

## OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

**Decision Reference No: AHWB.007.2021 Void Payments for Care Homes**

**BOX 1****DIRECTORATE: AHWB****DATE: 02/03/2021****Contact Name: Kathryn Anderson-  
Bratt****Tel. No.: 01302 737013****Subject Matter: Financial Support to Adult Social Care – Void Payments for Care Homes****BOX 2****DECISION TAKEN**

1. To extend the financial support to Residential and Nursing Care Home providers experiencing COVID-19 outbreaks from 6 weeks to reflect the actual weeks the home remains closed where this is in excess of the 6 weeks support previously provided.
2. This will be applicable for all outbreaks in excess of 6 weeks from 18<sup>th</sup> April 2020 to 31<sup>st</sup> March 2021.
3. This will be applicable when a Council commissioned bed becomes vacant following death and the Council is unable to place in that home due to COVID-19

**BOX 3****REASON FOR THE DECISION**

The COVID-19 crisis has had a significant impact on the adult social care provider market. Two Cabinet reports have been approved (11<sup>th</sup> May 2020 and 4<sup>th</sup> November 2020) the most recent of which includes the following recommendations:

- Extend the Executive decision – Care Home Vacancies Due to Covid 19, dated 11th May 2020, from 1<sup>st</sup> July 2020 until 31<sup>st</sup> October 2020. This decision approved the payment extension for void residential care beds from 3 days to 42 days when a Council commissioned bed becomes vacant following death and the Council is unable to place in that home due to COVID-19.
- Delegate any further extension of this scheme to the Director of Adults Health and Wellbeing in consultation with the Director of Corporate Resources and the Portfolio Holder for Adults Health & Wellbeing, subject to future direction from central government and the movement of the COVID-19 crisis, up to the 31<sup>st</sup> March 21 in line with any grant conditions.

Following this, a report was prepared for the Portfolio Holder for Adults Health & Wellbeing, which recommended extension of the current void scheme to the end March 2021, this report was approved and the void payment scheme extended.

This support recognises the challenges faced by the sector and provides direct support to care homes affected locally whilst providing sufficient incentives for homes to back to a position where they can accept admissions again.

The residential and nursing care home sector have experienced a decline in the number of residents within their homes where they have been dealing with a COVID-19 outbreak both through loss of residents and through no new placements into the service.

When planning for the void payments it was expected that when a home was dealing with a COVID-19 outbreak the number of weeks they would be unable to take new admissions was between four to six weeks and therefore reflected in the 42-day (6 week) void payment.

Monitoring of the actual length of home closure has resulted in identification of a number of homes where the outbreak lasted beyond the 6-week payment provided. A summary of this is provided below (up to 15<sup>th</sup> February 2021):

Weeks	Number of Homes Affected
7	9
8	8
12	1
14	1

It is therefore recommended that the financial support be extended to reflect the period of time care homes remain closed through a COVID-19 outbreak to mitigate any financial impact of the outbreak to such time that the provider is able to accept new admissions into the service.

This extension would be for vacancies arising for Council Commissioned beds only as per the Cabinet reports dated 11<sup>th</sup> May and 4<sup>th</sup> November 2020.

#### **BOX 4**

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

To not extend the financial support to reflect the number of weeks a provider remains closed due to a COVID-19 outbreak, however, this presents issues regarding provider's financial viability and stability.

## **BOX 5**

### **LEGAL IMPLICATIONS**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

The Council also has a number of other duties to cooperate with Government measures to ensure that the spread of Covid-19 is controlled as far as possible.

Section 5 of the Care Act 2014 places a duty on Councils to shape and maintain an efficient and effective market of services for meeting the care and support needs of their area. This includes working with providers to understand the true cost of care and minimising the risk of unexpected provider failure.

As a result of the unprecedented circumstances surrounding the COVID-19 outbreak, measures have been put in place to protect service users and potential service users. This has put care home providers under significant financial stress.

In the event that the care home providers stop operating, the Council would lose or would see a reduction in the vital provision of care home provision for those service users within our communities. If care homes were to cease trading and close, the Council would be required to relocate residents which would create distress for vulnerable people and potentially have additional cost implications for the Council.

Whilst the Council has no legal obligation to take this step and extend the support for voids, in the current circumstances it is considered appropriate.

In administering funding, the Council must be live to subsidy considerations. Further legal advice can be provided upon this as the funding is administered.

**Name: Nicky Dobson    Signature:            Date: 4<sup>th</sup> March 2021**  
Signature of Assistant Director of Legal and Democratic Services (or representative)

**BOX 6****FINANCIAL IMPLICATIONS:**

The estimated additional cost to extend the financial support to Residential and Nursing Care Home providers experiencing COVID-19 outbreaks from 6 weeks to reflect the actual weeks the home remains closed where this is in excess of the 6 weeks support previously provided, and as set out in the table in box 3 (number of homes affected), is expected to be between £120k-£150k.

This estimate is based on those deaths recorded on Care First by 31st January at the 19 homes affected who would be paid the additional payment for the length of time the outbreak lasted beyond the original 6-week payment provided.

The costs associated with this decision will be met wholly from the existing residential care budget and should not create an additional cost pressure to the council.

**Name: David Blakesley** Signature   
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Date: 02/03/21**

**BOX 7****OTHER RELEVANT IMPLICATIONS**

N/A

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

**BOX 8****EQUALITY IMPLICATIONS:** (To be completed by the author).

There are no equality impacts identified within this report as all providers will be treated equitably

**BOX 9****RISK IMPLICATIONS:** (To be completed by the author)

There is a risk to ongoing sustainability within the Adult Social Care provider market and therefore service continuity related risks for people supported by these services.

**BOX 10****CONSULTATION**

Provider feedback on the financial support provided has been received through the consultation process of the Fee Uplifts for 2021/2022.

**BOX 11  
INFORMATION NOT FOR PUBLICATION**

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

**Name: Gillian Parker Signature by email Date: 04/03/2021**  
Signature of FOI Lead Officer for service area where ODR originates

**BOX 12  
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR  
No  
(If YES please list and submit these with this form)

**BOX 13  
AUTHORISATION**

**Name: \_Phil Holmes\_ Signature :  \_ Date: 04/03/2021\_**

Director of Adults Health and Wellbeing

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES/NO**

**If yes please authorise below:**

**Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

Director/Assistant Director of \_\_\_\_\_

**Consultation with Relevant Member(s)**

**Name\_ Signature: Date:**

**Designation**

**Declaration of Interest YES/NO**

**If YES please give details below:**

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.