc dedicated extra staff, extra cleaning, building alterations)
  - funding staff for going to take tests
5. The allocation for community providers is to be spent on the following listed infection prevention and control measures:

- ensuring receipt of normal wages (as above)
  - steps to limit the number of different people from a home care agency visiting a particular individual or steps to enable staff to perform the duties of other team members/partner agencies (including, but not limited to, district nurses, physiotherapists or social workers) when visiting to avoid multiple visits to a particular individual
  - meeting additional costs associated with restricting workforce movement for infection control purposes. This includes staff who work on a part-time basis for multiple employers or in other care settings particularly care homes. This includes agency staff (the principle being that the fewer locations that members of staff work in the better)
  - ensuring that staff who need to attend work for the purposes of being tested (or potentially in the future, vaccinated) for COVID-19 are paid their usual wages to do so
  - steps to limit the use of public transport by members of staff.
6. The terms of the Determination provide Local Authorities with a discretion to allocate the remaining 20% of the Infection Control Fund Ring-Fenced Grant to support the care sector to put in place other COVID-19 infection control measures but this can be allocated at their discretion. Wider measures that this could include are:
- providing support on the IPC measures outlined above to a broader range of care settings, including, but not limited to:
    - community and day support services (the department would like local authorities to consider using this fund to put in place infection prevention and control (IPC) measures to support the resumption of services)
    - other non-CQC regulated residential settings
    - carers support services
    - individuals who directly employ one or more personal assistants to meet their care needs
    - individuals who are in receipt of direct payments
    - the voluntary sector
  - paying care staff their usual wages in order to attend a GP or pharmacy to be vaccinated against flu outside of their normal working hours
  - measures the local authority could put in place to boost the resilience and supply of the adult social care workforce in their area to support effective infection control
7. Local authorities may also choose to allocate this funding in line with the 80% 'per beds'/'per user' allocation and the funding allocated through this 20% should be used to support the full range of social care providers regardless of whether the local authority already commissions care from them.
8. Gloucestershire County Council proposes to use this 20% to: support parts to the wider social care market where there has been an impact

from Covid but no previous funding has been allocated; additional PPE stores to supplement national supply in times where capacity is challenged; any other Covid related infection control expenditure which is identified as a pressing need and falls within the terms of the Infection Control Grant.

9. The Determination provides that the Infection Control Fund Ring-Fenced Grant must not be used for fee uplifts, expenditure already incurred or activities for which the local authority has earmarked or allocated expenditure or activities which do not support the primary purpose of the Infection Control Fund.
10. Providers will be required to sign a grant agreement with the council confirming that the funds will be used on the basis prescribed under the Determination. Providers will be required to provide the Council with receipts or such other information as is necessary to evidence that the funding has been used for its intended purpose only. Providers will be required to electronically submit a monthly return detailing spend and will have to be completing the capacity tracker as per grant conditions to access any of the funds.

### **Options**

#### 11. Option 1

To distribute the funds to providers of residential and community care in accordance with the Determination with 80% funds going directly to care providers in Gloucestershire and 20% funding to be spent on other infection control measures.

This is the preferred option as it conforms with the government guidance and will provide stability to the market regarding infection control during this unprecedented time.

#### 12. Option 2

Not to distribute the funding to Gloucestershire residential and community providers.

This is not recommended as it is both against government guidance and would create further hardships for a market already facing exceptional difficulties during the COVID 19 epidemic.

### **Risk Assessment**

13. Given that support provided to care providers by local authorities using the Infection Control Fund Ring-Fenced Grant may constitute state aid, the council is required comply with relevant state aid legislation when making allocations of such grant.
14. It is the view of the Department of Health and Social Care (the DHSC) that the proposed payment of such grant is covered by the Services of

General Economic Interest Decision (SGEI) 2012/21/EU because the proposed measures will help reduce the incidence and spread of COVID-19 and are over and above that which care providers would normally be expected to provide and are of particular importance to and are in the interest of care home residents, community care users, workers and their families and the general public. Further, they are not being provided by the market at the level or quality required by the market, and thus to secure their provision, compensation needs to be provided to an undertaking or set of undertakings.

15. Accordingly, the DHSC has advised local authorities, by way of Adult Social Care Infection Control Fund – round 2: Local Authority Circular Published 1st October 2020), that they can choose to rely on the Services of General Economic Interest Decision (SGEI) 2012/21/EU in compliance with relevant state aid legislation when making allocations of the grant.
16. On this basis, the risk of the council receiving an order to repay grant aid under the state aid rules is considered to be small.
17. There is a risk of not providing the proposed grant funding, given that this would exacerbate infection control difficulties for providers already in turbulent times.

#### **Officer Advice**

18. It is recommended that the funding is distributed to providers as outlined in Option 1 as a matter of urgency.

#### **Equalities considerations**

19. The proposal for the Infection Control Grant is not expected to negatively impact on any protected group and is expected to have a positive impact on people receiving these services who are likely to be either older people, disabled people or people with poor mental health.
20. A due regard statement has been prepared.

#### **Consultation arrangements/feedback**

21. Although we are seeking to distribute the monies as a matter of urgency discussions have been had with the Gloucestershire Care Provider Association (GCPA) to understand the provider perspective regarding the 20% of funding that can be distributed more widely and how that can be best reflected.

#### **Performance Management/Follow-up**

22. The proposed payments will be made under grant agreements which will require providers to submit evidence of spend which will be reviewed to ensure that funds have been spent appropriately.

<b>Report Title</b>	<b>Infection Control Grant, Distribution to Providers</b>
<b>Statutory Authority</b>	<b>Government via</b> Local Authority Circular: Adult Social Care Infection Control Fund – round 2: Published 1st October 2020
<b>Relevant County Council policy</b>	None applicable
<b>Sustainability checklist:</b>	
Partnerships	If the proposal is accepted colleagues in Commissioning, Finance and Procurement Services, will work with Gloucestershire private sector providers of bed and community based care to provide financial support from Government funding at a time when the market is under extreme pressure from the impact of the Covid 19 virus.
Decision Making and Involvement	As the proposed changes are in response to emergency guidance from the Cabinet Office in response to the Covid 19 crisis, and have no impact on how services are directly delivered, no consultation has been undertaken or is proposed. The proposal has been developed by a project group with representatives from finance, procurement, and commissioning and includes senior management representation.
Economy and Employment	The proposed changes are intended to improve the stability of the social care market through the Covid 19 crisis, to strengthen the current care workforce and sustain local care jobs.
Caring for people	The proposals are intended to improve infection control measures that providers are able to implement during the Covid 19 crisis thus securing the wellbeing of vulnerable individuals and their families for whom care is provided in Gloucestershire.
Social Value	NA
Built Environment	N/A
Natural Environment' including Ecology	N/A

(Biodiversity)	
Education and Information	N/A
<b>Tackling Climate Change</b>	Carbon Emissions Implications? Neutral Vulnerable to climate change? No
<b>Due Regard Statement</b>	Has a Due Regard Statement been completed? Yes/ Yes - considerations included in main body of report  A copy of the full Due Regard Statement can be accessed on GLOSTEXT via  Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: <a href="mailto:jo.moore@gloucestershire.gov.uk">jo.moore@gloucestershire.gov.uk</a> .
<b>Human rights Implications</b>	