

Cabinet Member Briefing Note
Covid-19 Response – Urgent Decision
Adult Social Care Rapid Testing Fund

To: Cabinet Member for Adults' Health and Social Care

Date: 21st January 2021

Author:	Corporate Director, Adult Social Services, Health & Housing
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 The Government as part of its response to the COVID-19 pandemic has provided the Council with funding from the Rapid Testing Fund as a ring fenced grant. 80% of the fund is to be paid to Care homes to support additional rapid testing of staff and to support visiting professionals and enable indoors, close contact visiting where possible.
- 1.2 The local authority has the discretion to use the remaining 20% of funding to support the care sector to operationally deliver Lateral Flow Antigen testing (LFD) and this report seeks agreement to using 20% of the funding for this purpose.
- 1.3 The report links to the Council's priority four "Help people to help themselves whilst always protecting our most vulnerable children and adults".

2. Recommended Action to be Authorised by a Cabinet Member Under Delegated Powers

Recommended that the Cabinet Member agrees that:

- 2.1 The Corporate Director, Adult Social Services, Health & Housing, using her delegated authority under Paragraph 305 of the Council's Scheme of Delegations (Part 8 of the Constitution) be authorised to:
 - 2.1.1 Make payments in accordance with the requirements of the Rapid Testing Fund using 80% of the funding to care homes registered in Swindon to support them with additional rapid testing of staff in care homes, and to support visiting professionals and enable indoors, close contact visiting where possible. This includes adult social care providers with whom the local authority does not have a contract.
 - 2.1.2 Make payments using 20% of the fund to provide support to the care sector where there are additional operational challenges in delivering LFD testing.

Further information on the subject of this report can be obtained from Joy Kennard, Telephone Number 07980 621568, JKennard@swindon.gov.uk.

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3. Detail

Adult Social Care Rapid Testing Fund

- 3.1 The Department of Health and Social Care (DHSC) announced on 23rd December 2020 the release of £149m nationally as the Adult Social Care Rapid Testing fund: to support the rollout of LFD testing in care homes. In the subsequent Rapid Testing Fund Local Authority Circular, published on the 15th January 2021 the Government stated that the main purpose of the fund was to support additional rapid testing of staff in care homes, to support visiting professionals and enable indoors, close contact visiting where possible. This includes adult social care providers with whom the local authority does not have a contract.
- 3.2 This new funding has been paid as a grant in accordance with Section 31 of the Local Government Act 2003, ring fenced exclusively for actions that support care homes to implement additional rapid testing. This grant covers the period from 2nd December 2020 to 31st March 2021 and any funding that remains unspent by its conclusion on 31 March will need to be returned to the Department of Health and Social Care. Swindon Borough Council's share of this funding is £421,604 based on 1,308 beds in registered care homes and residential drug and alcohol services in Swindon.
- 3.3 80% of the grant, £337,283 is to be paid to care home providers and must be spent on the following measures only.
- 3.4 (1) Paying for staff costs associated with training and carrying out lateral flow device (LFD) testing, including time taken to :
- 3.4.1 Attend webinars, read online guidance and complete an online competency assessment,
 - 3.4.2 Explain the full LFD testing process to those being tested and ensuring that they understand all other infection prevention and control (IPC) measures,
 - 3.4.3 Ensure that any LFD tests are completed properly, including overseeing the self-swabbing process, processing tests and logging results,
 - 3.4.4 Wait for results, if staff are coming in to undertake tests on site prior to their shift,

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- 3.4.5 For those care homes that can undertake indoors, close contact visiting: welcoming visitors, gaining consent and overseeing that personal protective equipment (PPE) is correctly donned.
- 3.5 (2) Costs associated with recruiting staff to facilitate increased testing.
- 3.6 (3) Costs associated with the creation of a separate testing area where staff and visitors can be tested and wait for their result. This includes the cost of reduced occupancy where this is required to convert a bedroom into a testing area, but only if this is the only option available to the care home.
- 3.7 Costs associated with disposal of LFD tests and testing equipment.
- 3.8 The funding will be provided on condition that the recipient care provider:
 - 3.8.1 Uses it for the measures outlined in 3.2
 - 3.8.2 Will provide the local authority with a statement certifying that they have spent the funding on these measures for the local authority return to the Department of Health and Social care due by 30th April 2021.
 - 3.8.3 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. This may include proof that results of LFD tests have been registered.
 - 3.8.4 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,
 - 3.8.5 Will return any amounts which are not spent on those measures outlined
 - 3.8.6 Is completing the Capacity Tracker regularly (at least weekly), and has committed to doing so for the duration of the grant.
- 3.9 Terms and conditions for receipt of the funding will be sent to care providers by the Council and will require agreement before payment from the grant is made.
- 3.10 The remaining 20% of the grant, which totals £84,321, must be used to support the care sector to operationally deliver LFD testing. This funding can be allocated at the local

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authority's discretion, including supporting care homes or other providers that are currently experiencing an outbreak to ensure that they have the resources needed to administer the LFD tests and equipment that they need to increase LFD testing. This can also be used to support smaller homes to implement LFD testing, as they may face relatively higher costs compared to large homes, and to enable other settings such as supported living and extra care settings that are eligible to rollout LFD testing.

- 3.11 To be compliant with the conditions of this fund the local authority must:
- 3.11.1 Make the allocation directly to pay care homes (this includes in house care homes, care homes with self-funding residents, care home that the local authority does not have contracts with and residential drug and alcohol services).
 - 3.11.2 Report on their spending to DHSC as part of the monthly return that is currently being completed for the Infection Control Fund 2.
 - 3.11.3 Ensure any support made to a care home is made on condition that the care home is completing the Capacity Tracker regularly (at least weekly) and has committed to doing so for the duration of the grant.
 - 3.11.4 Ensure that payments to the care home are made on the condition that they will repay the money to the local authority if it is not used for the purpose for which it has been provided.
 - 3.11.5 Provide DHSC with a final statement by 30th April 2021 certifying that the funds have been spent on the measures set out in 3.2 and 3.4.
- 3.12 The DHSC grant conditions provide that if any care home in a local authority's geographical area refuses the "per bed" funding or is unable to use all of its allocation the local authority may add that unallocated funding to their 20% allocation. If a local authority decides to do this, they must notify DHSC.
- 3.13 From 1 January, the government is no longer bound by the EU state aid rules. Public authorities are expected to familiarise themselves with government guidance on complying with the UK's international obligations on subsidy control.
- 3.14 DHSC considers that this grant, and the measures it is intended to support are consistent with the UK's international obligations on subsidy control. This is because the

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measures will help detect COVID-19, hence reducing its incidence and spread, and are over and above that which care providers would normally be expected to provide.

- 3.15 Due to their potential to limit the transmission of COVID-19 and therefore prevent loss of life, these measures are of particular importance to care users, workers and their families, as well as being in the general public interest. Furthermore, without intervention they would not be provided by the market at the level or quality required, and thus to secure their provision, compensation needs to be provided to incentivise an undertaking or set of undertakings.
- 3.16 In accordance with government guidance, the Council considers that the distribution of this grant funding is compliant with the UK's international subsidy obligations.

4. Alternative Options

- 4.1 There is a requirement by DHSC to use 20% of the grant allocation to support the care sector to implement increased LFD testing but this can be allocated at the local authority's discretion. Therefore, the Council could chose to return 20% of the funding to DHSC.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The total grant is £421,604 which is expected to be received in January 2021. There is £337,283 for care homes which will be allocated on a per bed basis. The payments to care providers will aim to be made within 10 days of receipt of the grant, subject to compliance with the conditions set out 3.3 of this report.
- 5.2 The Council has discretion as to how it allocates the remaining 20% grant allocation of £84,321 as long as this supports the care sector to implement increased LFD testing.

Legal and Human Rights Implications

- 5.3 The Rapid Testing fund will support care homes to ensure reduced risk of the spread of the infection for adults in need being supported by them, and also staff delivering the care and support.
- 5.4 Terms and conditions for receipt of the funding will be sent to care providers by the Council and will require agreement before payment from the grant is made.
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Climate Change Impact

- 5.5 The proposals would not bring a change in service delivery and Officers believe that there is no expected effect on the Council's carbon footprint.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 The Rapid Testing Fund supports the protection of staff and reduces the risk of exposure to the Covid-19 infection.

Diversity Impact Assessment

- 5.7 A Diversity Impact Assessment (DIA) has been undertaken and a copy is available from the report author. No adverse effects have been identified by the implementation of these grants. There are benefits, as the grant will support rapid testing in Adult Social Care Home settings.

Risk Management

- 5.8 There has been ongoing consultation with providers and partners to ensure that clarity has been gained on the specific use of the grant in line with the terms and conditions. The terms and conditions have been circulated to providers to seek agreement in principle in advance of payments being made.

6. Consultees

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 There are no background papers.

8. Appendices

- 8.1 There are no appendices.

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9. Declarations of Interest

Cabinet Member(s)

- 9.1 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Briefing Note. If such an interest exists this should be declared to the Monitoring Officer (or Committee and Member Services Manager), and they should take no part in the consideration of the Briefing Note and should refer the Briefing Note to the Leader of the Council instead for consideration.

10. Sign-off

- 10.1 The Cabinet Member is requested to respond with 5 days of the date of this report by 26th January 2021.
- 10.2 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report:

[To be signed electronically and redacted for publication.]