

## Record of Officer Decision

This form is the written record of a key or significant operational decision taken by an officer.

<b>Decision type</b>	<input checked="" type="checkbox"/> Key Decision	<input type="checkbox"/> Significant Operational Decision
<b>Director<sup>1</sup></b>	The Director of Adults and Health	
<b>Contact person:</b>	Caroline Baria, The Deputy Director for Integrated Commissioning	Telephone number: 0113 3789914
<b>Subject<sup>2</sup>:</b>	<b>Distribution of Infection Control Fund Allocation to Care Homes in Leeds</b>	
<b>Decision details:</b>	<p>What decision has been taken?<sup>3</sup></p> <p>To distribute the Council's allocation from the Infection Control Fund to Care Homes in Leeds in accordance with the grant determination letter issued by the Secretary of State on 26th May 2020. In accordance with the Grant Determination requirements the decision is to allocate 75% (£5.3m) of the fund directly to Care Homes in 2 payments – one immediately and one in July 2020 – based on the current number of CQC beds registered within each home. The allocation equates to a total payment from the fund of an estimated £963 per registered bed. The payments are to be made on a stringent set of conditions to which care homes must comply, including sign up to and regular and consistent updating of the 'National Capacity Tracker', agreement on the deployment of staff to minimise any detrimental impact on infection control, spend the allocation only on infection control, provide evidence of such expenditure and return any funds not spent on that purpose.</p> <p>The remaining 25% balance of the fund (£1.8m) can be distributed to care homes and domiciliary care providers, including to support wider workforce resilience in relation to Covid-19 in relation to infection control. The plans for the remaining 25% balance are not the subject of this report.</p> <p>A brief statement of the reasons for the decision<sup>4</sup></p> <p>The Grant Determination letter and guidance makes clear that the government is concerned about the spread of the virus between care homes through the movement of staff between homes, either Agency staff or staff who ordinarily work in more than one home. In expressing this concern the government recognise that many of the staff concerned are low paid and in the current situation should not be penalised for doing the right thing.</p> <p>The Minister's letter states:</p>	

<sup>1</sup> With delegated authority set out in Constitution

<sup>2</sup> If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

<sup>3</sup> Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.

<sup>4</sup> Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal or Equality colleagues as appropriate.

*“This funding should therefore be used to maintain the normal income of staff members in both residential and domiciliary care who are now restricted in when and where they can work as a result of these measures, and those who are self-isolating with symptoms of COVID-19 or following a positive test.”*  
Annex C of the guidance expresses this as follows:

*“Local Authorities must ensure that 75% of the grant is allocated to support the following measures in respect of care homes:*

- *Ensuring that staff who are isolating in line with government guidance receive their normal wages while doing so.*
- *Ensuring, so far as possible, that members of staff work in only one care home*
- *Limiting or cohorting staff to individual groups of residents or floors/wings*
- *To support active recruitment of additional staff*
- *Steps to limit the use of public transport by members of staff*
- *Providing accommodation for staff who proactively choose to stay separately from their families in order to limit social interaction outside work. This may be provision on site or in partnership with local hotels.”*

In order to claim the second and final instalment of this fund (up to the estimated £963 per registered bed per care home), the grant conditions go on to specify how the council must confirm that the first instalment paid to care providers is to be verified before the second instalment can be made:

*“Local authorities must make it a condition of allocation of funding that 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 the 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 ‘per beds’ funding is to be used for any purpose other than the infection control measures specified in paragraph [2] of Annex C.”*

The conditions also state:


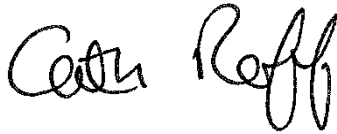
*“...the local authority must not make an allocation of the second months funding to a care home provider who has not consistently completed the daily Capacity Tracker. And if the authority believes that the provider has not used the money for the purposes for which it was provided it must withhold the second payment until satisfied that the provider has so used it. And if the provider has not used it or any part of it for the infection control measures for which it was provided the local authority must take all reasonable steps to recover the money that has not been so used.*

Finally, the conditions say that care home managers must:

*“If requested to do so will provide the local authority or DHSC with receipts or such other information as they request to evidence that the funding has been so spent, provide DHSC or the local authority with an explanation of any matter relating to funding and its use by the recipient as they think necessary or expedient for the purposes of being assured that the money has been used in an appropriate way in respect of those measures and will return any amounts*

	<p><i>which are not spent on those measures.”</i></p> <p>The conditions go on to say the grant money must be spent within two months of the council receiving the second instalment (expected in late June) – so by the end of August 2020. The council must send in a return on how much it has paid out for instalment one by 26 June and on what both instalments have been spent on by 23 September 2020.</p> <p>The expectation is that this funding is distributed to care homes within 10 working days of receipt by the Council.</p> <p>To ensure that the Council can comply with the requirements of the grant determination, including that care home providers utilise these funds in accordance with the government’s intentions, it is proposed that a letter is issued to all care home providers outlining these requirements, requesting their confirmation of all of the relevant terms and conditions of the funding and also requesting that they submit their claim to the Council via invoice once they can make that confirmation statement. The Council will then make an immediate payment to the provider.</p>
	<p>Brief details of any alternative options considered and rejected by the officer at the time of making the decision</p> <p>There are no alternative options in relation to the 75% of the fund (£5.3m) which must be allocated to all care homes on a per bed basis. Some discretion is permitted in relation to the 25% balance of the fund which will be the subject of a further report.</p>
<b>Affected wards:</b>	All Wards as Care Homes are Citywide services
<b>Details of consultation undertaken<sup>5</sup>:</b>	Executive Member Cllr Charlwood via Skype Meeting on 29/5/20.
	Ward Councillors n/a
	Others n/a
<b>Implementation</b>	Officer accountable, and proposed timescales for implementation  The Deputy Director for Integrated Commissioning will implement these arrangements as soon as the practical arrangements can be made, but in any event within 10 working days of receipt of the funding.
<b>List of</b>	Date Added to List:- 29/5/20

<sup>5</sup> Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

<b>Forthcoming Key Decisions<sup>6</sup></b>	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision	
	The governments expectation is that the first tranche of this element of the funding (75% or £5.3m) is distributed to care homes within 10 working days of receipt by the Council. In addition, there is no discretion available to the Council in relation to the allocation of this element of the funding as the guidance prescribes a per bed basis.	
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) Cllr Hayden, Chair of Adults and Health and Active Lifestyles	
	Signature 	Date 29 May 2020
<b>Call In</b>	Is the decision available <sup>7</sup> for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:  The governments expectation is that the first tranche of this element of the funding (75% or £5.3m) is distributed to care homes within 10 working days of receipt by the Council; therefore call-in is being waved because of the urgency of the decision, so that the funds are distributed without delay to help prevent the Coronavirus from spreading.	
<b>Approval of Decision</b>	Authorised decision maker <sup>8</sup> Cath Roff, Director of Adults and Health	
	Signature 	Date 28/5/2020

<sup>6</sup> Complete this section for key decisions only

<sup>7</sup> Significant operational decisions are never available for call in. Key decisions are always available for call in unless they have been exempted from call in.

<sup>8</sup> Give the post title and name of the officer with appropriate delegated authority to take the decision.