

# Care Futures

*Questions for the future of social care in Scotland*

## Minimum Employment Standards In Care

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**UNISON says care workers have the right to expect high quality conditions of work for providing a valuable community service. Nationally agreed terms and conditions for social care used to be the norm. That ended in the 1990s when legislation created a market and allowed social care to be provided for profit. It is this market system and the way that care is commissioned that is responsible for the poor quality of jobs in social care. That must change.**

### **What we want to see:**

Improved terms and conditions through the introduction of a national minimum set of conditions comparable to NHS and local government collective agreements used as a benchmark which no provider can offer less than, but which can be improved upon;

The standardisation of employment procedures within the sector with a standard contract template to be used for all social care workers, including personal assistants.

The Scottish Government to set up collective bargaining arrange-

ments for the social care sector. This would bring providers and trade unions together to develop, within an agreed timeframe, a pay structure aligned to a career pathway plus improvements to terms and conditions equivalent in health and local government.

The covid pandemic exposed the poor employment practices and conditions of work within social care. Sick pay is an example, with most workers currently having access only to statutory sick pay (SSP). After a UNISON campaign, the Scottish Government stepped in and provided payments for social care workers, to make sure they were able to isolate and shield when needed. But even then, some providers still made life difficult for their workers.

### **The problem in social care**

Social care work is insecure and inflexible with unpredictable rotas and unreasonable expectations around availability and overtime. The burden of risk is on the workforce: some workers have too few hours, while others work excessive hours.

## KEY POINTS

- Social care work is often, insecure and inflexible with unpredictable rotas and unreasonable expectations around availability and overtime
- UNISON says care workers have the right to expect high quality conditions of work for providing a valuable community service
- The Fair Work in Social Care Group (FWISC) set up by the Scottish Government to tackle this has proposed a set of minimum standards that all workers in social care should expect regardless of who they work for

## The problem (Contd)...

On top of this, many workers have to study for the required qualifications in their own time and pay for their own professional registration fee. The Fair Work Convention in its report Fair Work in Scotland's Social Care Sector found 13% of the workforce work over 50 hours per week; 20% of the workforce are not on permanent contracts; 11% of the workforce are on zero hours contracts; 15% of social care workers work unpaid overtime; The Convention said this explained why it is so hard to fill vacancies and keep staff. Staff shortages and the high turnover of staff affects the quality and continuity of care for service users.

**There is a direct link between the quality of jobs and the quality of care.**

## Fair Work in Social Care Group proposals

The Fair Work in Social Care Group (FWISC) was set up by the Scottish Government to tackle this. It has proposed a set of minimum standards that all workers in social care should expect regardless of who they work for. This means the third sector and private sectors will be brought into line with public sector frontline care workers.

This is important. Unlike the NHS, the care sector is highly fragmented. Currently there are over 1,000 employers/providers providing care in Scotland, with provision spread across thousands of establish-

ments.

## FWISC Minimum Standards – what's proposed

A sick pay scheme where entitlement increases incrementally based on length of service. Starting at 5 weeks full pay/5 weeks half pay with less than 1 year's service. Reaching 26 weeks full pay/26 weeks half pay at 5 years + service.

A minimum of 35 days paid holiday each year (27 days annual leave & 8 public holidays) for full time staff. Part time staff to receive these 'pro rata' (in proportion to number of hours worked).

An occupational pension to which employers contribute 10% and employees 5%.

Paid time for professional development: covering mandatory, induction and role specific training, as well as ongoing professional development as per SSSC guidelines.

Maternity and Paternity Leave and Pay: 52 weeks leave. 8 weeks full pay, next 18 weeks half of full pay (plus statutory pay). Next 13 weeks, Statutory Maternity Pay, final 13 weeks no pay.

Core Pay (Contracted hours, overtime and overnight support): Core pay should include contracted hours, any guaranteed overtime and overnight support payments. Overnight Support: Sleepovers to be paid at a minimum Real Living Wage hourly rate. Waking hours to

be paid at contractual rate with a minimum of Real Living Wage.

Ending the misuse of zero hours contracts.

In addition, the Scottish Government has already issued advice on fair work and commissioning. The Fair Work in Social Care Group is satisfied that this provides an effective way to end the misuse of non-contracted hours.

## What happens now?

The idea is that these national minimum terms and conditions will be implemented through the commissioning and procurement process for social care. For that to happen substantial additional investment in social care is necessary.

Discussions are continuing between the Scottish Government, COSLA, local authorities, social care providers and trade unions to make sure these minimum terms and conditions are successfully implemented.

## Useful Links

[The Fair Work Convention](#)

[Fair Work in Scotland's Social Care Sector](#)

[Care after Covid: a UNISON vision for social care](#)

[Implementation of Fair Work First in Scottish Public Procurement](#)