

**Cabinet – Urgent decision taken in accordance with Part 4.5 of the Constitution paragraph 17.02**

Item	Decision	Implementation date	Decision taker	Reason for urgency	Consent of Mayor
<p>Adult Social Care Infection Control Fund ring-Fenced 2020</p>	<p>That the Leader determines:</p> <p>The Interim Executive Director of Adult Social Care, in consultation with the Portfolio Holder distributes 75%, £1,715,930, of the Adult Social Care Infection Control Grant 2020 in accordance with the Grant conditions as set out</p> <p>The Interim Executive Director of Adult Social Care, in consultation with the Portfolio Holder distributes the remaining 25%, £572,634, to share across domiciliary care providers based on their number of packages at a given point in accordance with the relevant Grant conditions.</p>	<p>4 June 2020</p>	<p>Leader of the Council</p>	<p>To ensure the Local Authority meets the requirements of the grant conditions the first payment must be made to Residential and Nursing Providers by 10 June, 2020 and approval given to use the discretionary 25% element for Domiciliary Care providers</p>	<p>5 June 2020 – 12.20 p.m.</p>

Signed:



Councillor M.A. Bird  
Leader of the Council

Date: 5 June 2020

**(Note:** The above decision is not eligible for call-in in accordance with the following paragraph of Part 4.5 of the Constitution – Overview and Scrutiny Procedure Rules:

**“17.02 Call-In - Decisions that are urgent**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor’s consent shall be required. In the absence of both, the Chief Executive or his/her nominee’s consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.”)

## **Decision to be taken by the Leader in accordance with Part 4.5 Para 17.02 of the Walsall Council Constitution – Decisions that are urgent**

### **ADULT SOCIAL CARE INFECTION CONTROL FUND RING-FENCED GRANT 2020**

**Portfolio:** Councillor Rose Martin

**Related portfolios:** All

**Service:** Adult Social Care

**Wards:** All

**Key decision:** Yes

**Forward plan:** No

#### **1. Aim**

1.1 To seek approval following the guidance which was issued on the 22 May 2020 with regard to the allocation of the Adult Social Care Infection Control fund ring-fenced Grant 2020. This funding is to support Adult Social Care providers in England to reduce the rate of transmission in and between care homes and to support workforce resilience. The Grant allocation for Walsall is £2,288,564 based on the 1769 registered care home beds with the Care Quality Commission in the borough in May 2020.

#### **2. Summary**

2.1 The Infection Control Fund Ring Fenced Grant was issued on 22<sup>nd</sup> May 2020. This Grant will provide additional financial support to Adult Social Care providers who have a vital role in ensuring the safety and security of the most vulnerable in our community.

2.2 The Infection Control Fund is ringfenced for Adult Social Care and the Grant determination letter makes clear that it must be used to stop transmission in and between care homes, in particular by minimising the movement of staff to reduce the risk of asymptomatic transmission of the virus.

2.3 The Grant conditions stipulate that 75% of the total Grant should be passported directly to Care Homes, allocated on a CQC registered per-bed basis and should be passported in two instalments, one by no later than the 10 June 2020, the second within 10 working days of receipt to the authority which we believe to be end July/early Aug 2020.

2.4 Providers are supported to complete the National Capacity tracker with daily calls in place from the Local Authority to ensure the Grant conditions are met.

- 2.5 The Grant conditions stipulate that the remaining 25% of the total Grant can be used at the Council's discretion to reduce the rate of COVID-19 transmission and may be used to support domiciliary care providers and wider workforce resilience to deal with COVID-19 infections.
- 2.6 The Leader is asked to support the allocation of the remaining 25% of the total Grant, £572,634, be passported directly to Domiciliary Care providers, in two instalments, using the same Grant conditions, albeit they will need to be adapted slightly to reflect the different nature of the environment and include the use of the commissioning portal and capacity tracker before funds are released.
- 2.7. It is proposed that the Grant is awarded on a per package basis.

### **3. Recommendations**

- 3.1. That the Leader determines:
- 3.2. The Interim Executive Director of Adult Social Care, in consultation with the Portfolio Holder distributes 75%, £1,715,930, of the Adult Social Care Infection Control Grant 2020 in accordance with the Grant conditions as set out
- 3.3. The Interim Executive Director of Adult Social Care, in consultation with the Portfolio Holder distributes the remaining 25%, £572,634, to share across domiciliary care providers based on their number of packages at a given point in accordance with the relevant Grant conditions.

### **4. Report detail - know**

#### ***Context***

- 4.1. The Infection Control Fund Ring Fenced Grant was issued on 22<sup>nd</sup> May 2020. The primary purpose of the 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 in and between care homes and support wider workforce resilience. This funding will be paid as a Section 31 Grant, ring fenced exclusively for actions which support care homes and domiciliary care providers mainly to tackle the risk of Covid-19 infections and is in addition to funding already received.
- 4.2. The Grant will be paid to the Local Authority in two instalments, one received in May and the second expected end July/beginning August 2020.
- 4.3. The Minister of Care's expectation is that the Grant will be fully spent by local authorities on infection control measures of the specified kinds within 2 months of the Authority receiving the second instalment. If at the end of September 2020 there is any underspend or the Department is not convinced that the Authority has spent the funding according to the Grant conditions outlined in the Grant Determination, the Secretary of State may reduce, suspend or withhold Grant payments or require the repayment of the whole or any part of the Grant monies paid, as may be determined by the Secretary of State and in writing to the authority.

- 4.4. Local Authorities must distribute the money in line with Adult Social Care Infection control fund ring-fenced Grant 2020 Local Authority Circular published on the 22 May 2020 guidance and the first instalment should be paid by no later than the 10 June 2020. There are statutory reports to be submitted in respect of the first instalment that must be made to the Department of Health and Social Care (DHSC) by no later than 26 June. A second and final report in respect of both instalments must be submitted to DHSC by 30 September. These are statutory annexes attached to the government guidance.
- 4.5. 75% of the funding should be prioritised for care homes and passed on as quickly as possible. The expectation of the DHSC is that this takes no longer than ten working days upon receipt of the funding in a Local Authority. The remaining 25% can be used at the Local Authority's discretion, however, the guidance stipulates that it should be used in line with the aims of the fund and it may be used to support domiciliary care providers and support wider workforce resilience to deal with COVID-19 infections

### **Council Corporate Plan priorities**

- 4.6. People have increased independence, improved health and can positively contribute to their communities.
- P1 - Enhancing quality of life for people with care and support needs and those with long term conditions.
  - P2 - Delaying and reducing the need for care and support.
  - P3 - People recover from episodes of health or injury.
  - P4 - The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment.
- 4.7. All of the above corporate priorities are supported by this approach in these extraordinary circumstances.

### **Risk management**

- 4.8. Providers must account for all payments paid out of the 'per beds' allocation and keep appropriate records. In so far as a provider does not use the entirety of the 'per beds' allocation in pursuit of infection control measures, any remaining funds must be returned to the Local Authority. Local Authorities must ensure that appropriate arrangements are in place to enable them, if necessary, to recover any such overpayments. None of the funding provided is to be used for any purpose other than the specified infection control measures. A Local Authority must ensure that funding, which it allocates for a measure described above, is allocated on condition that the recipient care provider uses it for infection control measures only, and will provide the Local Authority with a statement certifying that that they have spent the funding on those measures by 23 September.
- 4.9. To mitigate the risk of not being able to passport the Grant to providers commissioning resource has been identified to support with compliance

### **Financial implications**

- 4.10. Adult Social Care Infection Control fund ring-fenced Grant 2020. The Grant allocation for Walsall is £2,288,564 based on the 1769 care home beds in the

borough in May 2020. 25%, £572,364k will be shared across domiciliary care providers based on their number of packages, for Walsall residents at a given point.

- 4.11. A recipient authority must maintain a sound system of internal financial controls. If a recipient authority has any grounds for suspecting financial irregularities in the use of any grant paid under this funding agreement, it must notify the Department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes “financial irregularity” includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

### **Legal implications**

- 4.12. In distributing this Grant the Council must ensure that it follows the terms and conditions set out in the Grant document pertaining to the Adult Social Care Infection Control Fund especially as there is a power of recovery.
- 4.13. The Council must ensure that any Grant funding distributed by it to care providers is State Aid compliant. The ‘Background’ section of the ‘Adult Social Care Infection Control Fund Ring-fenced Grant 2020 Local Authority Circular’ sets out central government’s views about such grants being State Aid compliant, but in addition the Council will require all recipients of this funding to give a written endorsement to the Council that they:
- (i) have satisfied themselves that any such funding is State Aid compliant; and
  - (ii) will repay to the Council any funding that is found not to be.
- 4.14. Adult Social Care will engage with the Council legal department as required to support the safe allocation of funds.

### **Procurement Implications/Social Value**

- 4.15. Adult Social Care will engage with the Council procurement department as required to support the safe allocation of funds.

### **Property implications**

- 4.16. Not applicable

### **Health and wellbeing implications**

- 4.17. This Grant will allow a proactive approach to support vulnerable care home and domiciliary care clients by ensuring that the providers have the means to provide the best infection control measures to their residents/clients.

### **Staffing implications**

- 4.18. Not applicable

## Reducing Inequalities

- 4.19. This Grant will support Walsall providers to deliver care and support services to our most vulnerable residents who have been very high profile in the media over the last 3 months. An Equality Impact Assessment (EqIA) is not required for this report.

## Consultation

- 4.20. Due to the urgent nature and timescales for payments of this legislation and guidance there has been limited consultation with key partners.

## 5 Decide

- 5.1. To agree to speedy administration of this ring fence Grant to Walsall borough residential, nursing and domiciliary care providers, 75% to the care home providers in two instalments.
- 5.2. To agree that the Local Authority discretion is applied to use the remaining 25% approx £572,364 to share across domiciliary care providers based on their number packages at a given point.

## 6 Respond

- 6.1. This funding supports adult social care providers in Walsall to reduce the rate of transmission in and between care homes and to support workforce resilience at this time of Covid-19.
- 6.2. Provides the framework to respond to the distribution of the Adult Social Care infection control Grant 2020. Following the requirements of the Grant as set out in the letter 22 May 2020 sent by Helen Whately MP, Minister for Care.

## 7 Review

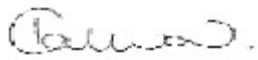
- 7.1. The distribution of this Grant is time limited and the first instalment will need to be distributed by 10 June 2020. The providers will have to submit returns to show compliance with the requirements of the ring fenced Grant.

## Background papers



## Author

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Kerrie Allward  
Interim Executive Director

4 June 2020



Councillor Rose Martin  
Portfolio holder

4 June 2020