



CABINET – 20 OCTOBER 2020

**ADULT SOCIAL CARE WINTER PLAN AND MEASURES TO
SUPPORT CARE HOME PROVIDER SUSTAINABILITY**

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

PART A

Purpose of the Report

1. The purpose of this report is to inform the Cabinet of the requirement to produce a Winter Plan for Adult Social Care (the Winter Plan) by 31 October 2020 which sets out how the County Council will support the adult social care providers in Leicestershire in the context of the ongoing pandemic. The production of a Winter Plan is essential in order for the County Council to benefit from the Government's extended Infection Control Funding from December 2020.
2. This report also provides information on the support given by the County Council to providers of care during the Covid-19 pandemic and identifies the ways in which the Council is managing the risk to the future sustainability of the care market.

Recommendations

3. It is recommended that:
 - a) The requirement for Leicestershire County Council to produce and approve a Winter Plan by 31 October 2020 be noted;
 - b) The Chief Executive and Director of Adults and Communities, following consultation with the Cabinet Lead Member, be authorised to approve the Winter Plan by 31 October 2020;
 - c) The support given by the Council to providers of care during the Covid-19 pandemic and the plans in place to manage the risk to the sustainability of the care market over the winter be noted.

Reasons for Recommendations

4. The County Council is required to write to the Department of Health and Social Care by 31 October 2020 confirming it has put in place a Winter Plan and that the Council is working with care providers in their area on their business

continuity plans, highlighting any key issues if needed, in order to receive the second instalment of the Infection Control Fund. The local plan should consider the recommendations of the national Winter Plan and involve NHS and voluntary and community sector organisations where possible.

5. Publication and approval of the Winter Plan by 31 October 2020 ensures the Council will be able to access the extended Infection Control Funding from December 2020.
6. The Winter Plan requires the Council to work with local partners to engage with the Service Continuity and Care Market Review and complete a self-assessment of the health of local market management and contingency planning leading into winter.
7. All providers of adult social care and support have faced significant challenges during the Covid-19 emergency and the sector has shown resilience and dedication in keeping Leicestershire people safe at a time of great change and uncertainty.

Timetable for Decisions (including Scrutiny)

8. The Council must put the Winter Plan for Leicestershire in place and confirm with the Department of Health and Social Care that this has been completed by 31 October 2020.
9. The Adults and Communities Overview and Scrutiny Committee will be given the opportunity to comment on the Winter Plan, during 14-26 October 2020, prior to its approval.

Policy Framework and Previous Decisions

10. The activities described within this report are underpinned by the Council's Strategic Plan 2018-22 and the Adults and Communities Department Strategy 2020-24, the latter of which was approved by the Cabinet on 18 September 2020. The Department's Strategy seeks to ensure that services are delivered that meet the eligible needs of the citizens of Leicestershire to maximise their opportunities and wellbeing.
11. The Winter Plan is being produced as part of the Government's wider agenda to support adult social care during the Covid-19 pandemic. The Winter Plan builds on the Adult Social Care, Care Home Support Plans which were submitted to the Department of Health and Social Care (DHSC) on 29 May 2020.
12. The actions in the Winter Plan are also reflected in the Council's emerging corporate and departmental recovery plans.

Resource Implications

13. The Council's Medium Term Financial Strategy (MTFS) ensures that the support provided to adult social care providers is affordable and minimises any additional financial risk to the Council.
14. The extension to the ICF until 31 March 2021 will provide additional funding to meet the additional costs being incurred by providers. The Council has been allocated £6.1m to be allocated to adult social care providers in the County, provided that certain conditions (specified in the Government Policy Paper) are met, including the production of the Winter Plan.
15. There has been a significant financial impact due to Covid-19 on adult social care which includes making additional payments in the region of £27m to care providers to cover additional costs (£9m), assistance with cashflow (£11m) which will need to be repaid by providers and passporting the first ICF grant (£6.7m). These are detailed further in the report.
16. Other additional Covid-19 expenditure (£3m) includes supporting shielding, PPE purchases for council services, supporting the management of Covid-19 and providing food packages for service users being discharged from hospital.
17. Some of these costs are offset by additional income of approximately £15m from the NHS to support service users being discharged from hospital.
18. The level of demand from the service users for commissioned services is constantly changing with lower numbers for some services and increased costs. As the approach to Covid-19 management changes nationally, the NHS changed the current basis of arrangements for those being discharged from hospital from 1 September 2020 with only the first six weeks of reablement care being funded. The impact of all of these changes is being quantified.
19. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

20. None.

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PART B

Background

The National Context – The Winter Plan

21. The Government published its Adult Social Care Covid-19 Winter Plan 2020-2021 policy paper on 18 September 2020. The Plan sets out the key elements of national support available for the social care sector during winter 2020 to 2021, as well as the main actions to be taken by local authorities, NHS organisations, and social care providers, including those in the voluntary and community sector.
22. The Plan sets out provision for free PPE for social care providers through a government portal with exceptions funded via the local authority and a government £546m Infection Control Fund.
23. In the Plan, the Government has given the commitment to adult social care providers that it will:
 - i. continue to engage, across the sector, including with local authorities, care providers, people with care and support needs and carers;
 - ii. continue to provide financial support to the sector;
 - iii. appoint a chief nurse for social care to the Department of Health and Social Care;
 - iv. develop a designation scheme with the Care Quality Commission for premises that are safe for people leaving hospital who have tested positive for Covid-19 or are awaiting a test result;
 - v. continue to develop and publish relevant guidance;
 - vi. ensure sufficient appropriate Covid-19 testing capacity;
 - vii. improve the flow of testing data to everyone who needs it;
 - viii. provide free PPE for Covid-19 needs in line with current guidance to care homes and domiciliary care providers, via the PPE portal, until the end of March 2021;
 - ix. provide free PPE to local resilience forums (LRFs) who wish to continue PPE distribution, and to local authorities in other areas, to distribute to social care providers ineligible for supply via the PPE portal, until the end of March 2021;
 - x. make available for free and promote the flu vaccine to all health and care staff, personal assistants and unpaid carers;
 - xi. publish the new online Adult Social Care Dashboard.
24. The Winter Plan identifies 75 actions to be undertaken by local authorities under four key themes:
 - Theme 1 - Preventing and controlling the spread of infection in care settings;
 - Theme 2 - Collaboration across health and care services;
 - Theme 3 - Supporting people who receive social care, the workforce, and carers;

- Theme 4 - Supporting the system.
25. The Leicestershire Winter Plan which will cover the period October 2020 to March 2021 is currently in preparation for completion by 31 October. Work is currently underway to address the requirements and plan future activity for each of the required actions that the Government has detailed in the Winter Plan. Appendix A sets out examples of some of the required actions under each theme and the actions taken by the County Council in meeting them.

Leicestershire's Winter Plan

26. When the Government's Winter Plan was launched on 18 September 2020, all local authorities were required to confirm by letter to the Minister for Care that they have a Winter Plan in place by the 31 October 2020. This Winter Plan needs to set out how the County Council will deliver all of the 75 Actions for local authorities outlined in the Government's Winter Plan. No specific timeline for the Plan's coverage period or guidance on the format and publication of Winter Plans have been given to local authorities. It is assumed that the Winter Plan will cover 1 November 2020-31 March 2021.
27. The Winter Plan is currently being collated by staff across the Adults and Communities Department and Public Health to fulfil the requirements for all of the 75 actions. The Government's Winter Plan will be used as a template for the format of the Leicestershire Winter Plan, setting out current and planned activity against of the 75 actions that are required to be delivered. Timelines for the completion of the Plan are:
- Invitation to Health Partners, sector representative bodies, Healthwatch and Adult and Communities Overview and Scrutiny Committee to comment on draft plan 14–26 October 2020;
 - Final document produced for approval by the Chief Executive and the Director of Adults and Communities, following consultation with the Cabinet Lead Member, by 28 October 2020.
 - Letter submitted to Department of Health and Social Care from the Chief Executive and Director of Adults and Communities confirming the Plan is in place by 30 October 2020.

Financial Support for Providers

28. During the Covid-19 crisis response over the spring and summer of 2020, the Government provided some additional financial support to the adult social care sector through the Infection Control Fund (ICF).
29. The ICF aimed to fund measures that improved infection prevention and control. The Government funding was principally for care homes, with at least 75% of the allocation mandated to be spent in this way, and local authorities given discretion in allocating the remaining 25%. The County Council had to submit its own Infection Prevention and Control Plan to Government for approval to receive the funds and was then required to monitor delivery of the

Plan by the County's care homes and other social care providers and report back to the Department of Health and Social Care.

30. In order to be able to access the funding, care homes and other social care providers had to report regularly on infections, occupancy and PPE supplies via national trackers and have also had to produce expenditure returns to the County Council. The Council received £6.7m in total in two tranches, of which 75%, £5m, went to residential care homes as per the Government's instructions. The balance was mainly allocated to home care, extra care and supported living, providers, and a small contingency was held to support additional or exceptional expenditure. The funding was primarily aimed at measures to reduce infection with spending as follows:
 - 36% on measures to isolate residents within their own care homes;
 - 23% on actions to restrict staff movement within care homes;
 - 7% paying staff full wages while isolating following a positive test;
 - 34% on additional staffing, onsite accommodation and travel for residential providers; and on measures to isolate service users, actions to restrict staff movement, travel, training and cleaning for all other providers.
31. The majority of the ICF funding allocated to care homes could not be used for purchasing PPE, but there was flexibility with the 25% discretionary element. The original ICF programme ended in September and funds had to be used and spend reported to the County Council. The information was collated and reported to Government by 30 September 2020.
32. In addition to the distribution of the £6.7 million ICF, the County Council has made available to providers substantial additional funding totalling £3.5 million to support them through the increased cost pressures caused by the pandemic. Payments were made monthly.
33. To understand the financial challenges faced by providers the Council commissioned work to review the impact of the pandemic on residential providers' costs to inform the level of its additional payments. PPE was found to be the largest additional expense faced by registered providers.
34. At the start of the crisis in April, in addition to the additional funding provided by the Government, the County Council made funding available to all care providers through a repayable forward payment to help them with, or prevent, cashflow issues. To minimise the impact of paying back the advance payment the provider has the option of paying it back over three monthly instalments.
35. Unfortunately, the Council's financial position, already extremely serious and challenging, has worsened as a result of the pandemic. The latest estimate of net additional costs due to Covid-19 for the current financial year (2020/21), as presented to the Cabinet on 18 September 2020, is £18m after Government grant support. The Authority has therefore requested repayment of the loans made to providers in April 2020.

36. It is anticipated that the new national free PPE scheme and the new round of ICF payments will reduce the need for additional funding by the Council for providers going forward. Further analysis will be undertaken to determine whether additional monthly payments to providers are required from October onwards, balancing this carefully against the financial pressures likely to be faced by the County Council for some years to come.

Existing Support for Care Home Providers

37. The Authority has already taken action to mitigate problems with provision of PPE. Providers have received other support from the Government and Council to help with PPE, both paying for increased costs and accessing supplies, including LRF emergency supply stocks that could be accessed in the event that care homes were about to run out. Providers were also provided with extensive guidance which is made available through the regular bulletins and conference calls.
38. Substantial work has also taken place locally to support care homes with infection prevention and control and testing. The County Council's Public Health Department has led on the development of a helpline and support service to provide Covid-19 specific infection prevention and control advice to care homes across Leicester City, Leicestershire and Rutland (LLR). The scope of the service is to:
- i. Provide a programme of rapid testing for frontline social care workers, which will help reduce the need for social isolation of staff who test negative;
 - ii. Infection prevention and control advice relating to the safe management of Covid-19 in LLR care homes;
 - iii. Respond to calls and emails from care homes who have a concern or query relating to infection prevention and control and Covid-19;
 - iv. Undertake regular monitoring calls to care homes with an active outbreak following notification from Public Health England;
 - v. Support the consistent dissemination of up to date local and national guidance across the three local authorities within LLR;
 - vi. Contact and support care homes that have not had an outbreak of Covid-19 by:
 - Providing care home staff with the latest guidance relating to Covid-19 and best practice relating to infection prevention and control and outbreak management;
 - Providing care homes with signposting information to relevant partner organisations and national guidance should they suspect an outbreak of Covid-19 in the future.
39. All care home staff and associated professionals can access infection prevention and control advice and support relating to Covid-19 in care homes. The service has received positive feedback on the level of support provided.
40. During the height of the emergency, the Authority established a bespoke adult social care recruitment team through its Inspired to Care initiative to assist

external providers in ensuring that they had sufficient workforce to meet the demand generated by the crisis. The team attracted, recruited and trained staff on behalf of the external market giving them staff who were ready to start work. The Inspired to Care team continue to support providers with recruitment and are running awareness campaigns to encourage entrants to the sector. The service provided has been received very favourably by the market.

41. The team's key achievements during its period of operation include:
- i. 57 candidates who were taken through the Inspired to Care project, have started new roles;
 - ii. More candidates continue to be recruited through Inspired to Care CV's sent to the external market on a daily basis;
 - iii. Over 3,000 applications, CVs or candidate enquiries have been received to date;
 - iv. Reduced time to hire, averaging at below 20 days;
 - v. Media coverage on BBC East Midlands Today, Leicester Mercury, local newspapers, BBC Radio Leicester and Fosse 107;
 - vi. Facebook content has included a clap for #socialcareleics video and 'Keep Leicestershire safe and well at home' recruitment campaign which has reached 10,000 people so far, and a range of 'good news' stories, including video interviews with care professionals and people using services.

Risk Assessment for Winter 2020/2021

42. As part of the Winter Plan requirements, the Department of Health and Social Care requires councils to review their preparedness for service continuity through the winter of 2020/21, including councils' assessment of risks, their contingency plans, and their support needs.
43. Each local authority must complete an extensive self-assessment questionnaire which covers:
- risks to adult social care continuity of care arrangements in all settings and for all providers up to the end of March 2020 and arrangements to mitigate these risks;
 - local needs for targeted and intensive support through national or regional arrangements;
 - examples of innovation and good practice which can be shared.
44. The draft of the key themes from the self-assessment questionnaire for the County Council is attached as Appendix B to this report. Comments and text boxes and their contents have been omitted from the standard template for publication to Cabinet as they may contain sensitive or commercially confidential information. The scorings attributed to each question are draft and may change on submission to Department of Health and Social Care.
45. The Council has worked very closely with providers to minimise the risk to the Leicestershire social care market. There are, however, some areas of concern

such as the availability of nursing staff in nursing homes, the impact of Covid-19 on people and services, staffing levels and the financial viability of some residential care providers due to decreased occupancy levels.

Challenges faced by care homes during Covid-19

46. All providers of adult social care and support have faced significant challenges and the sector has shown resilience and dedication in keeping Leicestershire people safe at a time of great change and uncertainty.
47. The Authority's commissioning responsibilities includes market oversight, which involves understanding financial pressures and other issues arising from the circumstances which may impact on providers. At the present time the greatest concerns nationally, regionally and locally relate to the sustainability of the care home sector and individual businesses operating within it.
48. The Council currently has 171 commissioned care homes, comprising:
 - 86 older adults' residential care homes;
 - 27 older adults' residential nursing care homes;
 - 57 working age adults care homes;
 - 1 residential care home which caters for both working age and older adults.
49. The Council has engaged extensively with the care home sector during the pandemic through regular conference calls with providers and individual care homes, establishing a Provider Communication Line providing one route for departmental support, setting up a triage service for urgent PPE supplies and providing targeted virtual and in-situ support for providers in difficulty.
50. Challenges and pressures faced by care homes during Covid-19 have included a reduction in overall occupancy but an increase in temporary admissions, and increased pressure to accommodate discharges from hospital as quickly as possible. Care homes have struggled to access testing and obtain speedy results and have seen increased cost pressures for this as well as for PPE, staffing (recruitment/retention and absences) and insurance.
51. The County Council has developed and is constantly refining surveillance methods to understand the risk status of providers to better target quality improvement and other types of support at certain providers, identify any impact on key supply (such as capacity in geographical areas or service type) if one or more providers were to face instability, and undertake its market oversight duties.

Identifying and Responding to Provider Instability

52. The intelligence above allows the Council to work proactively with care home providers to identify and manage risk, and help prevent market instability or provider failure. The Adults and Communities Department's Quality and Contracts service works with care businesses on quality and to drive improvement.

53. However, given the level of challenges faced by care home providers nationally, it is likely that some will face instability or potentially some service failure over the coming months and years. The Authority will work with those businesses to ensure that residents are kept safe, and that where services are unviable their exit from the market is supported in a timely and managed way based on Association of Directors of Adult Social Services guidance.
54. The options for responding to provider failure in such circumstances are set out in Appendix C. The range of options available, cover direct intervention by the Council, or commissioning additional emergency support, or working with existing providers.
55. Different options may be appropriate for different circumstances, and therefore a tailored and proportionate approach will be needed which calls upon one or more of the options, for example, a large-scale provider failure which threatens to destabilise the entire market, or the failure of a significantly specialised segment of the market may necessitate either high or medium intervention level, whereas a small, non-specialist care home closure may best fit the current, low-intervention offer.

Engagement on the Draft Winter Plan

56. The issues covered above and plans for the winter period been discussed at length with care home providers. Providers have stated that challenges have been the increasing costs of PPE and ensuring that staff are adequately paid whilst self-isolating. They have welcomed the measures already put in place by the County Council to support providers and the uptake of the ICF has been strong. The draft Winter Plan will build on this feedback.
57. The draft of the Winter Plan will be shared for comment with providers, Healthwatch and with the Chief Officers of the Clinical Commissioning Groups and University Hospital of Leicester Trust during 14-26 October 2020.
58. The Adults and Communities Overview and Scrutiny Committee will be given the opportunity to comment on the Winter Plan, again during 14-26 October 2020.

Equality and Human Rights Implications

59. The Government has completed an Equalities and Human Rights Impact Assessment (EHRIA) for the national Winter Plan and locally an EHRIA will be completed on Leicestershire's Winter Plan as it is developed. Previously, an EHRIA has been completed on the impact of Covid-19 on Council services and one is currently being completed for the impact of Covid-19 on the Adults and Communities Department .

Environmental Implications

60. There are no environmental implications arising directly from the recommendations in this report. It is recognised that PPE disposal does have an environmental impact and recycling/environmentally friendly PPE are a medium-term aspiration, however of primary concern at present is that PPE is used appropriately to keep carers and individuals safe.

Partnership Working and Associated Issues

61. The Department is working closely with Leicester City and Rutland Councils, alongside partners in the NHS, to ensure that the three Winter Plans are complementary and provide a consistent offer for Adult Social Care Providers across LLR, as far as possible.

Background Papers

Adult social care: coronavirus (COVID-19) winter plan 2020 to 2021

<https://www.gov.uk/government/publications/adult-social-care-coronavirus-covid-19-winter-plan-2020-to-2021>

Social Care Sector COVID-19 Support Taskforce: report on first phase of COVID-19 pandemic

<https://www.gov.uk/government/publications/social-care-sector-covid-19-support-taskforce-report-on-first-phase-of-covid-19-pandemic>

Adult social care winter plan: letter from Minister for Care to local authorities

<https://www.gov.uk/government/publications/adult-social-care-winter-plan-letter-from-minister-for-care-to-local-authorities>

Appendices

Appendix A – Four themes identified in the Winter Plan

Appendix B - Completed Self-Assessment Questionnaire for the Department of Health and Social Care

Appendix C – Options for responding to provider failure

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