

9. Training

De-skilling staff makes service delivery less effective and is unfair to clients and users. It is a false economy. Employers should develop the skills of staff working within this demanding environment.

We believe there should be sector-wide agreement on providing training with a minimum amount spent per head on development to a high and consistent standard.

- 9.1. Agree a minimum budget per person per annum for training.
- 9.2. Ensure that staff receive paid time off to attend training.

10. Transfers of Services

Social care and housing services are subject to frequent transfers between different providers. TUPE protection for transferred workers is weak, but even this minimum protection is regularly flouted by new employers. Sometimes this is seized on opportunistically by unscrupulous employers wishing to cut costs. In other cases it is driven by a desire to eradicate the problems associated with juggling several conflicting contractual arrangements. In both cases, the outcomes for members are downgraded pay, terms and conditions.

We believe there should be better, sector-wide protection of transferred workers. Sector Standards will help minimise the differences in contractual arrangements, but where differences exist, employers should commit to upward harmonisation.

- 10.1. Agreement to enhanced protection for transferred workers.
- 10.2. Introduction of improved consultation protocols for transferees.
- 10.3. Automatic transfer of union recognition where employees are unionised.
- 10.4. Upward harmonisation of terms and conditions subject to the agreement of transferred staff.

11. Pensions

Pension Schemes across the sector including the Social Housing Pension Scheme (SHPS) are under strain with members being asked to pay more in contributions, and get less in retirement.

We believe there should be fair and affordable pension arrangements across the sector allowing members to contribute and plan for a secure retirement.

12. Alternative Dispute Resolution Mechanisms

Disputes, whether collective or individual disciplinarys and grievances, can be distressing, stressful, damaging to working relationships and costly. Access to individual legal redress has also become more costly for both parties with the introduction of tribunal fees. In addition, workers in our sector have shown themselves more willing to take industrial action in collective disputes.

We believe the sector should establish an alternative route for both individual and collective dispute resolution, and provision for non-adversarial dispute resolution, including mediation, which can be fairer and far less damaging to working relationships.

13. Union Recognition

Good union organisation and union recognition has proven benefits to both employer and employees. It can create good employee engagement mechanisms, develop excellent personnel policies, and reduce the number of individual grievances and disciplinarys, as well as avoiding costly recourse to employment tribunals.

We believe that all employers should voluntarily recognise a trade union for the purposes of collective bargaining and work with the union to develop a mutually acceptable Recognition Agreement.

Statement of Principles: Sector Standards in Social Care and Housing

September 2014



Briefing for all members working in Social Care and Housing

This document sets out the underlying principles of a Unite Protocol for minimum standards in housing and social care.

We hope that employees in housing associations, social care providers, commissioners, councils and trusts will sign up to and promote the principles in order to protect the quality of housing and social care in England.

Let's Stand Together and Say No to the Race to the Bottom!

The competitive tendering process by which social care, social housing, and support service providers bid for contracts, is damaging standards in our sectors. It is leading to an environment in which low cost offers can triumph over high quality care and lead to a race to the bottom for those working in the sector as well as for service users, their families and communities.

Minimum commissioning standards on both cost and staffing levels would enable employers to retain experienced employees through decent wages and conditions, fair and reasonable working patterns, job security and professional training and standards, while simultaneously protecting the quality of housing and social care in England.

Together we are stronger

www.uniteforoursociety.org



**DEFEND SOCIAL CARE
AND HOUSING**

Sector wide minimum standards are necessary not just for the welfare of employees, but to ensure we can excel in achieving the desired outcomes for our clients. We commit to work towards a collective and mutually beneficial solution to maintain and raise standards in the sector, specifically:

1. Dismissal and Re-engagement

Dismissal and re-engagement is increasingly used as a means of reducing the pay, terms and conditions of staff in the sector. This practice must end in order to protect both staff and service users.

All changes to contracts should be subject to consultation and the agreement of the employee either individually or through union collective bargaining.

2. Pay Levels

Rates of pay are being continually eroded, especially in transferred services. The result is a chronic loss of experienced staff and increasing instability, damaging the quality of services for our clients and service users.

We believe there should be a mechanism for unions to negotiate minimum pay across all employers, preventing bad employers from cutting wages to make themselves seem more competitive. Specifically:

- 2.1. Identification of a set of 'generic' roles.
- 2.2. Agreement on the minimum rates of pay for these roles.
- 2.3. Development of a sector-wide job evaluation mechanism.
- 2.4. All roles and shifts to be paid at or above the Living Wage.
- 2.5. Wage budgets in bids will be based on the current wages of employees.
- 2.6. Wage rates will not drop below the levels set in bids for the duration of the contract.
- 2.7. Agreement on rates of pay for locums, interns and apprentices.
- 2.8. All London weighting paid at 'inner' London rates.

3. Working Hours

Employers should manage service delivery effectively and should not expect staff to take on ever growing workloads.

We believe that there should be sector wide agreements on working hours, with overtime pay when appropriate.

- 3.1. Maximum 37.5 hour working week.
- 3.2. Agreement on the rates of pay for overtime.
- 3.3. Payment at the normal hourly rate for sleep-ins.
- 3.4. Observe the requirements of the Working Time Regulations

4. Zero Hours Contracts (ZHCs)

Many parts of our sector rely on 'pool' or 'bank' arrangements on minimum hours contracts. However, these are increasingly being replaced by ZHCs which increase job insecurity and destabilise service provision.

We believe that there should be sector wide agreements on the use of pooled/bank staff to ensure that they are treated fairly and given appropriate employment protection.

- 4.1. A clear business case for non-standard contracts, to be agreed with the unions.
- 4.2. All contracts should make the worker an 'employee' under the law and get them all the appropriate rights, payments for travel time and breaks and have defined payments. No conversion of standard or minimum hours contracts into ZHCs.
- 4.3. Safe 'whistleblowing' mechanisms for those on ZHCs to report abusive practices.
- 4.4. Agreement on ways to provide employment benefits to those on ZHCs.

5. Working Patterns

Shift work is a key issue for workers in the sector. Night shifts reduce life expectancy and recent research has shown they considerably increase the risk of some cancers.

We believe that employers need to do more to understand and mitigate the health risks associated with different patterns of working.

- 5.1. Minimise the frequency of shift changes.
- 5.2. Minimise the number of night shifts to 2 per week where the employee works a mix of day and night shifts in the same week.
- 5.3. Include adequate breaks between day and night shifts.
- 5.4. Provide regular health checks paid for by the employer to those who work shift patterns.

6. Staffing Levels

Job cuts have been used to cut costs, increasing workloads for remaining staff and creating unsafe environments, especially when working with vulnerable and distressed clients. In addition, volunteers have been used to replace paid staff as an alternative form of cheap labour.

We believe that employers should agree to adequate staffing levels to create safe and efficient working environments, for all workers including locums and interns.

- 6.1. Cover maternity, sickness and other forms of absence with temporary support, or reduce the team workload to manage.
- 6.2. Include minimum staffing levels in contracts.
- 6.3. Regularly risk assess lone working environments.

7. Safe Working

Many workers within the social care and housing sectors are required to work with people who are vulnerable, volatile and desperate, and who may become violent or abusive toward service staff. There has been an unacceptable rise in violent incidents against social care staff, and the shooting of a housing worker engaged in an eviction.

We believe that employers should do more to ensure safe working environments for their staff, including better managed and more frequent Health and Safety Assessments.

- 7.1. Minimise lone working.
- 7.2. Introduce regular and robust risk assessments.
- 7.3. Introduce mechanisms to protect lone workers such as alarm systems.
- 7.4. Ensure that lone workers have access to appropriate training, supervision and support.

8. Volunteering

Volunteering can provide a mutually advantageous means of extending the benefits of our sector's work, but volunteers should not be used as an alternative form of cheap labour.

We believe that employers should have protocols on working with volunteers to ensure that their involvement is mutually beneficial, properly managed and supported, and does not replace paid labour.

- 8.1. A clear business case for the use of volunteers in specific roles to be agreed with the unions.
- 8.2. Training in volunteer management for those managing volunteers.
- 8.3. Proper training, supervision and support for volunteers.
- 8.4. Agreement on the benefits that can be offered to volunteers.
- 8.5. The sector should not support workfare programmes or attempt to circumvent minimum wage legislation for interns by defining them as volunteers.