

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.013.2021 Financial Support to Adult Social Care

BOX 1**DIRECTORATE: AHWB****DATE: 10/03/2021****Contact Name: Kathryn Anderson-Bratt****Tel. No.: 01302 737013****Subject Matter:** Financial Support to Adult Social Care**BOX 2****DECISION TAKEN**

1. To extend the financial support to the Adult Social Care provider market to the 31st March 2021 including the void payments and supplier relief scheme as outlined within the Rule 16 Special Urgency Report to the Mayor dated 5th November 2020.
2. To grant supplier relief for costs when applied for under the Supplier Relief Scheme to Adult Social Care providers for costs incurred between 1st July 2020 and 31st October 2020.

BOX 3**REASON FOR THE DECISION**

The COVID-19 crisis has had a significant impact on the adult social care provider market. A Special Urgency Report to the Mayor dated 5th November 2020) resulted in certain recommendations being made which included the following:

- Agree an extension to the programme of financial support in response to the COVID 19 crisis. This extension will be from the 1st July 2020 to 31st October 2020 for adult social care providers who are commissioned by the Council to provide care services across the borough.
- As the impact of COVID 19 on care providers was likely to continue beyond 31st October the decision to extend any further financial support to the adult social care provider sector up to the 31st March 2021 was delegated to the Director of Adults Health and Wellbeing in consultation with the Director of Corporate Resources and the Portfolio Holder for Adults Health and Wellbeing. Subject to future direction from central government and the movement of the COVID-19 crisis, in line with any grant conditions.

The Covid response has continued and the impact to the Social Care provider market is expected to continue until at least the 31st March 2021 as the Covid vaccine programme is rolled out across the borough.

The financial support in place to the 31st October 2020 includes:

Total	£143,634

Relief covers the period 1st July 2020 to 31st October 2020 taking into account other schemes and grants that could be utilised to cover additional costs i.e. IPC grant and PPE clipper scheme.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

1. **Not extend the financial relief to Adult Social Care providers** – The Covid pandemic has continued past the extended financial support of the 31st October 2020 and therefore providers continue to experience additional costs in relation to the Covid response. Should the financial support not be extended this may place some providers at financial risk and compromise their infection control measures leading to reduced quality of care and ongoing sustainability issues.
2. **Grant relief in proportion to the amount of business contracted with the Council** – The cost of infection control measures in a home has no direct relationship to the number of clients the Council commissions within the home. Infection control measures will differ depending on a number of factors such as the nature of provision and capacity to control infection, including the design of the building and ability to segregate staff and clients.
3. **Grant a fixed sum per bed / visit / client** – this is an approach that was considered and discounted as the council could not be assured that providers would not benefit inadvertently as described above, infection control measures are not determined purely by the number of clients. Some LAs have provided 10% fee increases as an immediate response but this could create an issue in terms of the cost of care and ongoing debates about fees.
4. **Cap the relief at a fixed sum per bed / visit / client** - this approach would limit the Councils total exposure but is not a measure required at the outset (this may be reviewed depending on level of future claims received).

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

Void Payments

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.

The body of the report sets out the unprecedented circumstances surrounding the COVID-19 outbreak and the measures 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.

Supplier Relief

The Council holds a number of contracts with supported living providers, care homes and home care providers.

The payment terms set out within those contracts state that the Council pay for service providers in arrears.

To provide further relief to the service providers during the Covid-19 period it is necessary to modify how payments will be made.

The value of those contracts are above the threshold for the purposes of the Public Contract Regulations 2015 (the 'Regulations').

Regulation 72 allows for modification to be made to contracts during their term. The modifications set out in this report are permitted under Regulation 72 as the modification has been brought about by circumstances which a diligent Council could not have foreseen, the modification does not alter the overall nature of the contract and any increase in price does not exceed 50% of the value of the original contract or framework agreement.

Legal should be consulted on the content of the letter to be provided to service providers to ensure that it complies with PPNs issued by Cabinet Office.

Local authorities must comply with the relevant BEIS subsidy control guidance when making allocations of funding; specific legal advice should be sought on the implications of this advice on individual funding plans.

Name: Paula Coleman Signature: By e-mail Date: 11th March 2021

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The cost to extend the financial support to the Adult Social Care provider market to the 31st March 2021 in relation to void payments, as outlined within the Cabinet Report dated 4th November 2020 is expected to cost c.£425k. This is based on expected void payments for the

period November 2020 – February 2021, in relation to 114 deaths, which are expected to cost c.£340k and a further month estimated at £85k (pro rata based on Nov-Feb payments). This decision will mean the Council will continue to pay for vacant beds for which it had originally factored into the 20/21 budget. Therefore, the costs associated with this decision will be met wholly from the existing residential care budget and will be incorporated within revenue outturn figures for 20/21.

The cost to grant supplier relief for costs, when applied for under the Supplier Relief Scheme to Adult Social Care providers, for costs incurred between 1st July 2020 and 31st October 2020 (as outlined in the table in box 3) is £143k. The cost to extend the financial support to the Adult Social Care provider market to the 31st March 2021 in relation to supplier relief payment is expected to cost a further estimated £180k for the period November 2020 – March 2021 (based on £143k Relief covering the 4 month period July 2020 to October 2020), this will be dependent upon claims actually received from providers.

The costs for April to June 20 were £678k, therefore the total for the financial year would be expected to be an estimated £1m based on the figures above.

Estimated spend of £1.2m in relation to an extended Supplier Relief Scheme has already been included in Adult Social Care revenue forecasts for this year and so is already factored in to the overall financial position of the Council. The difference of £200k is expected to offset the increase on the expected VOIDS payments included in the financial position.

Name: Paul Williams Signature: By Email Date: 11 March 2021
Signature of Assistant Director of Finance & Performance
(or representative)

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**

All commercially sensitive information will be redacted, as well as any signatures, prior to publication of this decision.

Name: Gillian Parker Signature by email Date: 16/03/2021

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: 15/03/2021

Director of Adults, Health and Wellbeing (DASS)

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

YES

If yes please authorise below:

Name: Debbie Hogg Signature:  Date: 16/03/2021

Director of Corporate Resources

Consultation with Relevant Member(s)

Name Councillor Rachael Blake Signature:  Date: 16/03/2021

Portfolio holder for Adult Social Care

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 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.