

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

3909

Author:

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Department:

Children and Adults

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Subject:

Allocation of Adult Social Care Infection Control Grant Funding

Key Decision (decision valued at more than £1million):

Yes

Total Value:

£2,727,217 (Type: Revenue)

Decision Being Taken:

1) To accept the allocation of £2,727,217 in grant funding from the Department of Health and Social Care (DHSC), as the Adult Social Care Infection Control Fund Ring-Fenced Grant, for measures to reduce the rate of Covid-19 transmission in Adult Social Care Services.2) To approve the allocation of 75% of the grant funding to residential care suppliers in the City for Covid-19 infection control measures, in accordance with the conditions of the grant funding.3) To delegate authority to the Corporate Director for People, in consultation with the Director of Public Health, to spend up to 25% of the grant funding on measures to support domiciliary care providers and wider workforce resilience, in accordance with the grant funding conditions.

**Reasons for the Decision(s)** The Department of Health and Social Care (DHSC) has established an Infection Control Fund worth £600million to be paid to Local Authorities as a Section 31 grant, ring fenced to support adult social care providers to reduce the rate of Covid-19 transmission. The funding is available primarily to support measures to reduce infections in and between care homes; additionally up to 25% may be used to support domiciliary care providers and wider workforce resilience to deal with Covid-19. The Council has received an allocation of £2,727,217 to support social care providers in the city. The DHSC grant funding conditions stipulate that 75% of funding must be allocated to care homes on a 'per beds' basis. For the remaining 25%, there is discretion for councils to allocate to care homes or domiciliary care providers and support for wider workforce resilience, in relation to Covid-19 infection control. It is proposed that the funding for care home providers will be allocated to them as grants based on the number of Care Quality Commission-registered beds, to enable them to take additional infection control measures in their service delivery. The DHSC guidance states that, "In order to ensure that the relevant infection control measures are put in place as speedily as possible, local authorities should make the relevant payments to providers as quickly as possible on receipt of these allocations." Payment by DHSC to the Council is subject to the funding being used entirely on the intended Covid-19 infection control measures and funding may be withheld or recovered by DHSC if the grant conditions are not fully complied with. Payment is to be made by DHSC in two instalments in May and July 2020, and reports of the use of the funding must be submitted to DHSC in June and September 2020.

**Other Options Considered:** 1) To do nothing: this option was rejected as the Adult Social Care Infection Control Grant funding is available to the Council to support measures to prevent and reduce the transmission of Covid-19 in Adult Social Care Services, including care homes, homecare and wider workforce resilience in relation to Covid-19. If the funding is not accepted, there may be an increased risk of the spread of the virus within care homes and other social care services, and more widely in the community, with significant public health consequences.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Citywide

**Colleague / Councillor Interests:** None

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None

**Equality:** EIA not required. Reasons: This decision relates to the continuation of existing services and does not include proposals for a change to a service, policy or function.

**Social Value Considerations:** Not applicable.

**Regard for NHS Constitution:** Local Authorities have a statutory duty to have regard to the NHS Constitution when exercising their Public Health functions under the NHS Act 2006. In making this decision relating to Public Health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

**Decision Type:** Leader's Key Decision

**Subject to Call In:** No  
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

**Person Consulted:** Chair of the Overview and Scrutiny Committee  
**Consultation Date:** 05/06/2020  
The decision is urgent and cannot be delayed because the Department of Health and Social Care's guidance requires that, in order to ensure that the relevant infection control measures are put in place as speedily as possible, Local Authorities must accept the grant and make the relevant payments to providers as soon as they can, on receipt of their allocations.

**Advice Sought:** Legal, Finance, Procurement

**Legal Advice:**

**This report seeks authority to accept grant funding from the Department for Health and Social Care's Infection Control Fund and for the Council to allocate funding to care homes for the purposes of enhanced infection prevention control. The Department has provided guidance to local authorities as to how to allocate the funding and the conditions that must be complied with. The guidance confirms that when making payments to care homes, Local Authorities must ensure the payments are not unlawful state aid. The guidance offers a solution by confirming the payments are to fund Services of General Economic Interest, which is not unlawful state aid. That applies to the 75% that the Council is directed to pay for the purposes specified by the Department - if the remaining 25% funding is provided to care homes to be used for other permitted purposes, that may require the application of other state aid exemptions, such as de minimis or the UK Government's temporary Covid-19 state aid umbrella scheme. It is understood that the money is to be allocated via an electronic portal and therefore it will be necessary to ensure that grant recipients sign a declaration in which they agree to comply with all necessary conditions, including as to state aid and monitoring rights for the Council.**

**Advice provided by Andrew James (Team Leader Contracts and Commercial) on 04/06/2020.**

**This decision seeks approval to accept and allocate the £2,727,000 Infection Control Fund Grant from the Department of Health and Social Care.**

**The funding plan focuses on how to prevent and control Covid-19 in all registered care homes, using the latest domestic and international evidence brought together by Public Health England, and drawing on the insights of care providers and is intended to be implemented against the following categories:**

- . Infection prevention and control**
- . Testing**
- . Personal Protective Equipment and Equipment supply**
- . Workforce support**
- . Clinical support**

**The grant will be paid to the Council in two equal installments in May and July, and 75% of each installment must be paid directly to care homes based on the number of Care Quality Commission registered beds at each home. The remaining 25% of this funding is to be used to support domiciliary care providers, wider workforce resilience and other infection control measures (as outlined in the grant conditions) based on a needs/risk matrix. The second payment will be contingent on the first allocation being used for infection control.**

**The Department's expectation is that the grant will be fully spent by Local Authorities on infection control measures of the specified kinds within two months of the authority receiving the second instalment or the funding will be at risk of clawback.**

**For the 75% grant allocation to be paid directly to care home providers, an eform process has been established for providers to complete declaring that they meet the grant conditions attached to the funding which include but are not limited to:**

- . Completion of the capacity tracker**
- . Confirmation that funding will be used on areas of spend outlined above, as per the grant conditions**
- . Submission of various returns in line with Central Government deadlines**
- . Ensuring appropriate and robust records of spend using this funding are retained**
- . State Aid consideration - as per the Legal comments above**
- . Recognition that the funding is at risk of clawback if the grant conditions are not met in full**

**A report in respect of the first installment must be made to the Department by no later than 26 June. The care home must provide the local authority with a statement certifying that that they have spent the funding on infection control measures by 23 September, with a second and final report in respect of both instalments to be submitted to the Department by 30 September.**

**Advice provided by Hayley Mason (Strategic Finance Business Partner) on 05/06/2020.**

**Procurement Advice:**

**This decision relates to the allocation of Adult Social Care Infection Control Grant to residential care suppliers in the City for Covid-19 infection control measures, in accordance with the conditions of grant funding. As this is a grant funding arrangement, there are no procurement implications. Any allocation to adult social care providers which are not grants should be in compliance with the Council's Financial Regulations and Contract Procedure Rules, the procurement team will provide support with this as needed.**

**Advice provided by Julie Herrod (Lead Procurement Officer) on 02/06/2020.**

**Signatures:**

**David Mellen (Leader/ PH Regeneration, Safety and Communications)**

**SIGNED and Dated: 10/06/2020**

**Catherine Underwood (Corporate Director for People)**

**SIGNED and Dated: 08/06/2020**