

# Ethical Care Charter

## Background

The Ethical Care Charter was developed by UNISON at UK Level in 2012, following a survey into the working conditions of homecare workers across the UK and production of a subsequent report, "Time to Care".

The survey responses showed "a committed but poorly paid and treated workforce which is doing its best to maintain good levels of quality care in a system that is in crisis". The comments from workers illustrated the correlation between poor terms and conditions and lower standards of care for the clients they served.

Based on the responses to the questionnaire, the Ethical Care Charter was developed. The intention behind the Charter was to seek to persuade councils to become Ethical Care Councils, commissioning services on the basis of the aims of the Charter. The principal objective was to provide for the quality and dignity of care by ensuring a more stable, well paid and trained workforce.

At the end of 2013 UNISON Scotland surveyed Scottish homecare workers and published its own report entitled, *Scotland: It's time to Care* in February 2014. We also found that the majority of workers believed that the service was not sufficient to meet the needs of the elderly and vulnerable people they cared for. This covered both the time they could spend with them and the quality of care they could give them. Almost half (44%) said that they were limited to specific times on their visits; half were not paid travelling time for travelling between visits and 75% expected the situation to get worse.

Since the publication of the surveys UNISON branches have been urged to meet with their employers to ask them to sign up to the Charter and implement its objectives. However, to date there has been a limited take up of the Charter. Renfrewshire has formally signed the Charter, City of Edinburgh and Aberdeenshire are almost ready to adopt it and others have agreed in principle. There are ongoing discussions with other councils who have adopted many of its provisions. The constraints have been uncertainty over the legal issues surrounding procurement and budget cuts.

In December 2015 the Scottish Labour Party launched its Commission for Provision of Quality Care in Scotland, which endorsed the Charter and championed many of its aims, especially the Scottish Living Wage for all care workers. The Scottish Government's new report: *"Social Services in Scotland: A Shared Vision and Strategy for 2015-2020"* also aims to promote "excellent social services delivered by a skilled and valued workforce".

## Living Wage

One of the aims in the Charter is for workers to be paid at least the Scottish Living Wage (not the UK Chancellor's announcement of a National Living Wage which is anything but).

Following an FOI Survey of employers in Scotland we found that almost all public sector employers pay the Scottish Living Wage and have a mechanism for uprating it, which is a significantly better position than the rest of the UK. We also asked which employers required contractors to pay the living wage, or where they aspired to pay it to directly employed or contracted staff.

Although most of the social care workforce is employed on permanent contracts many are on zero-hours or nominal hours contracts, with the vast majority on Class 2 Entry level which typically pays the NMW (£6.70 over 21) but can work out as much less than that if travelling time is not paid for.



## BARGAINING BRIEFING

### KEY POINTS:

- **The Ethical Care Charter was developed to provide a better quality and dignified care service**
- **This should be delivered by a stable, well paid and trained workforce**
- **All Councils are urged to adopt the Charter and become Ethical Care Councils**
- **All councils should insist that their contractors pay the Scottish Living Wage**



### Contact UNISON's Bargaining & Campaigns team:

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## Procurement

Procurement is a very important lever in securing the living wage and providing more secure employment. We have a statutory framework for achieving this, although the detailed regulations are not yet in place. We are expecting the new Public Contract Regulations in January 2016.

The Procurement Reform (Scotland) Act 2014 enables public bodies to spread the benefits of the Living Wage through procurement. S.15 (5)(b) now requires public bodies to set out their general policy on the living wage in their procurement strategy. S.29 (2)(b) says that this will include the recruitment, remuneration (including payment of a living wage) and other terms of engagement of persons involved in producing, providing or constructing the subject matter of the regulated procurement, and employee representation including trade union recognition.

The Local Government in Scotland Act 2003, Section 52 provides that the Scottish Ministers may issue guidance on contractual matters to which local authorities must have regard when entering into contracts. Subsequent guidance aimed to ensure "that the terms and conditions of service of new employees appointed by contractors to their workforces post-transfer, should be such as to eliminate the scope for the creation of so-called 'two-tier' workforces". While this guidance wasn't intended to deliver the Scottish Living Wage, its provisions now have that effect.

## The Charter:

The Charter is structured in 3 stages.

Stage 1 calls for:

- Care based on client need, not minutes or tasks;
- 15 minute visits should generally not be used, unless appropriate;
- Homecare workers to be paid for travelling time, travel costs and other necessary expenses;
- Visits to be scheduled based on need;
- Eligible workers should be paid statutory sick pay.

Stage 2 seeks to ensure that:

- Clients would be allocated the same worker/s wherever possible;
- An end to zero hours contracts;
- A clear procedure for following up staff concerns about their clients' wellbeing;
- Proper training to provide a good service (paid for and in work time);
- Homecare workers to be able to meet co-workers to share best practice and limit their isolation;

Finally, Stage 3 seeks to ensure that:

- Homecare workers should be paid at least the Living Wage and where they are paid above this rate any outsourced workers should be required to maintain that rate throughout the contract;
- An occupational sick pay scheme should cover all staff who should not be pressurised to work when ill, to continue to care for their vulnerable clients.

## Action for Branches

- Commence discussions with employers to negotiate introduction of the Charter
- Draw the Procurement briefing to your employer's attention
- Publicise the demands of the charter across the care workforce
- Advise Dave Watson and Diane Anderson of progress

## Further info

### UNISON Ethical Care

#### Charter:

<http://www.unison-scotland.org.uk/socialwork/Final%20Ethical%20Care%20Charter%20PDF.pdf>

#### Scotland: It's Time to Care:

<http://www.unison-scotland.org.uk/socialwork/Final%20Ethical%20Care%20Charter%20PDF.pdf>

#### Quality Care

##### Commission Report:

[http://www.shascotland.org/uploads/3/9/5/5/39556225/care\\_commission1.pdf](http://www.shascotland.org/uploads/3/9/5/5/39556225/care_commission1.pdf)

#### Extending the Scottish Living Wage through Procurement

[http://www.unison-scotland.org.uk/briefings/b069\\_BargainingBrief\\_LivingWage+Procurement\\_Nov2015.pdf](http://www.unison-scotland.org.uk/briefings/b069_BargainingBrief_LivingWage+Procurement_Nov2015.pdf)

#### Social Services in Scotland: A Shared Vision and Strategy for 2015-2020

<http://www.gov.scot/Topics/People/social-services-workforce/SWSSF/visionandstrategy>



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