

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.018.2021 Financial Support to Adult Social Care

BOX 1**DIRECTORATE: AHWB****DATE: 16/04/2021****Contact Name: Kathryn Anderson-Bratt****Tel. No.: 01302 737013****Subject Matter:** Financial Support to Adult Social Care**BOX 2****DECISION TAKEN**

1. 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 January 2021 in line with the Rule 16 report dated 5th November 2020 and the subsequent ODR signed 16th March 2021.

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.

An Officer Decision Record was signed on the 16th March 2021 to extend the financial support to the market to the 31st March 2021 in line with the delegated decision noted above.

Supplier Relief Scheme:

As detailed within the Cabinet Report dated 5th November 2020, the Supplier Relief Scheme was extended to the 31st October 2020, then subsequently extended to the 31st March 2021 by the Director of Adults Health and Wellbeing after consultation with the Director of Corporate Resources and the Portfolio Holder for Adults Health and Wellbeing.

Following this, applications were accepted from Adult Social Care providers for additional costs incurred. In calculating the level of relief in relation to the additional costs, the following principles have been established:

- Available to all Adult Social Care providers delivering care and support in Doncaster
- Support relates to actual expenditure incurred (evidenced by documentation or declaration) and therefore provides no basis for an ongoing fee increase
- The extent of additional workforce costs is beyond that which a provider would be expected to incur as part of their normal business continuity plans
- The relief must be proportionate, and sense checked
- Agency costs for COVID related sick (ensuring that these costs are net of any salary cost savings e.g. if absent staff have not been paid in full, the full cost of agency should not be claimable)
- SSP costs (where they cannot be recovered from Government and where the absence was covered by additional hours/agency)
- The relief relates to additional costs incurred and does not equate to compensation for lost profit (in line with PPN02_2020)

The providers below have applied to the council for **additional costs** they have incurred because of the Covid pandemic:

Relief covers the period 1st July 2020 to 31st October 2020

Provider	Amount Payable
Total	£85,636.22

Relief covers the period 1st November 2020 to 31st January 2021

Provider	Amount Payable
Total	£27,891.01

Relief covers the periods 1st July 2020 to 31st October 2020 and 1st November 2020 to 31st January 2021 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 and providers continue to experience additional costs in relation to the Covid response. Should the applications not be progressed this may place some providers at financial risk and compromise their infection control measures leading to reduced quality of care and ongoing sustainability issues.

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.

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. All awards made under this particular limb

of Regulation 72 should be published by the placing of an Award Notice in OJEU.

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:** 19.04.21

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

BOX 6

FINANCIAL IMPLICATIONS:

Applying the Supplier Relief Scheme to the Adult Social Care Providers listed (box 3) would grant supplier relief payments of £85k and £27k for costs incurred between July-October 2020 and November 2020-January 2021 respectively.

These payments would be made in line with the Special Urgency Decision (rule 16) and subsequent ODR as alluded to in the main body of this decision record.

The Supplier Relief Scheme payments have previously been included in the Adult Social Care revenue forecasts for 20/21 and have been accounted for / accrued in the year-end accounts (based on known tranche 2 and tranche 3 claims, plus an estimate for tranche 4 (February & March 2021)). The Supplier Relief Scheme spend included for 20/21 accounts totals £875k.

Therefore, the payments outlined in this decision will not further alter the financial outturn position for AH&WB nor the overall position of the Council.

Name: Carl Evans **Signature:** By Email **Date:** 19/04/2021

**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 as well as the signatures will be redacted prior to publication of this request.

Name: Gillian Parker Signature by email Date: 20/04/2021

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: _20/04/2021_

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: **Faye Tyas** Signature:  Date: **20.04.21**

Assistant Director of Finance and Section 151 Officer

Consultation with Relevant Member(s)

Name: Cllr Rachael Blake Signature:  Date: 20/04/2021

Designation Cabinet Member for Adult Social Care

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

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.