

Care Futures

Questions for the future of social care in Scotland

What would Fair Work look like in a National Care Service

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The Scottish Government are currently consulting on setting up a National Care Service which will oversee a comprehensive range of social care services for all ages, from infants to the elderly. As well as alcohol, drug and all social work services. As the trade union which representing staff across all of these areas UNISON will play an important role in shaping that change. Care Futures is a series of briefings that will provide members and branches with information to help discuss and develop UNISON's approach to these reforms.

The importance of hard wiring Fair Work into the National Care Service (NCS) that is being proposed is difficult to overstate. The NCS that is being proposed is a commissioning body; It will have no staff of its own delivering services. There will be (as now) a huge number of employers. What the NCS will do is set national standards and frameworks. Ensuring these are of a sufficiently high standard provide a short term improvement for many in the short term and a safeguard for everyone involved in the long term.

In the consultation on the NCS the Scottish Government describe the proposals as an opportunity to embed Fair Work. By 'Fair Work' they mean work that delivers the key concepts: Security, Fulfilment, Respect, Effective

Voice & Opportunity. Their aim is that Scotland becomes a Fair Work nation by 2025. UNISON's task is to shift these from being fine words to practical action making a difference in work places and pay packets. This will be applicable in many areas – but few more directly than in social care.

UNISON was involved in the Fair Work Convention's report on social care published in 2019 which recommended a national level body to provide effective voice for the workforce, this was to include "appropriate minimum contract standards to... provide not only for terms such as pay and hours/income stability, but also for appropriate supervision, training and development."

KEY POINTS

- Fair Work needs to be built in to any National Care Service
- Union action before the NCS was proposed has delivered the Living Wage and protection through the pandemic.
- UNISON is already involved in work to deliver sectoral T's & C's across social care
- The NCS could involve a National Job Evaluation exercise .



Currently a joint Scottish Government, Employer and Trade Union Body – The Fair Work in Social Care group has been working on three areas to deliver fair work in social care – Terms and Conditions, Living Wage and Effective Voice. This has recommended broadening the scope of applying the real living wage within social care to include children and justice services (services that will also come within the scope of the proposed NCS). They recommend bringing workers in the third and private sector into alignment with frontline public sector care workers (with local government staff as the benchmark). Separate to this in the Programme for Government there is the “ambition to bring the pay, terms and conditions of nursing staff working within the care sector in line with those in the NHS”.

FWISC recommendations on effective voice included “uncover additional ways to improve trade union recognition.” Whilst this work is separate to the Scottish Government consultation on an NCS – it is difficult to see how

these recommendations can be ignored in any future plans. The task is likely to be ensuring that these principles are acted upon in a meaningful way that does boost TU presence.

Fair Work in the NCS proposals

The Scottish Government say that the NCS could oversee the creation of a National Job Evaluation framework/scheme which providers can opt into, and that it could provide the opportunity to implement a national pay-band structure. They propose that it will develop and manage a National Commissioning and Procurement Framework of standards and processes. This should include an emphasis on workforce terms and conditions that support, develop, empower, and value their staff,

In relation to the fair work elements of the proposals there are some obvious points for UNISON to make.

The Scottish government aim is that the NCS has a human rights based approach. Human rights are reciprocal for workers as well as service users, and Fair Work is

therefore essential to make NCS human rights compliant. UNISON will be insisting that that recognition, facility time and bargaining arrangements meet UN, ILO and ECHR requirements and we welcome SG recognition of those obligations – and make it clear that omissions and failures will be challenged.

To be meaningful these agreements will need to include facility time for reps is vital if Fair Work conversations are to progress and deliver change

The FWC report is pivotal and we echo their finding that the absence of Effective Workplace representation (Voice) in social care is the greatest single barrier to Fair Work.

Eradication of unfair work in care requires a TU voice at workplace, employer, IJB and national level if employer practice, ethical commissioning and sectoral bargaining are all to be aligned to Fair Work goals

Effective voice for workforce reps will require investment, contractual underpinning and protection against victimisation if undervalued, low paid and exhausted workers are to have confidence in the vision for fairer workplaces

Useful Links

[Fair Work in social care report](#)

[Fair Work Framework](#)

[Care After Covid](#)

[National Care Service consultation](#)

[UNISON Scotland e-brief on NCS consultation](#)