

Notice of KEY Executive Decision

Subject Heading:	Approval to act as the Accountable Body for the Learning and Disability and Autism Community Discharge Grant to the Local Authorities in the North East London Transforming Care Partnership under s31 of the Local Government Act 2003 for financial years 2020/21 to 2022/23 (inclusive).
Cabinet Member:	Councillor Jason Frost, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls – Director of Adult Services
Report Author and contact details:	Sima Khiroya, Strategic Finance Business Partner (Adults, Children's and Public Health) T: 01708 434879 E: sima.khiroya@onesource.co.uk
Policy context:	The Council's duties under the Care Act 2014. Together – Ensuring more residents are able to enjoy their lives with as much independence as possible
Financial summary:	The Community Discharge Grant for 2020/21 for the NEL TCP is £482,103 to be distributed to partner Local Authorities based on planned eligible discharges during this financial year. Funding allocations for 2021/22 and 2022/23 are yet to be confirmed by the Department of Health and Social Care (DHSC).

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Reason decision is Key	1. Incurring expenditure of £500,000 or more; and 2. Significant impact on communities living and working in more than one ward.
Date notice given of intended decision:	13 th October 2020
Relevant OSC:	Individuals
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval is being sought for London Borough of Havering to acting as Accountable Body for the North East London (NEL) Transforming Care Partnership (TCP), on behalf of the London Boroughs of Redbridge, Barking & Dagenham, City of London, Hackney, Newham, Tower Hamlets and Waltham Forest, for the receipt distribution and management of the Learning Disability and Autism Community Discharge Grant for the financial years 2020/21 to 2022/23 (inclusive). The grant, announced in the Budget 2020, is being awarded under s31 of the Local Government Act 2003 by the Department of Health and Social Care to facilitate timely discharges into the community to reduce the net number of people with learning disabilities and/or autism who are inpatients, to help ease the unprecedented pressures that the health and care system is experiencing at this time due to Covid-19.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution, Part 3 – Responsibility for Functions Paragraph 3.6.1
Director of Adult Services and Health

(k) To manage Adult Social Care grants as appropriate, including the use and application of grants and delivery.

Paragraph 3.10.3 S.151 Officer Functions

(m) To accept grants and the terms and conditions thereof for and on behalf of the Council.

STATEMENT OF THE REASONS FOR THE DECISION

1. BACKGROUND

The Learning Disability and Autism Community Discharge Grant was announced in the UK Government's Budget 2020, on 11 March 2020. In line with Department of Health and Social Care (DHSC) requirements, the members of the NEL TCP (represented by the respective Directors of Adult Social Services) nominated one local authority, the Council, to act as the lead authority and Accountable Body for the purposes of receiving the grant on its behalf. A memorandum of understanding with the DHSC was signed by the Council on 19th June 2020.

2. PURPOSE OF THE COMMUNITY DISCHARGE GRANT

The purpose of the Grant is to provide Transforming Care Partnerships (TCPs) with additional funding to facilitate timely discharges into the community to reduce the net number of people with learning disabilities and/or autism who are inpatients.

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Insufficient funding to meet double running costs has been identified as a particular block to timely discharge and to meeting the objectives of Transforming Care. Double running costs are the costs incurred in the period before a formal discharge when a person is still an inpatient requiring a bed, and a community care package is also put in place. Therefore, this funding has been provided to meet these costs.

The lead local authority shall apportion funding to other local authority partners within the TCP, on the basis of individuals that are due to be discharged, or will begin to transition into a community placement in each financial year, and likely to have high or double costs associated with their transition.

The grant will be payable for the financial years 2020/21 to 2022/23 (inclusive). Funding for 2020/21 is set out in section 3 below. Indicative allocations for 2021/22 and 2022/23 will be made ahead of each of those financial years, and will be subject to consultation on receipt of grant allocations from the DHSC.

3. AMOUNT OF GRANT

The total Grant received by the NEL TCP for 2020/21 is £482,103.

Those eligible for the discharge grant include:

- Individuals who are due to be discharged to a community placement, or to begin transitioning to a community placement, in 2020/21; these individuals will be likely to have high costs or double running costs attached to their transition.
- Those who were included in the cohort of 12 eligible patients submitted to the NEL LDA Transformation Board on 26th June 2020.

The allocation for 2020/21 by partner, is as follows, equivalent to an amount of £40,175.25 per client:

LA	CCG	No clients 20/21	Total Payment 20/21
London Borough of Havering	Havering CCG	3	£120,525.75
London Borough of Redbridge	Redbridge CCG	1	£40,175.25
London Borough of Barking & Dagenham	Barking & Dagenham CCG	3	£120,525.75
City of London	City & Hackney CCG	2	£80,350.50
London Borough of Hackney			
London Borough of Newham	Newham CCG	1	£40,175.25
London Borough of Tower Hamlets	Tower Hamlets CCG	1	£40,175.25
London Borough of Waltham Forest	Waltham Forest CCG	1	£40,175.25
		12	£482,103.00

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Indicative shares of the funding available in each of 2021/22 and 2022/23 will be allocated to partners upon receipt of funding allocations from DHSC and confirmation of planned discharges at the start of each respective financial year.

3. PAYMENT AND CLAIMS ARRANGEMENTS

Subject to the TCP member entering into a grant agreement with the Council, the grant will be paid in quarterly instalments to each partner Local Authority on receipt of a completed Community Discharge Grant Application Form from TCP commissioning leads. Partners must confirm the eligible patient has commenced transition or a date for transition has been agreed, and confirm if transitions costs are expected to exceed or be below the allocated amount.

Where transition costs are expected to exceed the allocation, the full amount will be transferred. Where costs are expected to be lower than the allocation, Commissioning Leads must confirm the estimated discharge costs.

A full reconciliation will be undertaken at the end of Quarter 3, and commissioners will be asked to provide planned expenditure during Quarter 4. Any excess funds (e.g. due to planned discharges not going ahead), will be redistributed based on decisions made at the NEL Learning Disabilities and Autism Transformation Board based on the following criteria:-

1. Any patients admitted to an inpatient setting post-26th June 2020 who were not accounted for in the original planning, who have or are likely to incur significant transition costs or double running costs in 2020/21.
2. Any patients who were not accounted for in the original planning as transition costs were not expected in June 2020, but a change in circumstance has meant that transition costs have been incurred.
3. Patients who have received a Grant whose transition was significantly in excess of £40K.

A grant agreement incorporating the terms of the DHSC MOU has been drafted for acceptance and signature by each TCP's Director of Adult Social Services.

OTHER OPTIONS CONSIDERED AND REJECTED

A request was made of the eight local authority areas in North East London for one to nominate themselves as the lead authority. The Director of Adult Social Care & Health in Havering offered, and this was accepted by the other 7 local authority areas. Therefore as Lead Local Authority we are now the accountable body for the Community Discharge grant.

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PRE-DECISION CONSULTATION

This programme has been led by the NHS Learning Disabilities and Autism Strategic Lead for North East London in consultation with commissioning and finance leads from the TCP Local Authorities and other key stakeholders.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Sima Khiroya

Designation: Strategic Finance Business Partner

Signature:



Date: 13/10/20

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The North East London Transforming Care Partnership (TCP) is a voluntary partnership between the relevant local authorities, clinical commissioning groups, and NHS England's specialised commissioners, which helps people with a learning disability, autism and their families and carers within their local areas.
2. As described in the report, DHSC funding arrangements are such that a lead local authority (Accountable Body) needs to be nominated to receive and take responsibility for grant monies, on behalf of the TCP.
3. s.31(1) of the Local Government Act 2003 empowers a minister of the Crown to pay a grant to a local authority towards expenditure incurred or to be incurred by the authority. The amount of such grants, the manner of payment and any conditions attaching to the payment can be such as the person paying it (i.e. in this case, the Secretary of State for Health and Social Care) may determine.
4. The Council can rely on various legal powers in support of the decisions recommended in this report. Section 1 of the Localism Act 2011 allows the Council to do anything an individual can do subject to any statutory restrictions which may apply. Section 111 of the Local Government Act 1972, allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any its functions.
5. Under paragraphs 3.6.1(k) of Part 3 [Responsibility for Functions] of the Council's Constitution, the Director of Adult Services and Health has delegated authority, *"To manage Adult Social Care grants as appropriate, including the use and application of grants and delivery."* The MOU with the DHSC was concluded by the relevant Council officers under paragraph 3.10.3(m) S.151 Officer Functions, *"To accept grants and the terms and conditions thereof for and on behalf of the Council."*
6. There is a need for appropriate governance arrangements to be put in place in relation to the Council's role as accountable body together with an appropriate funding agreement to set out the responsibilities and obligations of both the TCP and the Council in respect of the grant distribution. Appropriate indemnities will be sought to safeguard the Council against any possible clawback of funding by the Government in respect of non-compliant distribution or use of grant funding.

FINANCIAL IMPLICATIONS AND RISKS

The grant for 2020/21 awarded to the NEL TCP is the amount of £482,103. This will be distributed to partner local authorities on the basis of planned discharges during the financial year, and agreed by Commissioning Leads.

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A maximum amount of £40,175.25 per client will be released to each partner local authority where the costs of transition into the community are expected to exceed this amount. Where transition costs are expected to fall below this amount, only the anticipated costs will be released to that local authority.

Payments will only be released to local authorities on receipt of an agreed quarterly grant claim form.

A reconciliation will be undertaken at the end of the financial year to ascertain the balance on the grant funding and decisions will then be taken by the NEL Learning Disabilities and Autism (LDA) Transformation Board on the distribution of any grant balances remaining, for the full utilisation of the grant allocation for 2020/21.

LB Havering currently has 3 clients (out of the 12) identified with planned discharges during this financial year which meet the criteria of the grant. Therefore, £120,525.75 of the grant will be retained, assuming transition costs for each client exceed the £40k spend requirement.

The grant awards for 2021/22 and 2022/23 will be announced by DHSC prior to the start of each of these financial years, but it has been projected to be a similar amount in each financial year as the 2020/21 grant of £482k per annum. The planned discharges, and therefore the proposed payments to each partner local authority, will be approved at the NEL LDA Transformation Board once grant allocations are confirmed.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council's workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- a) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- c) foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Being the lead borough to receive and re-distribute the Learning Disability and Autism Community Discharge Grant funding do not give rise to any identifiable public health implications or risks. However, timely discharges of people with learning disabilities and/or autism into the community from a hospital will allow early planning of community placement and reduce the risk of contracting nosocomial infections including COVID-19.

BACKGROUND PAPERS

Press release Gov.uk:

<https://www.gov.uk/government/news/62-million-to-help-discharge-people-with-learning-disabilities-or-autism-into-the-community>

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: **Barbara Nicholls**

Cabinet Portfolio held:

CMT Member title: **Director of Adult Services**

Head of Service title

Other manager title:

Date: 15/10/20

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

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