

29<sup>th</sup> May 2020



**Warwickshire County Council**

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Dear Provider,

Funding for Infection Control in Care Homes from the Department of Health & Social Care

PLEASE NOTE THERE ARE CONDITIONS ON WHICH THIS FUNDING IS PROVIDED. YOU NEED TO READ, SIGN AND RETURN A COPY OF THIS LETTER TO US TO ACCEPT THESE CONDITIONS BY 8<sup>th</sup> June

COVID-19 presents an unprecedented challenge for social care. There is an extraordinary amount of work underway, with local authorities and care providers at the forefront of this vital response, working in partnership with the NHS.

In Warwickshire there is clear evidence that Warwickshire County Council (the Council), the Clinical Commissioning Groups (CCGs), Public Health and Adult Social Care providers are working effectively together at the local level to respond to the pandemic.

Care homes have enacted business continuity plans to ensure their vital services are maintained and the residents continue to be well supported in their homes. The Council and CCGs have taken steps to support homes. These have been summarised in a letter we shared with you in April.

**New Infection Control Guidance**

In line with the Adult Social Care Infection Control Fund guidance published on the 22nd May by the Department of Health and Social Care (DHSC), our new Care Home Support plan builds on what we have done together so far. Specifically, it sets out the steps that must now be taken to keep people in care homes safe and outlines the support that will be brought together across national and local government to help care providers put this into practice. It focuses on Infection Control, and a significant level of funding is available to support activities that reduce the risk of the spread of the virus.

The Council will submit this new Care Home Support Plan to the Minister of State for Care on 29 May.

The views of care home managers and other key stakeholders were gathered over the last week and have informed the review of the plan and its shape going forwards.

The availability of accurate and timely information is essential to understanding the situation in care homes and in planning effective support. The National Care Homes Capacity Tracker was rolled out in a very short time period to create a single source of a wide range of data. This has proved to be invaluable. The response of Warwickshire care homes to sign up to and regularly update the tracker was truly outstanding and we are extremely grateful for your efforts. As we move forward, the information providers enter daily remains essential to controlling the spread of COVID-19 in care settings and in turn enables extra support to be appropriately provided. The importance of this data means that the Infection Control Fund is conditional on the continued provision of this information.

### **What is expected of Councils and Providers receiving the Infection Control Funding?**

The £600m Infection Control Fund will be passed to Local Authorities and adult social care providers to enable them to reduce the rate of transmission in and between care homes and support wider workforce resilience.

Councils are expected to:

- Pass 75% of the funding directly to the care home providers in the county;
- Ensure that the funds are spent appropriately by care homes (i.e. only to tackle the risks of COVID-19); and
- Recoup any of the funds that were passed to care homes but not spent on activities that reduced the risk of the virus spreading.

The Council will, therefore, be putting in place measures that will provide assurances that the funding is being used appropriately. These are outlined in the Assurance section of this letter.

The level of funding allocated to each Local Authority, and other information about the fund is available at:

<https://www.gov.uk/government/publications/coronavirus-covid-19-support-for-care-homes>

### **Warwickshire Funding**

Warwickshire County Council has received an allocation of £7,187,125 of the national funding. 75% of this funding will be passed on to providers. As set out in the guidance, the remaining 25% will be used by the Council to meet responsibilities. The amount each care home in Warwickshire will receive is in direct proportion to the number of beds detailed in the CQC registration for the home.

This funding is in addition to previous funding made available in April to Local Authorities to support the delivery of adult social care services in recognition of the increased costs faced by the sector in responding to COVID-19. Local Authorities were able to make decisions about the ways in which they administered the fund in their area. In Warwickshire, the fund was used to support local providers by meeting certain costs that the Council accepted were additional and directly related to COVID-19. The guidance for this process was shared with providers. The Council will continue to consider claims under this arrangement for costs

incurred in the period up to and including 31 May for all Covid-related costs. It will also still consider claims after 31 May for costs not covered under the new Infection Control Funding e.g. additional costs of additional supplies.

The first instalment of £500 per bed left the Council's bank account today (29 May).

### **Conditions of funding**

The Local Authority has acted promptly to ensure that this funding reaches care homes as soon as possible. This is on condition that the care home provider receiving the funding complies with the following conditions:

1. You read this letter and sign and return one copy to the Council (by email to [adultcontracting@warwickshire.gov.uk](mailto:adultcontracting@warwickshire.gov.uk)) by 8<sup>th</sup> June confirming that you agree to the conditions on which this funding is being provided;
2. You agree to only to use the funding to support the measures as set out in the guidance and as set out at Appendix 1 to this letter;
3. The cost of any specific measures (as set out at Appendix 1) are met by you on the basis that:
  - a. there is no increase in any relevant rates (except those relating to hourly rates of pay to ensure staff movement from one care home to another care home is minimised) from the existing rates
  - b. third party charges (for example, of costs to avoid the use of public transport) are paid at the normal market rates; and
  - c. in no circumstances is any element of profit or mark-up applied to any costs or charges incurred.
4. You read the attached State Aid letter in Appendix 2 of this letter and attached as a separate document, complete and sign the declaration, and return it to the Council (by email to [adultcontracting@warwickshire.gov.uk](mailto:adultcontracting@warwickshire.gov.uk)) by 8<sup>th</sup> June. This should include details of any other COVID-related grant funding you have received from the Council or any other public body (including CCGs and other Local Authorities) since March 2020;
5. You ensure that each of your care homes (if you have more than one) consistently completes all fields in the National Capacity Tracker;
6. You provide the Council (by email to [adultcontracting@warwickshire.gov.uk](mailto:adultcontracting@warwickshire.gov.uk)) with a statement certifying that that you have spent the funding on the measures set out at Appendix 1 by 23 September;
7. You must account for all payments paid out of the funding and keep appropriate records. If requested to do so you will provide the Council or DHSC with receipts or such other information as they request to evidence that the funding has been so spent;
8. You provide DHSC or the Council with an explanation of any matter relating to funding and its use by you 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; and

9. You agree to return any amounts which are not spent on the measures set out in Appendix 1.

10. You collaborate with the Council regarding assurance of appropriate Infection Control Measures.

### **Clawback of Funding**

The Council may at its discretion withhold or suspend payment of the funding and/or require repayment of all or part of the funding if:

1. you use the funding for purposes other than those for which it has been provided;
2. you provide the Council with any materially misleading or inaccurate information;
3. you fail to provide documentary evidence of appropriate spending and outcomes or the evidence provided does not satisfy the Council that the funding received has been used by a care home as intended and in line with national guidance; or
4. your declaration of the amount of state aid received is inaccurate.

If the Council requires repayment of all or part of the Grant interest may be payable on the amount to be repaid at a rate per annum equivalent to 2% above the Bank of England from the date the funding or part of the funding was given.

### **Release of second instalment of funding**

The Council will not release the second instalment of the total amount for the home until it is satisfied that the first wave has been accounted for.

The Government expects the second instalment (the remainder of the total allocated amount) to be paid to homes in July, but the exact timing is yet to be determined and is conditional on the home being assessed by the Council as having complied with the requirements set out in the guidance for this funding. The Council will assess compliance of each home through the assurance process described below before paying the second instalment.

To claim the second instalment, all care providers will be required to:

- Have signed and returned a copy of this letter confirming agreement to the conditions attached to the funding;

- Have completed, signed and returned the state aid declaration to the Council;
- Continue to have consistently completed the Capacity Tracker;
- Collaborate with the Council regarding assurance of appropriate Infection Control Measures
- Submit proof to the Council, (you will be informed of arrangements in further communication), to demonstrate that all funds provided through the Infection Control measures as set out in Appendix 1 in their entirety.

To ensure the second instalment is not clawed back all providers will be required to:

- Continue to consistently complete the Capacity Tracker;
- Collaborate with the Council regarding assurance of appropriate Infection Control Measures;
- Submit proof to the Council, (by email to [adultcontracting@warwickshire.gov.uk](mailto:adultcontracting@warwickshire.gov.uk)), to demonstrate that all second instalment funds provided through the Infection Control Fund are appropriately spent on Infection Control measures in their entirety as above; and
- This proof of spend for the second instalment must be submitted by Friday 25 September. This will be collected through a survey that WCC will arrange.

Should you have any queries about the funding or the associated arrangements please contact [timwillis@warwickshire.gov.uk](mailto:timwillis@warwickshire.gov.uk).

We look forward to working with you in making our services even safer for our most vulnerable residents and the staff that care for them.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Minns', written in a cursive style.

Nigel Minns

On behalf of **{insert details of organisation}** I accept the offer of the funding on the terms outlined above.

Signed:

Name:

Position:

Dated:

## Appendix 1

Measures the funding is being provided for:

- Ensuring that staff who are isolating in line with government guidance receive their normal wages while doing so. At the time of issuing this grant determination this included staff with suspected symptoms of Covid 19 awaiting a test or any staff member for a period following a positive test.
- Ensuring, so far as possible, that members of staff work in only one care home. This includes staff who work for one provider across several homes or staff that work on a part time basis for multiple employers and includes agency staff (the principle being that the fewer locations that members of staff work the better;
- Limiting or cohorting staff to individual groups of residents or floors/wings, including segregation of COVID-19 positive residents;
- To support active recruitment of additional staff if they are needed to enable staff to work in only one care home or to work only with an assigned group of residents or only in specified areas of a care home, including by using and paying for staff who have chosen to temporarily return to practice, including those returning through the NHS returners programme. These staff can provide vital additional support to homes and underpin effective infection control while permanent staff are isolating or recovering from Covid-19.
- Steps to limit the use of public transport by members of staff. Where they do not have their own private vehicles this could include encouraging walking and cycling to and from work and supporting this with the provision of changing facilities and rooms and secure bike storage or use of local taxi firms.
- Providing accommodation for staff who proactively choose to stay separately from their families in order to limit social interaction outside work. This may be provision on site or in partnership with local hotels.

## Appendix 2: State Aid Letter

Dear [Name of Aid Recipient]

**Confirmation of State aid received under the Covid-19 Temporary Framework for UK Authorities measure and Undertaking in Difficulty Status and de minimis aid given in relation to the Services of General Economic Interest Decision (SGEI) 2012/21/EU – Warwickshire County Council Grants to Care Homes**

Following the outbreak of the Coronavirus, the European Commission has approved schemes to aid businesses affected by the Coronavirus outbreak on the basis of their Temporary Framework, including the Covid-19 Temporary Framework measure for the UK. The Warwickshire County Council Grants to Care Homes Scheme is state aid assistance provided under the Temporary Framework and de minimis aid given in relation to the Services of General Economic Interest Decision (SGEI) 2012/21/EU.

The maximum level of aid that a company may receive under the Covid-19 Temporary Framework measure is €800 000 (currently £699,024). This is across all UK measures under the terms of the European Commission's Temporary Framework. Please read the accompanying guidance.

Aid given in relation to the Services of General Economic Interest Decision (SGEI) 2012/21/EU is de minimis if in a three-year period the undertaking has not received more than €500,000 (currently £436,890) of aid.

The Euro equivalent of the Sterling aid amount is calculated using the Commission Exchange rate applicable on the date the aid is offered.

Any aid provided under this measure will be relevant if you wish to apply, or have applied, for any other aid granted based on the European Commission's Temporary Framework. You will need to declare this amount to any other aid awarding body who requests information from you on how much aid you have received.

You must retain this letter for four years after the conclusion of the UK's transition from the EU and produce it on any request from the UK public authorities or the European Commission.

Aid may be granted to undertakings that were not in difficulty (within the meaning of

Article 2(18) of the General Block Exemption Regulation) on 31 December 2019, but that faced difficulties or entered in difficulty thereafter as a result of the Covid-19

outbreak. Examples of company in difficulties are set out in the enclosed guidance.

Aid under the Covid-19 Temporary Framework measure is in addition to any aid given in relation to the Services of General Economic Interest Decision (SGEI) 2012/21/EU **or** any aid that you may have received under the De Minimis regulation allowing aid of up to €200,000 (currently £174,756) to any one organisation over a three fiscal year period (i.e. your current fiscal year and previous two fiscal years), and any other approved aid you have received under other State aid rules, such as aid granted under the General Block Exemption Regulation.

**You do not need to declare any aid you have received through the following schemes**

**Coronavirus Job Retention Scheme** - The Job Retention Scheme (JRS) is not subject to the EUR 800,000 cap as it is not a selective measure and, as such, it should not distort EU competition. The JRS is a wage subsidy which is in principle applicable to all companies, including non-UK companies which have UK employees and operate PAYE.

**Payment deferrals of a general nature** – Tax payment deferrals are also considered to be outside the scope of the state aid rules to the extent that they are not selectively applied. Time to Pay arrangements and VAT payment deferrals should therefore not be subject to state aid rules.

**Business rates relief** – According to the UK Government's [guidance](#) (as updated on 2 April 2020) the Government's assessment is that, given the impact of COVID-

19 in the sectors receiving the relief, the Expanded Retail Discount for 2020-21 is not state aid.

Please complete and sign the attached statement confirming your eligibility for support and return to [insert who/where to]

[Yours sincerely/ faithfully]

**Confirmation of State aid received under the Covid-19 Temporary**

**Framework for UK Authorities and Undertaking in Difficulty status –  
Warwickshire County Council Grants to Care Homes**

I confirm that I have received the following aid under measures approved within the European Commission’s Temporary Framework between March 2020 and December 2020.

I confirm that my organisation was not in difficulty (within the meaning of Article 2(18) of the General Block Exemption Regulation) on 31 December 2019.

I understand that if I have misrepresented the amount of aid I have received the Council may recover the all or any part of the grant given by the Council and charge interest on that grant from the date the grant was given.

<b>Body providing assistance/aid</b>	<b>Value of assistance (£)</b>	<b>Date of Assistance</b>

## DECLARATION

Organisation name and registered address	
Representative name	
Signature	
Date	