

Report to Executive Director of Adults and Health

April 2021

Adult Social Care Infection Control and Testing Fund

Report by Head of Commissioning

Electoral divisions: all

Summary

Following an announcement in March 2021 of further funding for adult social care to support infection prevention and control and rapid testing, £6.688m has been allocated to West Sussex to reduce the rate of COVID-19 through infection prevention practices and to increase and implement rapid testing.

Funding has been paid to the Council on the 8th April and must be spent by the 30th June.

As with previous grants for infection control and lateral flow testing the Council is required to comply with a number of conditions set out in the grant circular distributed by the Government and through associated guidance.

Since it is likely that further funding may be allocated to support the adult social care market during 2021/22, it also recommended that a revised approach for managing any such announcements is put in place to ensure that funding can be transferred to providers with maximum speed, which is reflected in recommendations 2 and 3.

Recommendations

- (1) The Executive Director of Adults and Health is asked to approve that the £6.688m funding be distributed in line with the proposals set out in section 2 of this report and in line with Government guidance, subject to Government grant conditions and the providers' acceptance of the terms and conditions of the Council's grant agreement.
 - (2) The Executive Director of Adults and Health is asked to distribute any future funding allocated for the adult social care market during 2021/22 in line with the government guidance and conditions and in line with local need at the time of funding allocation.
 - (3) For any funding allocations made in accordance with recommendation 2 to be reported through the Quarterly Performance Monitor.
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Proposal

1 Background and context

- 1.1 During 2020/21 The Department of Health and Social Care issued just under £30m to West Sussex to support the adult social care market through the Infection Control Grant (Rounds 1 and 2,) the Rapid Testing Fund and the Adult Social Care Workforce Capacity Fund. These grants were issued to the County Council with specific instructions for facilitation to pass to social care providers, and with elements of discretion which the County Council could use to address local need.
- 1.2 On the 18th March 2021 the government announced a further £341 million of funding for infection control measures and rapid testing in adult social care services. The guidance and allocation for Local Authorities has since been released which confirms a total £6.688m for West Sussex made up of £4.063m of Infection Prevention and Control allocation and £2.625m of Rapid Testing Allocation.
- 1.3 The purpose of these Section 31 grant funds is to support adult social care providers to reduce the rate of COVID-19 within and between care settings through infection prevention and control practices and increased staff vaccinations. It is also to enable additional rapid testing of staff and visitors and thus facilitate close contact visiting where possible in care homes settings and high risk supported living and extra care settings.
- 1.4 The local authority grant circular sets out the conditions of the grant which include that Local Authorities should pass on 70% of the Infection Prevention and Control allocation to care homes and CQC regulated community care providers on a 'per bed' (care homes) or 'per user' (community care) basis. In addition 60% of the Rapid Testing allocation must be passed to care homes also on a 'per bed' basis. The Council has discretion over the remaining 30% of the Infection Prevention and Control funding and 40% of the Rapid Testing allocation.
- 1.5 The County Council has certain obligations in respect of the funding and is not able to make payments to providers unless certain criteria is met. These include being satisfied that the funding will be used for the measures outlined in the guidance. Providers are required to have completed the Capacity Tracker at least twice (2 consecutive weeks,) be committed to completing the Capacity Tracker at least once a week going forward and be committed to providing two reports to the Council setting out the spending of the funds. All of the funds must be spent by the 30th June 2021 with any unspent funds being required to be returned to the Department of Health and Social Care.
- 1.6 The proposals identified below set out how the Council intends to allocate the discretionary elements of the Infection Prevention and Control and Rapid Testing funding. It also sets out the Council's approach to utilising any additional funds which are allocated during the remainder of the 2021/22 financial year where there is any discretion for local choice to be exercised.

2 Proposal details

- 2.1 For all grants issued by the Department of Health and Social Care to date, there has been elements of discretion over the use of the funding which can be

applied on the basis of local need. For this most recent funding allocation the discretionary funding equates to £1.219m in Infection Prevention and Control and £797k in Rapid Testing Funding.

- 2.2 The Department of Health and Social Care confirms the discretionary elements of the Infection Prevention and Control could be used to support care homes experiencing outbreak, other care settings, boost resilience and supply of ASC workforce to support infection control and for up to 1% to be used for administration costs. The proposals for use in West Sussex reflecting the local need is to direct discretionary Infection Prevention and Control funding on a per bed/per user basis as outlined in 2.4 to day service provision available during the period the funds covers, non CQC registered Supported Living, and CQC registered community provision (Domiciliary Care, Extra Care and Supported Living) In addition £30,950 will be directed to carers services and 1% (£40,600) will be utilised for administration.
- 2.3 The Department of Health and Social Care expects Local Authorities to use some Rapid Testing funding for extra care and supported living settings where the Local Authority has been referring and approving settings for this purpose, smaller homes to implement Lateral Flow Tests, care homes experiencing outbreaks to administer and increase use of Lateral Flow Tests and other parts of the sector to implement Lateral Flow Tests in line with future roll outs. Some of these suggestions have not been proposed in West Sussex and the reasons for this are set out in 3.1 and 3.2. The proposal in West Sussex is to direct to discretionary Rapid Testing Funds on a per bed/per user basis as identified in 2.4 to day services available during the period the funds covers, non CQC registered Supported Living, Supported Housing, and Community Providers (including Domiciliary Care, Supported Living and Extra Care).
- 2.4 At provider level these proposals will mean:
 - Infection Control: (a) Mandated element of £228.85 per bed for care homes and £73.69 per user for community care providers. (b) Discretionary element of £138.23 per user/per bed for eligible providers.
 - Rapid Testing: (a) Mandated element of £179.15 per bed for care homes. (b) Discretionary element of £91.85 per user/per bed for eligible community care providers.
- 2.5 As the first Department of Health and Social Care funding announcements in the financial year 2021/22, the principles which have shaped these proposals are anticipated to be applied to any future grant allocation this year. Any future allocation of funding will be directed in line with the guidance and conditions that are set out within the specific and relevant Department of Health and Social Care guidance. Any elements of discretion will be directed to the most relevant and appropriate care settings on the basis of the purpose of the funding with a proposal that that Executive Director of Adults and Health agrees the distribution in discussion with commissioners of service and with reporting through the Quarterly Performance Monitor. This will see funding directed to CQC regulated care provision initially with some support to non CQC registered care provision where the grant allows based on local need and discretion.
- 2.6 These proposals will see some providers receiving potentially more than one allocation. For example, care homes will receive a total amount made up of the Infection Control Allocation and the Rapid Testing allocation. Providers will

receive one payment, with confirmation on the breakdown of that payment within a grant agreement which will be required to be signed and returned.

3 Other options considered (and reasons for not proposing)

- 3.1 The Council considered the option to direct funding to providers experiencing outbreaks. However, at the time of publishing the guidance the number of outbreaks in care homes has reduced significantly to just 5 older persons homes with confirmed cases and hence the impact on outbreaks is significantly less than in the previous funding period. There may of course be more outbreaks, however it is unknown and impossible to predict how many outbreaks there may be, when or where these will occur and putting money aside for this risks their being insufficient or too much funding set aside that would either not meet the need or be able to be spent. This option was therefore dismissed although if there is funding remaining due to providers not accessing the funding then this could be used should this be necessary.
- 3.2 The Council has previously allocated higher allocations of funding to those with proportionately higher costs, However, the impact for individual providers was relatively small and hence on this occasion this has also been dismissed.
- 3.3 The Council is impacted by the payment period and the need to distribute funds swiftly to benefit the whole market. This has restricted the ability to explore further use of the funding beyond that set out in section 2.

4 Consultation, engagement and advice

- 4.1 The defined timescales for the administration and spending of these funds are extremely short which impacts on the level of consultation that can be undertaken. The Council holds regular meetings with representatives from the market and feedback and experience in recent commissioning has supported development of the proposals.
- 4.2 Internally Adult Social Care commissioning leads have developed proposals and legal, finance and procurement teams have been consulted and are supporting the process for payment and reporting to central government.

5 Finance

- 5.1 The County Council will administer the funding in line with the conditions that have been set by the Government. These conditions will be included in a Section 31 grant agreement that providers will need to agree prior to receiving any money. This will ensure that the County Council is able to recover any underspend from providers and so be able respond to any requirement to return funding to the Department of Health and Social Care.
- 5.2 The allocation of £6.688m was paid to the Council in a single instalment on the 8th April 2021 and must be spent by the 30th June 2021. The government expects the payments to be made to care homes within 20 working days of having received the funding.
- 5.3 The effect of the proposal:
 - (a) **How the proposal represents good value**

The proposals enable the funding to be directed swiftly to the market in order that the market can use it within the timeframes allowed to support the objectives of both elements of the funding – Infection Prevention and Rapid Testing.

(b) Future savings/efficiencies being delivered

The proposals will not deliver future savings or efficiencies as they are a simple passporting of Department of Health and Social Care funding to the social care market to support providers to deliver the objectives of both elements of the funding.

(c) Human Resources, IT and Assets Impact

Previous grant funding has required significant resource, which has impacted on other strategic priorities. To limit the impact the Council will utilise the allowed 1% of the Infection Prevention and Control fund (approx. £40k) to fund additional capacity.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Risk to various other service resources of increased resource required to administer and report on funds	Whilst administration costs of up to 1% of Infection Control have been allowed in this grant allocation, seeking additional resource with the level of expertise required with immediate effect is unlikely and there is therefore anticipated to be a continued resource impact for existing staff with the specialist skills and knowledge to enable the funds to be allocated swiftly. However, the administration funding will be used to support additional capacity to manage the administration of the funds.
Delayed impact if awaiting signed agreements back from providers	The money will be issued to providers in a way that safeguards the Council’s position but without waiting for signed agreements to be returned as with previous funds. Outweighs risk of delay in distributing funding.
Risk the Council is required to repay the grant funding if the s.31 grant conditions are not complied with	Providers will be required to sign a grant agreement with the Council which reflects the s.31 grant conditions. This will include repayment provisions if the provider does not comply with the conditions.

7 Policy alignment and compliance

7.1 The Council considers that the COVID-19 infection control measures specified in the s.31 grant are consistent with subsidy control requirements because the measures will help reduce disease incidence and spread and are over and above that which care providers would normally be expected to provide. Further, the measures/services 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.

- 7.2 The Government will require the Council to record information on the subsidies. At the present time, the Government (the Department for Business, Innovation & Skills) has not published details and so the Council will ensure that all information on the subsidy is retained.
- 7.3 A grant agreement has been prepared by Legal Services to ensure the Council acts in compliance with the s.31 grant. In the event payment is made before the provider has signed and returned the grant agreement, the provider will be deemed to have accepted all of the grant agreement terms and conditions unless stated otherwise in which case the provider will need to refund the grant funding to the Council.
- 7.4 There will be one grant agreement per legal entity, one grant agreement to cover all care homes and community services of that provider within West Sussex.

Catherine Galvin
Head of Commissioning, Adults Services and Health

Contact Officer: Juliette Garrett, Commissioning Lead for Older People
Tel: 033022 23748, Juliette.garrett@westsussex.gov.uk

Background papers

None