

## **National principles for sustainability payments to social care providers during COVID 19**

**31<sup>st</sup> July 2020 v3**

A consistent set of principles to ensure that the social care sector remains sustainable during the emergency response to COVID 19 has been developed. These principles align with other sources of advice such as Scottish Government Policy Procurement Notices<sup>1</sup> and COSLA Guidance for Commissioned Services<sup>2</sup>. These principles may result in a change to payment processes; all other contract and operational processes remain in place.

These principles have been agreed by Scottish Government on the basis that they will meet all reasonable additional provider costs as they are aligned to mobilisation plans.

These principles have been extended till the end of September 2020 for a transitional period. Existing arrangements will continue as of v 3 agreement while a transition plan is developed by COSLA, Scottish Government, Health and Social Care Scotland and social care provider representative bodies. This may result in changes to the principles or tapering of payments. Any changes will be agreed politically by COSLA and Scottish Government and adequate notice provided.

Providers are expected to complete a supplier relief form and declaration to confirm they will;

- Use any national relief and business grants they are eligible for in the first instance and ensure that payments are not received that duplicate support.<sup>3</sup>
- Consider where costs can be reduced in their business models such as redeployment of staff.
- Continue to employ and pay staff including for sickness or absence due to COVID in line with their expected income (see section on social care support fund)
- Ensure sub-contractors are paid.
- Agree an open book basis between commissioners and providers where sustainability payments have been made to ensure there is no duplication of support.
- On request, evidence that monies paid out have been used as intended. Where it has not monies paid out can be recovered by public bodies.

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<sup>1</sup> <https://www.gov.scot/collections/scottish-procurement-policy-notes-sppns/#2020sppns>

<sup>2</sup> [https://www.cosla.gov.uk/\\_\\_data/assets/pdf\\_file/0026/15569/coslaguidanceforcommissionedservices170420.pdf](https://www.cosla.gov.uk/__data/assets/pdf_file/0026/15569/coslaguidanceforcommissionedservices170420.pdf)

<sup>3</sup> <https://findbusinesssupport.gov.scot/coronavirus-advice/sources-of-funding>

Integration Authorities and Local Authorities will;

- Ensure arrangements are in place to support sustainability for the social care sector until the end of July when a further review will be undertaken.
- Ensure fast, regular payments are made to support providers cash flow.
- Ensure any retrospective reconciliation is only completed where necessary and is done transparently and through discussion with providers.
- Work collaboratively across areas to share information to prevent duplication for providers.

### Care Home Occupancy

- The National Care Home Contract (NCHC) is a spot purchased contract with a payment made per resident per week, it does not contain any clauses to protect providers from financial unsustainability during COVID 19.
- Care Homes will be supported for sustainability by the Authority in the care homes boundary area and additional costs aligned to their mobilisation plans.
- Where a care home is impacted by a reduction in occupancy because it is clinically unsafe to admit people or due to a reduction in admissions caused by COVID 19 then a sustainability payment will be made to the care home.
- These payments are made on the basis that care homes continue to admit residents where they are able to.
- For care homes where the NCHC is in place, the payment will be made on the basis of 80% of the NCHC rate (this aligns with Clause A.7.1 and C.6 for temporary absence from a care home) excluding any provision for return for the provider or costs that can be reduced. The weekly payments are Residential Care - £508.63 per week and Nursing - £592 per week.
- These principles apply to voids caused by COVID 19 for places commissioned by the Local Authority or people funding their own care. No increased rate will be paid where a care home does not accept the NCHC rate or to account for care homes who charge higher self-funding fees.
- For other care home placements such as care homes for adults where the national arrangement is not in place a local agreement will be made using the same principles.
- Occupancy will be calculated locally by using data submitted by providers to commissioners of average occupancy of the three-month period prior to 23<sup>rd</sup> March 2020.
- This will be reviewed on a monthly basis to ensure payments are responsive to changing occupancy levels in a care home.

### Care at Home and Community based services

- As there is no national agreement for these services a local assessment will be undertaken to determine the impact of a reduction in payments to providers.
- Sustainability payments will be based on a planned care approach to continue payments to providers in line with advice in SPPN5/2020.
- The payments will be agreed locally.

### Additional Costs for all social care providers

- Providers will experience additional costs, most commonly increased staffing costs, sickness cost, infection control and Personal Protective Equipment.
- Providers should identify and submit these additional costs on a template provided by the Authority.
- Authorities should work with neighbouring areas to use the same cost template to reduce burden on providers.
- Providers will be supported for additional costs by the Authority where they are registered, providing there is a contractual arrangement in place.
- Providers must ensure they can evidence the additionality of these payments.
- Payment should be made in line with normal payment cycles with no delay to payment terms.

### Social Care Support Fund

- Criteria and eligibility is set out in Coronavirus (Social Care Support Fund) Regulations 2020 and accompanying [guidance](#).
- Providers should pay staff who are absent from work as a result of COVID 19 their expected income (as defined by Employment Rights Act 1996, sections 62

This includes workers who meet all of the 4 criteria below;

#### Criteria 1

A relevant worker's ability to undertake health and care work is, or has been, restricted for a reason relating to coronavirus.

#### Criteria 2

The worker's income has been reduced as a result of not being able to work for a reason relating to coronavirus.

#### Criteria 3

The worker is experiencing financial hardship during the time when the Fund is active. The expectation is that social care workers who have lost a substantial amount of their income would experience financial hardship.

#### Criteria 4

The worker is unable to work because they have, or had, coronavirus, or are self-isolating in accordance with public health guidance.

### Re-imbusement to Employers

- If paying staff their expected income in these circumstances results in an additional cost, providers can reclaim this backdated to 23 March by submitting the cost template provided by the Authority. Additional costs are costs that are over and above those already agreed and paid as part of contracted rates or a grant.
- Providers must ensure they only claim once for the same cost.

- Providers must be able to provide evidence and information on payments for the social care support fund on request.
- Providers should continue to reclaim statutory sick pay from the UK Government.
- Eligible workers are staff in the agreed scope who would be entitled to less than their expected income when absent from work.