
Report to Clackmannanshire Council

Date of Meeting: 24th June 2021

Subject: UNISON Ethical Care Charter

Report by: Wendy Forrest, Head of Strategic Planning & Health Improvement

1.0 Purpose

- 1.1. This report seeks Council agreement to endorsing the UNISON Ethical Care Charter and agreeing that the Council Leader signs the Charter on the Council's behalf.

2.0 Recommendations

It is recommended that Council:

- 2.1. Agree to endorsing the principles of UNISON's Ethical Care Charter;
- 2.2. Agree that the Council Leader signs the Charter on behalf of Clackmannanshire Council;
- 2.3. Note that the Integration Joint Board, at a meeting on 21st September 2016, noted both the principles of the Charter as well as endorsing the progress being made towards implementation of the principles;
- 2.4. Agree that the Chief Officer of the Integration Joint Board provide regular update on progress through the Clackmannanshire Council committee structure as well as to the Integration Joint Board;
- 2.5. Recognise that the Council cannot legally enforce the requirements of the Ethical Care Charter contractually during the contract life cycle of existing contractual arrangements.

3.0 Considerations and Background

- 3.1. The Ethical Care Charter ("the Charter") was developed by UNISON in 2012 and relates primarily to care at home services. The Charter is based on evidence gathered from a survey of homecare workers and considers how

employment terms and conditions of workers can contribute to the standards of care received by those individuals receiving care at home.

- 3.2. UNISON invited all Public Sector Commissioning Authorities for Care at Home to sign up to the Charter.
- 3.3. To date a number of Councils have formally signed up to the Charter, including Aberdeen, Fife, Inverclyde, North Ayrshire, North Lanarkshire, Renfrewshire and Stirling.
- 3.4. The Clackmannanshire & Stirling Integration Joint Board, on 21st September 2016, noted both the principles of the Charter as well as endorsing the progress being made towards implementation of the principles.
- 3.5. The overriding objective behind the Charter is to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which do not “routinely short change clients” and which ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels. The commitments in the Ethical Care Charter for the commissioning of homecare services are set out in Appendix 1 to this report.
- 3.6. The Charter principles do not impact Council staff as the terms and conditions of the Council meet the requirements of the Charter, however signing up to the principles demonstrates a commitment to value the role of carers in 3rd and independent sector organisations and they work they do.
- 3.7. Whilst the Council may sign up to the principles of the Charter there is no legal basis on which this can be applied to existing contracts during the life of those contracts unless provision already exists within the contract specification or terms & conditions.
- 3.8. Appendix 2 provides a summary of progress by Clackmannanshire Council towards achieving and sustaining each of the three stages in the Charter. Clackmannanshire Council promotes this good practice approach and encourages other suppliers and employers across the sector to do so through robust commissioning and procurement processes, supply chain management and contract management.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

- 5.1.1. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes x

5.1.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes x

5.2. Staffing

5.2.1 No issues.

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No x

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No X

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes x

10.0 Appendices

10.1 Appendix 1: Extract of the UNISON Ethical Care Charter for the commissioning of homecare services.

10.2 Appendix 2: Update on Clackmannanshire Council's position on the commitments in UNISON's Ethical Care Charter

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

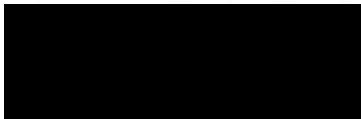
Yes (please list the documents below) No

- Ethical Care Charter;
- Report to Clackmannanshire & Stirling Integration Joint Board dated 21st September 2016 – Ethical Care Charter.

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Annemargaret Black	Chief Officer, IJB	

Appendix 1: Extract of the UNISON Ethical Care Charter for the commissioning of homecare services.

Ethical care charter for the commissioning of homecare services

Stage 1

The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients.

The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients.

Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones.

Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.

Those homecare workers who are eligible must be paid statutory sick pay

Stage 2

Clients will be allocated the same homecare worker(s) wherever possible.

Zero hour contracts will not be used in place of permanent contracts. Providers will have a clear and accountable procedure for following up staff concerns about their clients' wellbeing.

All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time).

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

Stage 3

All homecare workers will be paid at least the Living Wage (as of November 2013 it is currently £7.65 an hour for the whole of the UK apart from London. For London it is £8.80 an hour. The Living Wage will be calculated again in November 2014 and in each subsequent November).

If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract.

All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

Appendix 2

Update on Clackmannanshire Council's position on the commitments in UNISON's Ethical Care Charter

At present Clackmannanshire Council continues to work towards full compliance with the UNISON Ethical Care Charter. Progress against individual requirements is as follows:-

Recommendations - Stage 1	Progress	Status
The starting point for commissioning visits will be based on client need and not minutes or tasks.	The starting point for all commissioning of care packages is assessing need and matching care to meet assessed need. Care is also reviewed as needs change. The implementation of self-directed support has resulted in an increased focus on delivery of outcomes for individuals. Work is ongoing to ensure that the principles of outcome focused commissioning are embedded within the assessment process.	Complete
Time allocated to visits will match need and 15 minute visits will not be used.	Clackmannanshire Council continues to pay providers in 15-minute increments per current contractual arrangements. All visits are now based on assessed individual need rather than minutes or tasks, therefore reducing the need for short duration visits. It is anticipated that the increasing use of telecare and the uptake of self-directed support will reduce the number of check calls or prompt visits and this work is being progressed. However, there remains a significant challenge to both the Council and Providers to fully meet this recommendation.	Work in progress.
Care at home staff will be paid for travel time and travel costs.	Providers are required to minimise travel time as much as possible when scheduling rotas in order to achieve maximum efficiency. The hourly rate currently paid to contracted providers includes provision for travel time/costs. Therefore, although only contact time is currently paid for, an allowance for travel time and costs is built into the hourly rate paid to providers to cover travel time/costs. It is	Complete.

	anticipated that this will continue to be fully addressed by future contractual arrangements.	
Visits will be scheduled so that care at home workers are not forced to rush their time with clients.	Visits are provided on the basis of the individuals assessed needs and visit times are scheduled accordingly. Where the individual's care needs change the appropriate adjustments are made.	Complete
Care at home workers who are eligible must be paid statutory sick pay.	There is a mandatory requirement in terms of Employment Legislation for providers to ensure that eligible staff are paid statutory sick pay.	Complete

Recommendations - Stage 2		
Service users will be allocated the same homecare worker(s) wherever possible.	The Commissioning Team, which is delegated into the HSCP, has focused on building care at home capacity across Clackmannanshire and the wider HSCP area. Recruitment and retention is proving problematic for contracted providers which, in turn, can lead to high staff turnover and inconsistency of individual workers.	Work in progress
Zero hour contracts will not be used in place of permanent contracts.	Whilst all providers must comply with the Working Time Regulations (1998) and The Working Time (Amendment) Regulations 2009, some home care staff state a preference for zero hour contracts and advise that the flexibility suits personal and	Work in progress

	family circumstances and allows them to choose where and when they work.	
Providers will have clear procedures for following up carers concerns.	Care providers have a clear and accountable organisational complaints policies for following up carers' concerns. These policies are verified by the Care Inspectorate as part of the registration and inspection process. In addition to this, the SPSO provide the opportunity for concerns to be addressed independently.	Complete
Care at Home workers will be regularly trained to provide a good service at no cost to themselves and in work time.	The providers and Clackmannanshire Council provide mandatory training for care workers both in relation to mandatory requirements and quality improvement at no cost and in work time. The Care Inspectorate encourages, through assessment, good practice in relation to training.	Complete
Care at Home workers will have regular opportunities to meet co-workers to share best practice and reduce isolation.	Providers have regular team meetings to discuss relevant work topics and to review and update their supporting quality standards i.e. ISO 9000/1 certification and to engender a team ethic across staff groups to minimise isolation. The Care Inspectorate encourages, through assessment, good practice in relation to isolation and information sharing.	Complete

Recommendations - Stage 3		
<p>All care at home workers will be paid at least the Living Wage.</p>	<p>All care at home staff employed by Clackmannanshire Council and Providers contracted to provide care on behalf of Clackmannanshire Council pay their care staff the national minimum wage. In addition, since 1st October 2016 all care at home providers pay staff the Scottish Living Wage, as mandated by the Scottish Government.</p>	<p>Complete</p>
<p>All care at home workers will be covered by an occupational health scheme to ensure staff do not feel pressurised to work when they are ill.</p>	<p>All Care at Home providers currently contracted to provide care on behalf of Clackmannanshire Council must provide the appropriate level of statutory sick pay and any other mandatory benefits as laid out within HMRC regulatory framework.</p>	<p>Work in Progress</p>