

CABINET

28 JUNE 2016

Title: Ethical Care Charter	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Louise Hider, Principal Commissioning Manager, Adults' Care and Support	Contact Details: Tel: 020 8227 2861 E-mail: louise.hider@lbbd.gov.uk
Accountable Director: Mark Tyson, Commissioning Director, Adults' Care and Support	
Accountable Strategic Director: Anne Bristow, Deputy Chief Executive and Strategic Director for Service Development and Integration	
Summary <p>In response to feedback from homecare workers in the care and support sector, UNISON launched an Ethical Care Charter in November 2012. The Charter provides a set of standards that they are asking local authorities to follow when they are commissioning homecare services. The Charter seeks to provide a baseline for fair working conditions for homecare workers, and in turn, ensure that service users are not 'short changed' in the care that they receive.</p> <p>Nationally, this is also enshrined in the Care Act 2014 and the Council has worked hard to embed these requirements in the homecare that we commission locally. Officers consider that a properly trained and remunerated workforce is the key to delivering good quality care and support in Barking and Dagenham. This is reiterated through our local vision and priorities and our ambition for Borough growth.</p> <p>The principles set out in the UNISON Ethical Care Charter underpin the approach that we have taken in the Borough with local homecare agencies. As such, it is recommended that Cabinet agree to formally sign up to the Charter. The Charter will be discussed with homecare providers at the next Homecare Provider Forum.</p>	
Recommendation(s) <p>The Cabinet is recommended to agree that the Council signs up to the principles outlined in the UNISON Ethical Care Charter for the commissioning of homecare.</p>	
Reason(s) <p>The Council has committed to a vision of 'One borough; One community; London's growth opportunity'. Championing the principles of the Ethical Care Charter will contribute to the delivery of this vision, particularly the priority of 'enabling social responsibility'. A key principle of this priority is 'protecting the most vulnerable, keeping adults and children</p>	

healthy and safe' and a properly trained and remunerated workforce is key to delivering high quality homecare to those, often vulnerable individuals, who need it.

1. Introduction and Background

- 1.1 In November 2012, UNISON published the UNISON Ethical Care Charter. The Charter can be found by accessing:
<https://www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue220142.pdf>
- 1.2 The Ethical Care Charter was created in response to feedback from homecare workers (both UNISON members and non-members). An online survey undertaken in June and July of 2012 by UNISON with 431 homecare workers highlighted often poor terms and conditions for workers which helped contribute towards lower standards of care for people in receipt of homecare services.
- 1.3 Survey results found that:
- 79.1% of respondents reported that their work schedule was arranged in such a way that they either had to rush their work or leave a client early to get to their next visit on time.
 - 56% of respondents received between the national minimum wage of £6.08 an hour at the time of the survey and £8 an hour. The majority of respondents did not receive set wages making it hard to plan and budget.
 - 57.8% of respondents were not paid for their travelling time between visits.
- 1.4 The Ethical Care Charter seeks to establish a minimum baseline for the safety, quality and dignity of care by ensuring fair conditions for homecare workers. The Charter also looks to ensure that service users are not 'short changed' in the care that they receive. The Charter includes the following standards for local authorities to consider when they are commissioning homecare (please note, this is a summary of the standards and the full list can be found in the link at paragraph 1.1 above):

Services meeting need (not minutes!) - Commissioning homecare should be based on service user need and not minutes or tasks, with time allocated to visits matching the needs of the service user. The Ethical Care Charter states that a local authority should not commission 15 minute visits.

Travel remuneration - Homecare workers will be paid for their travel time, their travel costs and other necessary expenses. Homecare workers who are eligible must also be paid statutory sick pay.

Sustainable pay - All homecare workers will be paid at least the Living Wage.

Not tied to zero hours - Zero hour contracts will not be used in place of permanent contracts.

Regular training - All homecare workers will be regularly trained to the necessary standard.

Reduce isolation - Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation.

Scheduling and continuity - Visits will be scheduled so that homecare workers are not forced to rush their time with service users and the same homecare worker should support a service user wherever possible.

- 1.5 Since its publication, UNISON has asked Councils to sign up to the Charter and they regularly publish the names of councils who sign up on their website:
<https://www.unison.org.uk/>

2. Homecare in Barking and Dagenham

- 2.1 The Council believes that its role is to harness the Borough's potential for the benefit of all, ensuring that no one is left behind. As an employer, the Borough has made a commitment since 2013 to pay its own staff, including permanent and agency staff who work for the Council, at least a London Living Wage. Although we cannot enforce the same commitment with our partners, we have pledged to work with the Borough's businesses, voluntary and community sector to ensure that everyone is working together to grow the Borough and benefit from its growth, and that people who work in this Borough have the appropriate conditions and opportunities to fulfil their potential.¹
- 2.2 Nationally, the Care Act 2014 has enshrined the importance of proper training and remuneration for the care and support workforce. The Care Act states that local authorities should assure themselves that providers meet national wage standards. This includes appropriate remuneration for any time staff spend travelling between appointments. New market shaping duties on local authorities mean that Councils must also stimulate, signal to and engage with providers and must not undertake any actions which may threaten the sustainability of the market as a whole e.g. setting fee levels below a sustainable amount for providers in the long term.
- 2.3 Homecare agencies deliver a significant proportion of care and support in Barking and Dagenham, making up 21.5% of the support that service users buy, mainly through a managed personal budget. In January 2016 the Council concluded a tender for an approved list of homecare providers. Out of the 41 that applied for the tender, 15 were invited to join the approved list which will be in place for the next four years. Throughout the tender process, the local authority sought to ensure that the homecare agencies exemplified the Council's vision and priorities, as well as the standards outlined in the Care Act around proper remuneration and fee sustainability. This included:

Outcome-focused services

The tender requested that providers needed to be outcome-focused in the homecare that they delivered, focusing on meeting the needs, preferences and wishes of the service user. Providers were told that they must not deliver homecare calls of less than 30 minutes as the local authority believes that a person-centred, quality service cannot be delivered in less time than this.

Sustainable rates

¹ Council's Response to the Growth Commission and Ambition 2020, Report to Cabinet (19 April 2016) - <http://moderngov.barking-dagenham.gov.uk/ieListDocuments.aspx?CId=180&MId=8153&Ver=4>

Ensuring a sustainable rate of pay was also a key part of the tender evaluation. Two prospective providers who passed the initial evaluation were removed from the successful list because it was felt that the homecare rates that they submitted did not demonstrate sufficient financial leverage to accommodate annual increases of the National Living Wage (NLW) for their homecare workers, as well as national insurance and pension contributions. All of the successful providers on the approved list are paying NLW and can absorb the increase in the NLW over the coming years. Positively, 8 out of the 15 providers are paying their staff London Living Wage (£9.15) and this was scored highly as part of the evaluation process.

Travel time remuneration

All successful tenderers were evaluated to ensure that they properly remunerated their staff for travel between appointments. Commissioners contacted the UK Homecare Association (UKHCA) for advice in this matter who advised that they used an average of 11.4 minutes of travel time per 1 hour of care time in their calculations. Using this figure, the successful tenderers were checked to ensure they were paying a reasonable overall amount to their staff, of which all do. A reiteration of the need to ensure workers are legally remunerated is also contained in the contract.

Zero hours contracts

Due to the nature of the homecare market, it is not possible to insist that all providers give their homecare workers permanent contracts. However, as part of the tender, all successful tenderers confirmed that homecare workers were not tied to zero hours contracts and could secure work elsewhere.

Regular training

Training was evaluated as part of the tender process and all homecare workers are regularly trained to the necessary standard. Training is also monitored on an ongoing basis through the local authority's quality assurance regime and discussed regularly at the local authority's Homecare Provider Forum.

Scheduling and continuity

As part of the tender, providers were marked on their proposed staffing and delivery structure, including recruitment, training (as above), staff retention and rostering. The Council is assured that the successful providers have adequate rostering arrangements in place to ensure that homecare workers provide continuity of service to service users and are not forced to rush the care they deliver. Homecare calls are closely monitored through electronic call monitoring systems, professional feedback and through regular service user satisfaction spot checks. Over the last three months, over 92% of service users have been satisfied with the home care that they receive.

- 2.4 When compared against the Ethical Care Charter standards in paragraph 1.4 above, the local authority's approach has been consistent with the principles that underpin UNISON's Charter.

3. Signing up to the Charter

- 3.1 Although the UNISON Ethical Care Charter for homecare was written before the introduction of the Care Act 2014, it is clear that its aims not only support those detailed in the Care Act, but also our own Borough vision of growth, opportunity and 'no one left behind'. A properly trained and remunerated workforce is the key to delivering quality care and support in the Borough. We have already taken positive steps to ensure that the homecare agencies that we work with offer fair conditions to their workforce, in pursuit of good standards of care for our residents. These steps echo the principles outlined in the UNISON Ethical Care Charter. This report therefore recommends that Cabinet agree to sign up to the Ethical Care Charter for commissioning homecare.

Next Steps

- 3.2 Pending agreement from Cabinet, the local authority will ensure that the principles in the Charter, alongside those outlined in our own vision, priorities and that of the Care Act, will underpin our approach to working with the homecare sector over the coming years.
- 3.3 A number of the principles outlined in the Ethical Care Charter have been met through the evaluation of the homecare tender and will continue to be monitored and developed with our network of homecare providers. On agreement from Cabinet, the Charter will be launched with providers at the next Homecare Provider Forum in Autumn 2016.
- 3.4 The Borough's Market Position Statement (https://search3.openobjects.com/mediamanager/barking/asch/files/ad6814-lbbdmarkstatpages_web_final_1.pdf) is also being refreshed this year. As part of this refresh, we will be ensuring that we reiterate the importance of a well-qualified and remunerated workforce to current and prospective providers and promote the principles of the UNISON Ethical Care Charter in the refreshed document.

4. Consultation

- 4.1 As part of discussions surrounding the UNISON Ethical Care Charter, consultation has been undertaken with UNISON, the Deputy Leader of the Council and Cabinet Member for Finance, Growth & Investment, and the Cabinet Member for Social Care and Health Integration. Paper consultation has also been undertaken with the Workforce Board.

5. Financial Implications

Implications completed by: Richard Tyler, Interim Group Finance Manager

- 5.1 There are no direct financial implications as a result of signing up to the Charter as the standard requirements of the Charter are principles which are already in place and managed through existing base budgets.

6. Legal Implications

Implications completed by: Dawn Pelle, Adult Care Lawyer

6.1 There are no legal implications in this report.

Public Background Papers Used in the Preparation of the Report:

Council's Response to the Growth Commission and Ambition 2020, Report to Cabinet (19 April 2016) - <http://moderngov.barking-dagenham.gov.uk/ieListDocuments.aspx?CId=180&MId=8153&Ver=4>

The Barking and Dagenham Market Position Statement - https://search3.openobjects.com/mediamanager/barking/asch/files/ad6814-lbbdmarkstatpages_web_final_1.pdf

List of appendices: None