

Living Wage and Fair Work in Adult Social Care

Summary and Recommendations

COSLA have been committed to the shared policy of paying the Living Wage to everyone involved in delivering adult social care. Significant progress has been made in implementing this policy however there have been challenges for both commissioners and providers. The Living Wage Implementation Group (LWIG), of which COSLA is a member and co-chair, committed to revising guidance in light of some of the challenges with implementation.

COSLA have been committed to the principles of Fair Work and have been engaging with Scottish Government around extending the remit of the LWIG to consider how to deliver Fair Work in social care.

This paper invites Members to:

- i. Agree the revised draft guidance to support the continued implementation of the Living Wage policy (Appendix A);
- ii. Note that joint work is being progressed to understand the longer term implications of the policy; and
- iii. Discuss and provide a view on the scope and remit of Fair Work in Social Care.

References

Previous reports on Living Wage and Fair Work in Adult Social Care:

- Health and Social Care Board, Item 08, March 2019
- COSLA Leaders, Item 08, April 2019
- Health and Social Care Board, Item 12, December 2018

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Purpose

1. The purpose of this report is to ask for members' endorsement on the revised joint guidance to support the continued implementation of the Living Wage for adult social care. It also asks members to provide a view on the scope of work to enhance fair work in the social care workforce, based on the recommendations of the Fair Work Convention.

Current COSLA Position

2. COSLA have a shared commitment to Fair Work practices including the policy of paying the Living Wage to everyone engaged with delivering adult social care in Scotland.
3. The Health and Social Care Board agreed at its December 2018 meeting that there are clear benefits to the policy that align with our wider strategic goals in relation to supporting the social care workforce. They agreed that COSLA should continue to support the policy, providing there is additional funding in the Local Government settlement. Following the conclusion of the Local Government settlement, Leaders recommitted to the policy at their meeting in April 2019.
4. It has been recognised that making a rolling annual commitment to this policy is unhelpful and introduces a degree of uncertainty for the social care workforce. COSLA would like to move to a position where we can make a longer term commitment to the policy of Living Wage as part of our wider support for Fair Work practices, in line with the recommendations of the Fair Work Convention.
5. As part of COSLA Leaders' commitment a request was made to take forward a piece of work in partnership with Scottish Government, provider representatives and Trade Unions to understand the implications of, and any financial barriers to, committing in the longer term. This is currently being progressed.
6. Members considered a report on Fair Work in Social Care at the March Board meeting following the publication of the Fair Work Convention report¹. It was agreed that COSLA should continue to support the broad commitment to Fair Work principles in social care and that officers should continue to engage in support of this to ensure Local Governments views are represented.

What is changing?

Living Wage in Adult Social Care

7. As part of COSLA's commitment to the Living Wage policy, guidance has been co-produced by the Living Wage Implementation Group which comprises of membership from Scottish Government, COSLA, Coalition of Care and Support Providers (CCPS), Scottish Care, the STUC and Integration Authorities.

¹ [Fair Work in Scotland's Social Care Sector 2019](#)

8. A process to review the guidance that supports continued implementation of the policy has been undertaken in light of the recommendations made in the University of Strathclyde Report *Implementing the Scottish Living Wage in Adult Social Care*.² Reaching agreement through the Living Wage Implementation Group on the revisions required around the level to which any guidance should be prescriptive or set minimum levels has been challenging. However, we believe the draft guidance presented to the Board for agreement takes account of the learning to date whilst ensuring that local commissioning processes and existing local agreements are not undermined.
9. It is recognised that producing guidance mid-year may inhibit its use in some areas where rates have been set and contracts agreed, however it is intended to support areas where contract discussions are ongoing. The intention is for this guidance to be used going forward with minimal annual updates.
10. Throughout the development of the guidance there has been engagement with officer networks to understand the challenges with implementation from a Local Government perspective and ensure these are also incorporated.

Fair Work in Social Care

11. COSLA have continued to engage in discussions in relation to setting up a group to look at Fair Work in Social Care. The group will provide advice in relation to some of the recommendations from the Fair Work Convention including;
 - The development of minimum fair work procurement standards for social care.
 - Establishment of a sector-level body responsible for ensuring that social care workers have an effective voice.
 - Development of collective bargaining role in the sector.
 - Application of Fair Work Framework in social care.
12. Consideration has been given in relation to the remit and scope of the group particularly in relation to who within the social care workforce should be included. The social care workforce in its widest sense would include anyone employed by Local Government, third or private sector providers and cut across both adults and children's social care. It would also be applied to people providing not just direct social care but auxiliary, domestic and supervisory roles held within an organisation that provides social care.
13. The complexities of including the Local Government workforce within this area as well as commissioned services have been discussed. Particularly in relation to the need for parity across the Local Government workforce and the role of the Scottish Joint Council. This cuts across a number of teams within COSLA and will ultimately need to be considered by COSLA Leaders at the appropriate point.

Proposed COSLA Position

14. Members are invited to agree the revised guidance to support the continued implementation of paying all adult social care workers the Living Wage.
15. To progress consideration of the recommendations made in the Fair Work in Social Care report it is proposed that the remit of the Living Wage Implementation Group be changed to consider Fair Work in its widened sense to consider the children and adults social care workforce. This would involve strengthening membership of the group with a proposed governance structure of reporting to the Ministerial Strategic Group (MSG) and the Minister for Children and Young People.

² [Implementing the Scottish Living Wage in Adult Social Care.](#)

16. Members are asked to provide a view on the scope and remit of the group and provide further comment on how Local Government can ensure the social care workforce is adequately rewarded for their vital contribution to society.

Next Steps

17. If members agree the draft guidance will be issued to Chief Officers of Health and Social Care Partnerships, Chief Executives of the Local Authority and third and independent sector care providers. COSLA will continue to progress the joint work on understanding the longer term commitment to the Living Wage as part of wider Fair Work practices.
18. COSLA will ensure members views on the scope of the group are incorporated into the development of the Fair Work in Social Care Group. COSLA Leaders will be asked to consider any impact to the Local Government social care workforce.

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