
Report To: Health & Social Care Committee **Date:** 9 January 2020

Report By: Louise Long
Corporate Director, (Chief Officer)
Inverclyde Health and Social Care
Partnership (HSCP) **Report No:** SW/01/2020/HW

Contact Officer: Helen Watson, Head of Strategy & Support Services and Allen Stevenson, Head of Health and Community Care Service,
Inverclyde HSCP **Contact No:** 01475 715285

Subject: UPDATE ON THE ETHICAL CARE CHARTER AND FAIR WORKING PRACTICE WITHIN CARE AT HOME FRAMEWORK

1.0 PURPOSE

- 1.1 The purpose of this report is to advise Members on the progress of the implementation of the Ethical Care Charter (EEC) promoted by UNISON.

2.0 SUMMARY

- 2.1 Members were previously updated on progress in February 2019 and were advised that a further report would be presented to the Committee in October 2019. Members will recall that the EEC is a way for Councils to improve the quality of homecare for the vulnerable people they are responsible for. It is a set of commitments that councils make which fix minimum standards that will protect the dignity and quality of life for those people who use home care services and the workers who care for them.
- 2.2 Inverclyde HSCP Staff Partnership Forum adopted UNISON's ECC in 2016 and was the second Partnership in Scotland to do so, Renfrewshire being the first. There are currently only 8 partnerships in Scotland which have ECC accreditation.
- 2.3 Members were previously updated on the progress of implementing the EEC in February 2019. Since then, officers and UNISON have separately reviewed progress through interviews with the various providers.
- 2.4 The HSCP's Commissioning and Homecare Services carried out joint visits to all providers on the Council's Care at Home Framework to determine the extent of progress of implementing the EEC and ensure providers were complying with their tender submission in respect of the Fair Working Practice. During these visits, Officers had sight of staff contracts, staff payslips and discussed directly with staff their terms of employment. Discussions were also held with the provider's Management Team regarding staff conditions of employment. From these initial meetings it was established that all providers were complying with their FWP tender submission, with the exception that it is not apparent if all providers were paying staff travel time.
- 2.5 The Committee considered a report on the background to the Ethical Care Charter at its meeting on 20 October 2016. Any Member wishing a copy of the Ethical Care Charter is asked to contact Allen Stevenson, Head of Health & Community Care.

3.0 RECOMMENDATIONS

3.1 It is recommended that Members note:

- a) Progress in relation to implementing the Ethical Care Charter;
- b) That further engagement is taking place with providers to clarify the status of travel time.
- c) That whilst the Care at Home Framework Agreement is due to be extended in 2020, it is recognised that market conditions are such that officers will reassess how our existing contracts manage to inform the future tender process.
- d) That a further report on progress will be presented to Committee in October 2020.

Louise Long
Corporate Director (Chief Officer)
Inverclyde HSCP

4.0 BACKGROUND

- 4.1 Since the adoption of the ECC, previous reports have reflected the significant progress made to date and UNISON agreed that Inverclyde HSCP is taking a proactive approach to implementing the ECC.
- 4.2 The current tender for external homecare provision was conducted in late 2017 and contracts were awarded for an initial 2 year period with the option for two possible 1 year extensions. It has always been the intention to extend the contract. The hourly rate on offer to bidders was calculated on the basis of itemised cost. UNISON and the providers agreed that the minimum price was affordable. A minimum price ensured that providers could pay the Living Wage and be compliant with the aims of the ECC.
- 4.3 The tender for external provision of homecare was carried out on the basis of 60% Quality and 40% Price. In terms of Procurement Law, there has been no change to allow public sector organisations to mandate the payment of the Living Wage. Therefore, work practices and employee benefits must be assessed as part of a weighted question. The procurement policy dictates that fair work practices are assessed using up to a quarter of the weighting allocated to quality. The ECC covers all of the elements of what would be deemed to be fair work practice within social care. Therefore, this section had a 15% weighting across the whole tender.
- 4.4 UNISON were consulted on the fair working practices questions and they agreed their use in order that the aims of the ECC could begin to be achieved through FWP responses.
- 4.5 Members should be aware that Inverclyde HSCP Staff Partnership Forum identified a range of challenges when fully implementing the ECC.

5.0 EXTERNAL PROVIDERS COMPLIANCE WITH FAIR WORKING PRACTICES

- 5.1 When the Invitation to Tender for the Care at Home Framework was issued, it asked providers to detail what Fair Work Practices they had in place. There is a contractual requirement within the Care at Home Framework Agreement for providers to use their best endeavours to comply with the FWP which they advised were in place at the time of submitting their tender, failing which the Council reserved the right to terminate the contract.
- 5.2 Investigations carried out by the HSCP Commissioning Team established that all providers on the Care at Home Framework Agreement were compliant in respect of Use of Zero Hour Contracts, Statutory but not Occupational Sick Pay Schemes, Pension Provision and Travel Costs. However, the initial investigation identified it was unclear how travel time was paid for, more certainty of travel time is required. Details of the progress of implementation in relation to contractual commitments by providers are included in Appendix 1.
- 5.3 UNISON carried out its own interviews with providers to assess in its view how progress was being made and has provided a separate report.
- 5.4 Members should note that Officers will continue to engage with providers to ensure compliance with their respective contractual obligations. Furthermore, it is recognised that the Care at Home Framework Agreement is due to be extended in 2020, however market conditions are such that officers will reassess how existing providers are complying with the FWP contractual obligation.
- 5.5 In order to fully assess compliance with Fair Work Practices, Officers have discussed with all providers the possibility of undertaking an anonymous engagement exercise with staff. Although Officers have met already with a number of staff this would give an opportunity for the full workforce to give their views, anonymously. All providers are happy to support the engagement exercise with the proviso that the HSCP share their findings of their staff group with them.

6.0 IMPLICATIONS

6.1 Finance

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

6.2 Legal

Legal and Property Services has been consulted in relation to this report.

6.3 Human Resources

No HR implications

6.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
x	NO

6.5 Repopulation

By signing up to the Ethical Care Charter, Inverclyde Council and HSCP are making a clear commitment that people who need support can expect good quality care from an engaged and valued workforce. It is also a commitment that people can take up employment in the care sector and expect fair terms and conditions. These aspects reinforce that Inverclyde is a good place to live and work.

7.0 CONSULTATIONS

7.1 Consultation has been carried out with the five Framework providers for Care at Home Services and UNISON.

8.0 BACKGROUND PAPERS

8.1 None.