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Guidance

Annex B: grant conditions

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Applies to England

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This publication is available at <https://www.gov.uk/government/publications/adult-social-care-discharge-fund/annex-b-grant-conditions>

In this annex:

- a ‘local authority’ means an upper tier or unitary local authority, as identified in annex C
- ‘upper tier and unitary local authorities’ means: a county council in England; a district council in England, other than a council for a district in a county for which there is a county council; a London borough council; the Council of the Isles of Scilly; and the Common Council of the City of London
- ‘the department’ means the Department of Health and Social Care
- ‘Secretary of State’ means the Secretary of State for Health and Social Care
- ‘grant’ means the Adult Social Care Discharge Fund Determination (2022 to 2023) No. 31/6357
- ‘conclusion of the fund’ means 31 March 2023

Eligible expenditure

Local authorities must only use this funding, up to 31 March 2023, to:

- enable more people to be discharged to an appropriate setting, including from mental health inpatient settings, with adequate and timely social care support as required
- prioritise those approaches that are most effective in freeing up the maximum number of hospital beds and reducing bed days lost within the funding available, including from mental health inpatient settings. D2A and provision of homecare is recognised as an effective option for discharging more people in a safe and timely manner. Residential care to meet complex health and care needs may be more appropriate for people who have been waiting to be discharged for a long time
- boost general adult social care workforce capacity through recruitment and retention activity, where that will help to reduce delayed discharges from hospital. This could include, but is not limited to, measures which: increase hours worked by existing workforce; improve retention of existing workforce; provide additional or redeployed capacity from current care workers; or support local recruitment initiatives. Local authorities will need to satisfy themselves that steps they take to boost workforce capacity align with their functions under the Care Act 2014, and each local authority will need to take into account any legal, employment law, equality, or tax considerations that may arise

Conditions of the grant

This funding is provided by the department on the condition that every local authority:

- pools this funding into the local Better Care Fund (BCF) with plans for health and social care spend (including mental health) agreed by the local authorities and integrated care board (ICB) chief executives, and signed off by the health and wellbeing board under national condition 1 of the BCF
- works with their ICB to provide a planned spending report by 4 weeks after details of the fund are published (by 16 December 2022), confirming planned use of this grant against their BCF plan, and that the use of the funding has been agreed by the local authority and the ICB
- demonstrates how they have used the funding provided in this grant via fortnightly activity reports and a final spending report provided to the department alongside the wider end of year BCF reports, as set out in the 'reporting requirements' section below
- works with their ICB and hospital trusts in their local area to improve all existing NHSE discharge data collections including related Situation Reporting Data and discharge data submitted as part of the Commissioning Data Set, specifically on the date that a person is ready for discharge. From 2023, this data will be used as a basis for a metric linked to delayed discharge in the BCF
- ensures that as a minimum social care providers must keep the required Capacity Tracker data updated in line with the Adult Social Care Provider Provisions statutory guidance - however, it's acknowledged that more frequent updates to bed vacancy data is essential for operational purposes. We recommend updating bed vacancy data daily, where possible, as this information can be used by local discharge and brokerage teams when planning patient discharges. Keeping this data up to date is imperative for ensuring that patients are discharged to the right place for their specific care needs. It also assists with keeping both staff and residents as safe as possible by ensuring providers can accept admission of residents whose specific care needs can be met
- does not use this funding to compensate for expenditure already incurred, activities for which the local authority has already earmarked or allocated expenditure, or to fund inflationary pressures
- does not use this funding for activities which do not support the primary purpose of this grant

- engages with a progress review across all areas in January 2023. Where there are persistent challenges or non-compliance with funding conditions, or if funds are not being spent in accordance with the agreed plan, NHS England and the department, in collaboration with the National Discharge Taskforce, will follow up with local areas to challenge the planning approach and provide additional scrutiny of spending. Local areas are expected to engage fully with this process where necessary

The department and NHS England may follow up with local areas to understand and/or challenge the planning approach. This may happen if:

- plans do not clearly demonstrate prioritising activity to free up the maximum number of hospital beds, and reduce the bed days lost
- it is evident that spending plans are in breach of other funding conditions or
- data shows that delayed discharges are significantly higher or increasing at a greater rate than national averages

In these cases, the expectation will be that ICBs (including relevant trusts) and local authorities will implement the recommendations provided by the support programme teams.

A progress review across all areas will take place in January 2023. Where there are persistent challenges or non-compliance with funding conditions, or if funds are not being spent in accordance with the agreed plan, NHS England and the department, in collaboration with the National Discharge Taskforce, will follow up with local areas to challenge the planning approach and provide additional scrutiny of spending. Local areas are expected to engage fully with this process where necessary.

Payment arrangements

The grant funding set out in Annex C will be provided in 2 tranches. The first 40% of the grant funding will be paid to local authorities in early December 2022. The remaining 60% of the grant funding will be paid on or before 31 January 2023, subject to receipt of a completed planned spending report and weekly activity data, as set out under the 'reporting requirements' section below, and engagement with the department in a review process in January 2023.

Reporting requirements

Local authorities will be required to work with their ICB to provide the following:

- a report detailing how the local authority plans to spend all of their allocation over the winter period, due by 16 December 2022, 4 weeks after details of the fund are published. This should outline how the local authority plans to increase expenditure on discharge in comparison to their BCF plan. A template will be made available through the Better Care Fund exchange. The DHSC expects to receive one planned spending report per local authority
- fortnightly activity reports, setting out what activities have been delivered in line with commitments in the spending plan. The first report will need to be submitted 2 weeks after spending plans have been submitted (on 30 December 2022)
- a final spending report provided to the department alongside the wider end of year BCF reports, by 2 May 2023

A local authority must provide a planned spending report, and meet the conditions set out above, in order to receive the remaining 60% of their allocation. The DHSC has the right to withhold the second tranche of funding until the local authority provides this report.

Local areas may use up to 1% of their total allocation (local authority and ICB) for reasonable administrative costs associated with distributing and reporting on this funding.

Financial management

The recipient local authority must maintain a sound system of internal financial controls.

If a recipient local authority has any grounds for suspecting financial irregularity in the use of any grant paid under this funding agreement, it must notify the department immediately, explain what steps are being taken to investigate the suspicion and keep the department informed about the progress of the investigation. For these purposes 'financial irregularity' includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

Breach of conditions and recovery of grant

If the local authority fails to comply with any of these conditions, or if any overpayment is made under this grant, or any amount is paid in error, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or any part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the local authority.

Such sum as has been notified will immediately become repayable to the Secretary of State who may set off the sum against any future amount due to the local authority from central government.

Records to be kept

The local authority must maintain reliable, accessible and up to date accounting records with an adequate audit trail for all expenditure funded by grant monies under this determination.

The local authority and any person acting on behalf of the local authority must allow both the:

- Comptroller and Auditor General or appointed representatives
- Secretary of State or appointed representatives

free access at all reasonable times to all documents (including computerised documents and data) and other information as are connected to the grant payable under this determination, or to the purposes for which grant was used, subject to the provisions set out below.

The documents, data and information referred to above are such which the Secretary of State or the Comptroller and Auditor General may reasonably require for the purposes of his financial audit or any department or other public body or for carrying out examinations into the economy, efficiency and effectiveness with which any department or other public body has used its resources. The local authority must provide such further explanations as are reasonably required for these purposes.

This does not constitute a requirement for the examination, certification or inspection of the accounts of the authority by the Comptroller and Auditor General under section 6(3) of the National Audit Act 1983. The Comptroller and Auditor General will seek access in a measured manner to minimise any burden on the authority and will avoid duplication of effort by seeking and sharing information with the Audit Commission.

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