

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4456

Author:

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Department:

People

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Subject:

Adult Social Care Infection Control Fund and Testing Fund allocations

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

Yes

Total Value:

£7.548m (Type: Revenue)

Decision Being Taken:

1) To retrospectively accept the allocation of £1.725m in grant funding from the Department of Health and Social Care (DHSC) in Round 3 of 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 retrospectively accept the allocation of £1.307m in grant funding from the Department of Health and Social Care (DHSC) in Rounds 2 and 3 of the Adult Social Care Rapid Testing Fund Ring Fenced Grant, to fund rapid testing of staff and visitors in Adult Social Care Services
3) To retrospectively approve the expenditure of Infection Control Fund grant and Rapid Testing Fund grants received on eligible measures in accordance with the conditions of the grant funding
4) To approve the receipt of £2.015m grant funding in the extension of round 3 of the DHSC Infection Prevention and Control Fund, awarded in October 2021 and comprising of Infection Prevention and Control funding, Vaccines Funding and Testing Funding.
5) To approve the expenditure of the grant funding received in the extension of round 3 of the Infection Prevention and Control Fund on eligible activities in accordance with the conditions of the grant funding.
6) To delegate authority

to the Director for Adult Health and Social Care, in consultation with the Portfolio Holder for Adults and Health and the Head of Contracting and Procurement, to accept and allocate any further award of these funds received by the Council during 2021 - 2022, up to a maximum value of £2.5m, in accordance with the conditions of grant funding, to enable the timescales of the DHSC to be met.

Reasons for the Decision(s)

The Department of Health and Social Care (DHSC) established the Adult Social Care Infection Control Fund in May 2020, to be paid to Local Authorities as a ring fenced grant to support adult social care providers to reduce the rate of COVID-19 transmission in care settings. In Round 2, the fund was extended to continue to March 2021. In Rounds 1 and 2 the Council received allocations of this grant totalling £5.545m. The Adult Social Care Rapid Testing Fund was announced in December 2020 to support the roll out of additional rapid COVID 19 testing for staff and visitors in care homes and other settings, and the Council received an allocation of £0.639m in this round. In April the DHSC further extended and consolidated to the Infection Control Fund and Rapid Testing Fund, paid to Local Authorities and to be fully spent by 30 June 2021 on infection prevention and control and rapid testing measures. The Council received allocations of £0.725m Infection Control Fund Grant and £0.568m Rapid Testing Fund Grant which was allocated for eligible activities in accordance with the grant conditions. In July 2021 the DHSC announced a further extension to the Infection Control Fund and Rapid Testing Fund, to be fully spent by 30 September 2021 on infection prevention and control and rapid testing measures. The Council received allocations of £1m Infection Control Fund Grant and £0.740m Rapid Testing Fund Grant which was allocated for eligible activities in accordance with the grant conditions. The Infection Control Fund grant received was allocated to Care homes on a per bed basis and to CQC registered community providers based on the number of service users. The Rapid Testing Fund grant was allocated to care homes for rapid testing measures, in accordance with the grant conditions. This decision seeks retrospective approval for the receipt of these funding allocations and for the expenditure that has been incurred on measures to reduce the rate of COVID 19 transmission in care settings, and to conduct rapid testing of staff and visitors in care homes and other settings, in compliance with the conditions of grant funding. Due to urgent nature of this grant funding and need to passport as quickly as possible to providers to deliver the COVID 19 response, these elements of this decision are retrospective. In October 2021 the Council has received an allocation of £2.015 in a further extension of Round 3 of the Infection Prevention and Control Fund, comprising Infection Prevention and Control funding, Vaccines Funding and Testing Funding. Approval is sought to allocate this funding to care providers as stipulated by the DHSC and in compliance with the conditions of grant funding and DHSC timescales. Service providers receiving grant are required to confirm that the funding will be used in accordance with the grant conditions, and to submit returns to evidence this, with any underspend being recovered. Reporting is being made to DHSC on the use of the funds in accordance with the conditions of funding. The delegation to the Director for Adult Health and Social Care to receive and allocate any further award of this fund received during 2021-22 will enable the funds to be passported to providers promptly in order to meet the timescales for use of the funds as set by DHSC. This will be subject to the same grant conditions and required outcomes being applicable, and if the grant is not in keeping with these conditions, a separate decision will be sought.

Other Options Considered:

To do nothing: this option was rejected as the Adult Social Care Infection Control Grant Rounds 3 and 4 and Rapid Testing Fund grant Rounds 2 and 3 were made available to the Council to support measures to prevent and reduce the transmission of COVID-19 in Adult Social Care Services, and to support the rapid testing of staff and visitors. If the funding was not accepted and used, there would have been 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 for the City.

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:	No implications arising as a result of the decision being taken.
Equality:	EIA not required. Reasons: EIA not required because this decision relates to the continuation of existing services and does not include proposals for a change to a service, policy or function
Decision Type:	Leader's Key Decision
Subject to Call In:	Yes
Call In Expiry date:	06/12/2021
Advice Sought:	Legal, Finance, Procurement

Legal Advice:

This report seeks authority to formalise the acceptance of grant funding that has already been received from the DHSC and allocated to social care providers. It also seeks authority to accept future funds that are likely to be issued from DHSC for additional rounds associated with the same purpose.

It is understood that the Council has and will use the electronic portal to administer rounds of funding to providers. This includes the requirement for them to confirm that they comply with the grant conditions which will in turn enable the Council to comply with the grant conditions from DHSC when passing the money on. DHSC have been very prescriptive in the conditions of the grants with respect to whom, when by and how the money is to be allocated, which the Council must comply with. Any additional terms on spend with associated evidence on the understanding that underspend will need to be returned will need to be complied with and passed on to grant recipients accordingly.

DHSC provided guidance for the earlier rounds which has since been updated in accordance with the new subsidy control regime. The guidance now states that it is intended for the grant payments to be consistent with the UK's obligations on subsidy control, on the basis that the funding is for the provision of services of a public economic nature, since this will help to detect Covid-19 and reduce the incidence and spread of it. However, the guidance also states that the local authority should take its own view and advice on subsidy control.

The individual allocations of any grants issued from future rounds will therefore need to be considered on a case by case basis to ensure that they comply with the TCA principles under the new subsidy control regime going forward. Advice provided by Dionne Claire Screamore (Solicitor) on 01/11/2021.

Finance Advice:

This decision seeks retrospective approval to accept and allocate grant funding from the Department of Health and Social Care (DHSC) for rounds 2 and 3 of the Rapid Testing Fund (RTF) - £1.307m. Retrospective approval is also sought in this decision to accept and allocate grant funding from the DHSC for round 3 of the Infection Control Fund (ICF) - £1.725m. This decision also requests approval to accept and allocate grant funding from the DHSC for the Extension to round 3 for ICF - £2.015m. Furthermore, this decision seeks approval to accept and allocate any further awards received during budget year 2021-22 up to the value of £2.500m.

The grant terms and conditions for round 2 and 3 of the ICF and RTF specified the funding would be paid out to local authorities in April 2021 and required it to be spent by June 2021, with any unspent funds returned to the DHSC.

The grant for round 3 and 4 of the ICF and RTF was received by authority in July 2021. The grant terms and conditions advised the funding was to be spent by 30th September 2021, with any unspent funds returned to the DHSC.

The grant for the extension of round 3 of the ICF is to be received during October 2021 and is required to be spent by 31st March 2022, with any unspent funds returned to the DHSC.

Grant conditions for the ICF and RTF specifies the type of spending, monitoring and reporting requirements. In line with these conditions, the service has established an appropriate monitoring system to ensure spending is in line with the grant conditions. The service has also put in place appropriate personnel to collect provider returns and complete periodic reporting to the DHSC as required.

Any further awards of ICF or RTF above the value of £2.500m, received within 2021-21, that has a different set of grant conditions, may require further approval.

The urgent nature of the spend as well as the time required to ensure proper administration, distribution as well as monitoring of fund allocation and subsequent provider returns has contributed to the retrospective aspects of this decision.

To minimise the risk of grant clawback and unfunded spends creating a pressure for the authority, the service needs to maintain a robust monitoring system to ensure all spends have occurred in line with the measures as set out in the terms and conditions. It is also recommended the service refer to the terms and conditions for further guidance where necessary but where further support or clarity is required, to liaise with the DHSC.

Advice provided by Chanelle Poyser (Commercial Business Partner) on 26/10/2021. Advice provided by Chanelle Poyser (Commercial Business Partner) on 29/10/2021.

Procurement Advice:

This decision relates to the receipt and expenditure of Department of Health and Social Care ring fenced funding of in round 3 of the Infection Control Fund and Rounds 2 and 3 of the Rapid Testing Fund. These grants were awarded for measures to reduce the rate of COVID -19 in adult social care settings and to support the roll out of rapid testing of visitors in care homes and other settings. It includes approval to receive and spend £2.015 grant funding awarded in the extension of the Infection Prevention and Control Fund in October 2021, and seeks delegated authority for the expenditure of further awards of these funds during 2021/22 to enable prompt allocation of funding in accordance with the grant conditions. This funding is to be used for eligible infection control measures and eligible activities as set out in the grant funding conditions. As this is a grant funding arrangement, there are no procurement implications, however all funding should be used in accordance with the DHSC grant conditions. Any allocations to providers which are not grants should be compliant with the Council's Contract Procedure Rules and the Procurement Team will support this as needed.

Advice provided by Steve Oakley (Head of Contracting and Procurement) on 07/10/2021.

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 26/11/2021
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 24/11/2021