

BRISTOL CITY COUNCIL



DECISION

DECISION OF: S151 OFFICER

WITH ADVICE FROM: EXECUTIVE DIRECTOR OF PEOPLE AND DIRECTOR OF ADULT SOCIAL CARE

DIRECTORATE: PEOPLE

DECISION NO: 004

(2020/21 ASC: COVID-19 Emergency Infection Control Fund Grant)

SUBJECT:

COVID-19: Infection Control Fund Grant - Allocation to Care Home and Domiciliary Care Providers

KEY DECISION:

Yes

REASON:

To authorise the allocation of COVID-19 Infection Control Fund Grant to Care Homes. The grant, announced by Government on 13 May 2020 makes available £4.025m to Bristol City Council to support adult social care providers to reduce the rate of transmission in and between care homes and to support workforce resilience.

The conditions for the grant require that it is allocated in two tranches on the following basis:

- 75% passed to all Care Homes (those with whom the authority has a contract and those which it doesn't) based on a rate per 'registered bed'.
- 25% allocated to Home Care and / or Domiciliary Care providers to support wider workforce resilience

The paper is seeking authority to pay the first tranche, £1,509,471 of the 75% Allocation to Home Care Providers based on 3,032 registered beds in Bristol (from CQC Care Home Register details) at a rate of £497.85 per bed (50% of the full rate of £995.69 per CQC-registered bed.).

BACKGROUND:

The Government has provided a Section 31 grant, ring fenced exclusively for actions which support care homes and domiciliary care providers mainly to tackle the risk of COVID-19-19 infections. This is in addition to the COVID-19 funding already received.

The grant represents the next phase of the Governments response for care homes, using the latest domestic and international evidence brought together by Public Health England, and drawing on the insights of care providers.

The provisions set out the steps that must be taken to keep people in care homes safe, and the support that will be brought together to help care providers put this into practice.

In preparation for the allocation the authority has been asked to put in place a care home support plan, drawing on local resilience and business continuity plans which was submitted to Department of Health on 29 May. The Chief Executive, Director of Public Health and Director of Adult Social Care together with BNSCCG submitted the care home support plan including:

- i) A cover letter setting out a short overview of the current activity and forward plan;
- ii) A short template confirming the current level of access to the support offer including number of care homes in Bristol, where the commitments are being delivered, including homes that the authority doesn't directly commission from, as well as details of issues and support needs; and
- iii) Confirmation of arrangements to carry out a daily review of the local care market (including all relevant data, especially on care homes), and taking actions immediately where necessary to support them.

The grant provisions require that it must be issued in accord with the conditions. Failure or breach could result in the grant being clawed back. Any grant not allocated is required to be repaid.

In order to ensure compliance the distribution of the grant will be accompanied by a letter outlining the conditions and notifying that an Agreement will be issued detailing the arrangements and conditions which each Care Home will be required to sign and return confirming acceptance.

The agreement itself will set out the basis upon which the grant is being allocated and specifically the provisions under which the grant complies the with relevant state aid legislation. To address the agreement has followed Department of Health advice and mitigate the risk of challenge by including the specific provisions under which the grant is being issued:

- i) That the grant is covered under the Services of General Economic Interest Decision (SGEI) 2012/21/EU as the measures will help reduce the incidence and spread of COVID-19 and are over and above normal contract requirements
- ii) That the grant is within the de minimus provisions in accordance with Commission Regulations:
 - a. (EU) No 360/2012 of 25 April 2012 (Articles 107 and 108)
 - b. (EU) No 1407/2013 of 18 December 2013 9Articles 107 and 108)
 - c. Temporary Framework for COVID-19,

The preferred approach to ensuring compliance with State Aid regulations will be incorporated in the agreement between the authority and each of the care providers receiving the grant.

DECISION:

To authorise payment of the first tranche of the IPC grant totalling £1,509,471 to Care Home providers.

The payment is from the 75% of the IPC Fund allocated Home Care Providers based on 3,032 registered beds in Bristol (from CQC Care Home Register details) at a rate of £497.85 per bed (50% of the full rate of £995.69 per CQC-registered bed).

OPTIONS CONSIDERED:

Government policy and arrangements to distribute the IPC Fund as a grant to providers

FINANCIAL IMPLICATIONS:

The COVID-19 Infection Control Fund Grant totalling £4.025m will be received in two instalments, 50% already received on 27 May and the remaining 50% balance is scheduled for receipt in July. The primary purpose of this fund is to support adult social care providers, including those with whom the local authority does not have a contract. It will be allocated to support:

- a) Care Homes, to reduce the rate of COVID-19 transmission in and between care homes. This payment will be based on 75% of the grant and paid in two instalments within ten days of receipt. It will be paid on condition that:
 - The Care Homes complete and maintain the BNSCCG Care Home Tracker
 - The Care Homes sign an agreement to the grant conditions and to provide details evidencing the spend in accord with the conditions

The fund will be allocated to Care Homes based on the number of CQC registered beds at a rate of £995.69 per bed, 50% on the first instalment and the remaining 50% on the second instalment.

The paper is requesting authority to release the first payment on the above basis totalling £1.509m.

- b) Care Homes and Domiciliary care providers to develop and sustain wider workforce resilience. This payment will be based on 25% of the grant and the purpose and basis of the allocation is to be decided.

The table below provides a breakdown of the grant, the instalments and the CQC details including the number of registered beds and the rate per bed for each instalment.

| Service | TOTAL £ | Registered Beds No. | Tranche 1 (T1) Payment - June 12, 2020 £ | T1 x 75% £ | £s / bed £.p | T1 x 25% £ | Tranche 1 (T2) Payment - July 2020 £ | T2 x 75% £ | £s / bed £.p | T2 x 25% £ |
|---------|------------|---------------------------|---|---------------|-----------------|---------------|---|---------------|-----------------|---------------|
| Bristol | 4,025,256 | 3,032 | 2,012,628 | 1,509,471 | 497.85 | 503,157 | 2,012,628 | 1,509,471 | 497.85 | 503,157 |

As part of the plan to prevent the risk of breach or claw back the service has undertaken a review with each of the providers to confirm:

- That the Care Tracker has been updated
- Arrangements in place within each care Home
- The number of beds.

LEGAL POWERS AND IMPLICATIONS

The Council has a duty to support the care market and ensure capacity and sustainability.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None.

CONSULTATION

Discussions have taken place with care providers.

RISK MANAGEMENT

Risk of contravening State Aid provisions will be addressed through the Agreement with each Care Home which will set out the basis of how the grant complies with regulations

Risk of claw back of the Allocation has been addressed by:

- Supporting Care Homes to complete the BNSCCG Care Tracker
- Letter sent to care Homes advising that in order to receive the grant they will be required to sign an Agreement accepting the terms and
- The Agreement will detail the terms and conditions of the grant and requirements for the provision of documents to evidence that the grant has been spent in accord with the conditions.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes / No

An equalities impact assessment will be completed on this work.

CORPORATE IMPLICATIONS

None, other than those already highlighted

This decision is being taken under the urgency/emergency powers provided in the Council's Constitution and scheme of delegation.


The Head of Paid Service and / or Section 151 Officer can take emergency action on behalf of the Council on any matter in cases of urgency or emergency, wherever possible in consultation with the Mayor or Deputy Mayor for Finance, Governance and Performance and subject to a full report as soon as possible afterwards to the relevant forum explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Background Documents:

- Infection Control Fund Grant Agreement
- [Coronavirus \(COVID-19\): care home support package](#)
- [Support for care homes: letter from the Minister of State for Care](#)
- [Adult Social Care – Infection Control Grant: Guide and Conditions: May 2020](#)
- [Adult Social Care - Infection Control Ring-Fenced Grant: Guide and Conditions May 22 2020](#)

SIGNATORIES:

DECISION MAKER:

Signed: 

S151 Officer and / or Head of Paid Service

Title Director of Finance/S151 Officer

Signed 

Date: 12 June 2020