

Record of Officer Decision

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

Decision type	<input checked="" type="checkbox"/> Key Decision	<input type="checkbox"/> Significant Operational Decision
Director¹	The Director of Adults and Health	
Contact person:	Caroline Baria, The Deputy Director for Integrated Commissioning	Telephone number: 0113 378 9914
Subject²:	Proposed Sustainability Payments to Care Home Providers in Leeds to mitigate the impact of reduced occupancy in Care Homes as a result of Covid-19 Related Deaths	
Decision details:	<p>What decision has been taken?³</p> <p>To allow Care Home Providers in Leeds to claim support from the Council where Covid-related deaths have affected provider viability. Subject to the provision of satisfactory evidence from providers, the Council will pay providers for beds vacated as a result of Covid-related deaths for up to 6 weeks after the date of death. The payment, per bed, will be based upon the equivalent weekly framework rate (less the profit element) for each type of home, including the Funded Nursing Care element as applicable.</p> <p>Legal Implications</p> <p>Making payments to providers as outlined in this report is within the powers of the Council.</p> <p>Advice has been taken from Legal Services and from external advisers in relation to State aid. They have confirmed that the proposals contained in this report are compliant with the European Commission's rules as to the provision of State aid.</p> <p>In making payments to providers, the Council must act in a proportionate, objective, rational and reasonable manner. In addition, the Council must also act in a business-like manner with reasonable care, skill and caution and with a due and alert regard to the interests of the council tax and business rate payers of Leeds. Providers will be required to provide evidence of Covid-19 related deaths in support any claim and to make declarations that such evidence is accurate and correct. In the event that it is subsequently discovered that payments have been made in error or that false claims have been made, steps will be taken to recover payments made.</p>	

¹ With delegated authority set out in Constitution

² 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

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

A brief statement of the reasons for the decision⁴

Representations have been made by Care Home Providers both locally and nationally about the significant impact that Covid-related deaths and reductions in Care Home Admissions are currently having on the viability of individual care homes.

In Leeds, up to 2nd June, there have been 287 Covid-related deaths of care home residents, either in hospital or within the home itself, 214 of which have been in receipt of Nursing Care. Admission rates over the same period are significantly less than at the same period last year, although as rates of infection reduce within Care Homes this is expected to improve. The current position therefore represents a significant threat to the viability of those Care Homes affected in the short term, which the Council under the Care Act, has a duty to consider and respond to as part of its market sustainability responsibilities. Notwithstanding the fact that we cannot afford for any Care Home Providers to close at this current time, given the relatively short supply of Nursing Care within the city and the disproportionate impact on clients in receipt of Nursing Care, it is also important for the longer term market position that the Council supports these providers at this time.

The decision taken reflects the potential short term nature of the issue and is therefore intended to only address the short term income loss/cash flow impact. Should the current levels of occupancy persist over any greater length of time, further action may be necessary, although this would also need to consider the ongoing severity of the outbreak as well as the longer term requirements outlined within the Market Position Statement which seeks to match available demands for, and supply of, care over a range of settings over the medium term in deciding the necessary actions that the Council would need to take.

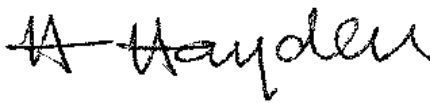
The decision to base the payments to providers on a 6 week period following death reflects the short term nature of these excess deaths that have largely occurred in April & May 2020, together with an expectation that admission rates will start to pick up over that rolling 6 week period following the date of death.

Although some of the residents who have passed away were self-funders and therefore will have likely paid a higher weekly fee, it is proposed to cap the weekly payment at the highest Council negotiated framework rate for that home (less the Cost of Capital element), together with the funded nursing care (FNC) element (where applicable). This equates to a payment of 81% of the approved framework fee, before the FNC element.

It is further proposed that this decision relates to all Covid-related deaths of Care Home Residents from 19th March to 30th June 2020. It is proposed to further review the position for the period 1st July onwards.

Based upon the number of deaths recorded to date and the reducing number of deaths expected over the coming weeks at the prevailing fee rates, it is estimated that the cost of these payments will amount to £1.13m.

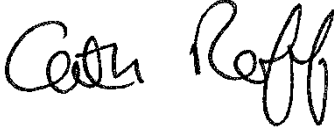
⁴ Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal or Equality colleagues as appropriate.

	<p>Brief details of any alternative options considered and rejected by the officer at the time of making the decision</p> <p>There is close liaison at the Y&H ADASS level between local authorities. Whilst most Councils within the region are making some form of payment to mitigate the impact of provider occupancy levels, the approaches adopted largely reflect their overall market position and commissioning strategies. For instance, for those Councils where Residential Care is in short supply, greater protection in terms of the potential longer term impact is being given.</p> <p>The decision in Leeds has taken into account the mechanisms being used by other Councils across the region and applied them to the circumstances being presented in Leeds.</p>	
Affected wards:	All Wards as Care Homes are Citywide services	
Details of consultation undertaken⁵:	Executive Member Cllr Charlwood via Skype Meeting on 15 June 2020.	
	Ward Councillors n/a	
	Others n/a	
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>The Deputy Director for Integrated Commissioning will implement these arrangements as soon as the practical arrangements can be made.</p>	
List of Forthcoming Key Decisions⁶	Date Added to List:- 16/6/20	
	<p>If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision</p> <p>This decision relates to the short term viability of Care Homes within Leeds and seeks to urgently address any significant income losses and adverse cash flow for those affected homes which may lead to their closure in the short term. In putting this decision on the Forward Plan there is a potentially significant risk of one or more provider failures at this critical time and the significant impact this could have upon the response to the outbreak.</p>	
	<p>If Special Urgency Relevant Scrutiny Chair(s)</p> <p>Cllr Hayden, Chair of Adults and Health and Active Lifestyles</p>	
	Signature	Date
		15 June 2020
Call In	Is the decision available ⁷ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

⁶ Complete this section for key decisions only

⁷ 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.

	<p>If exempt from call-in, the reason why call-in would prejudice the interests of the council or the public:</p> <p>This decision relates to the short term viability of Care Homes within Leeds and seeks to urgently address any significant income losses and adverse cash flow for those affected homes which may lead to their closure in the short term. If this decision was called in there is a potentially significant risk of one or more provider failures at this critical time and the significant impact this could have upon the response to the outbreak.</p>	
<p>Approval of Decision</p>	<p>Authorised decision maker⁸ Cath Roff, Director of Adults and Health</p>	
	<p>Signature</p> 	<p>Date</p> <p>13 June 2020</p>

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