



LIVING WAGE IN ADULT SOCIAL CARE CCPS MEMBERS SURVEY SEPTEMBER 2018

SUMMARY FINDINGS

Respondents:	46 providers
Combined total annual income:	£671m approx. ¹
Combined total staff employed:	31,000 approx.
Smallest provider responding:	£1.9m, 94 staff
Largest provider responding:	£63.5m, 3178 staff

1. Progress with implementation of the SLW increase (from £8.45ph to £8.75ph) for waking hours

Seventy-eight per cent (n=36) of respondents are SLW compliant at 2018/19 rates (£8.75 per hour) comprising:

- **65%** (n=30) that have implemented the 18/19 uplift to £8.75
- **13%** (n=6) that are paying above SLW.

Twenty-two per cent % (n=10) have **not** (yet) implemented the 19/19 uplift to £8.75:

- anywhere/for any staff (n=4)
- in all areas (n=4)
- for all staff (n=2)

The **ten** providers that had not yet implemented the SLW uplift at the time of the survey include some of the largest providers in Scotland; so if we were to look at the percentage of **STAFF** who have not yet received the uplift (as opposed to the percentage of **PROVIDERS** that have not yet implemented it), the figure for compliance would be lower.

That said, as we understand it, **four** of these providers are planning to implement in the next payroll, making **87%** (n=40) of all respondents compliant, and only **13%** (n=6) non-compliant.

Of those 36 that are (already) compliant, **only 11** (30.5%) **said that funding from LAs is sufficient to cover the full cost of the SLW uplift** (or above), including NI and Pensions; whilst **25** (69.5%) **said funding from LAs is NOT sufficient to cover all costs**.

Again, those saying that funding is sufficient tend to be the smaller providers working in fewer LA areas (in some cases, only one or two areas).

¹ These figures taken from 2016/17 data held by CCPS

Comments from respondents

Providers that have not yet implemented:

"This is a time consuming and challenging process as we need to negotiate with each funder separately and have received a wide range of different settlements across the country ranging from 0% through to 3.19%. We then have to calculate whether the uplifts secure will fund our pay policy for the current year."

"[Local authority] requested staff data in April. No news since. We feel that this operating timescale is very poor/unacceptable."

"Mostly we have not implemented the Adult Social Care Living Wage because the funding offer is clearly insufficient and not close to meeting costs."

Providers that have implemented without sufficient funding:

"Implemented in all areas, although not had funding confirmed in all...keen to avoid a discrimination claim...morally we wouldn't want to pay different amounts anyway."

"We haven't received [funding] from [large local authority]...however for recruitment purposes we have had to increase the rate regardless."

"The decision [to uplift] was taken once 50% of our funding partnerships had provided sufficient funds."

"We were holding off until we had reached a pivot point, where enough LAs had agreed to provide an uplift."

"We understand that there are some providers who manage this through not paying travel time for their staff, and that the council's monitoring system either does not pick this up via Fair Work Practices monitoring, or they choose to ignore the issue."

Multi-authority providers:

"Out of 27 local authority areas we have:

- 4/27 not declared
- 18/27 where we will accept [even though not all are sufficient]
- 9/27 where the offer is unsatisfactory
- 5/27 where we are rejecting the offer."

"Out of 25 local authority areas:

- 15/25 have offered a rate that covers costs
- 8/25 have offered a rate that won't cover costs
- 2/25 haven't offered anything (yet)."

Impact on providers:

"Reconfiguration of staff teams in response to required efficiencies."

"[Implemented] despite no formal overarching funding agreement having been made for children's services, which is a significant part of the organisation."

“Unless we increase the whole workforce by the same amount, we drastically reduce differentials. However that’s just not affordable and for the first time in ages we are going to have to make different pay awards for different levels of staff.”

“Where LAs are giving us just enough to cover the costs of the hourly uplifts and on costs for support workers, this drives support worker salaries closer to frontline managers with no room in the budgets to consider even the smallest increase for managers...demoralising, and reduced incentive for progression.”

“[Two LAs] required major effort to get a result we could operate at. None allows us to anything more than pay Living Wage to support staff: no increase on Fair Work/T&Cs improvement.”

Providers paying above SLW:

“It is clear that because we are paying our staff above SLW, that the majority of our commissioners deem us unworthy of any uplift. This simply means that as ever, those who pay less get given more support to bring wages in line whilst we are left to get on with it.”

2. Funding increases offered by LAs for waking hours, and whether providers deem these sufficient to cover costs (including NI and pension costs)

Funding offers from local authorities ranged from below 0% (ie. a cut to hourly rates) in two areas, to over 15% in one area. These extremes are outliers; most increases offered were between 2 and 3.5%.

We have compiled a table showing the range of increases offered by each authority, to enable our members to compare the increases they have been offered with those offered to other providers. We are not (yet) publishing this table more widely.

There is only **ONE** area that has made offers that all responding providers consider to be sufficient.

In **ONE** other area, all the offers made are sufficient, although many providers are still waiting for offers.

In **THREE** areas, only one responding provider (in each area) deems the offer to be insufficient.

In **TWO** areas, more than 70% of providers deem the offer to be insufficient.

In **ALL OTHER** areas, there was more of a balance between sufficient and insufficient offers, with between 33 and 57% of providers deeming their offers to be insufficient.

There were **no** LAs where all providers deemed offers insufficient.

3. Progress in implementing £8.75 per hour for sleepovers

Thirty-eight respondents (82.6% of all respondents) operate sleepovers.

Of these:

- **66%** (n=25) are **not** yet paying SLW for sleepovers (anywhere, to any staff)
- **24%** (n=9) are paying SLW for sleepovers to staff in some (but not all) areas
- **19%** (n=4) are paying SLW for sleepovers to all staff, in all areas (NB. two of these respondents only work in one LA area)

Comments from respondents

Reasons for not implementing:

"We are not receiving the additional income from enough LAs for us to pay [SLW] to all staff nationally."

"As with waking hours, once we receive sufficient funding from 50% of funding partnerships we will move to SLW for sleepovers."

"To pay a sleepover rate of £8.75 per hour requires funding of £11 per hour to meet costs, but requires £12.11 per hour to cover central management charge and bedding/furniture replacement for the sleepover room...[funding offers] are clearly insufficient and not close to meeting costs."

"[LA] are only paying the agreed '*sleepover rate*' for 50% of our sleepovers, on the grounds that they can't afford it."

Multi-authority providers:

"[We were] offered funding in [LA] and so far they have allowed us not to do this, as we cannot pay more in one area to staff than another, for the same job."

"An issue for us is that some LAs have stipulated a condition on their offer which basically means we have to sign up to pay £8.75 for both day and sleepovers from a certain date...this may be a real problem for us."

Inconsistency with recent Mencap ruling:

"No [we have not implemented] and do not intend to in foreseeable future"

"Has the recent Mencap case been considered where the law states that sleep ins are now not working time?"

"When that ruling [ie. Unison appeal against Mencap] comes through, LAs will – if it allows reversion to a flat rate allowance – seek to push for that. The government should anticipate its response now."

We have compiled a table showing the range of funding offers for sleepovers by each authority, to enable our members to compare the increases they have been offered with those offered to other providers. We are not (yet) publishing this table more widely.

Sixty per cent of funding offers for sleepovers have been made on the basis of SLW (n=12). Offers based on SLW range from **£8.53 per hour** (which is below the SLW pay rate) to **£12.10 per hour**.

Forty per cent of funding offers for sleepovers are being made on the basis of NMW per hour (£7.83) or HMRC compliance (£7.83 per hour averaged across all hours, waking and sleeping).

4. Plans to reduce/remove sleepovers or otherwise redesign overnight support

The majority of LAs (**81%**) have made approaches to providers about redesign of overnight support.

These approaches range from published plans to remove ALL sleepovers, and to replace them with waking nights, responder services and/or technology; to requests for information about current sleepover use.

Given that we can only identify 12 LAs that have made SLW-based funding offers, this suggests that LAs may be reluctant to implement SLW for existing arrangements, and are prioritising redesign; presumably, they will then look at implementing SLW for those sleepovers that remain in place following redesign.

That said, many providers commented that whilst approaches and plans have been made, progress has been quite slow. Several providers gave detailed information about work in progress, although numbers of sleepovers actually removed or redesigned to date remain fairly small. A lot of activity appears to focus on 'preliminary discussions'...formation of 'strategic groups'...'plans for reassessments'...'information sought'...'teams being formed.'

Only **seven** (18%) of respondents reported that they had not yet been approached by any LAs regarding sleepover removal or redesign.

Comments from respondents

"Yes, [LAs] have engaged providers on this, asking for evidence of use and whether a peripatetic waking night person using assistive tech could cover several existing sleepovers at a cheaper rate – no, in our case."

"[LA] has asked providers to work out/develop a responder service amongst us to answer their problem."

"We've been asked to provide information on levels of use of sleepover (ie. users waking staff up for assistance); and we have made the point that this is not a measure of a sleepover not being needed."

"We are working with partnerships to test alternative supports using assistive technology and local responders."

"All areas having been reviewing sleepovers for the last year or so. More recently requests around technology and responder services, but this has not progressed very far."

"[LA] trialled some monitors to see how feasible it would be to remove sleepovers, but it was considered to be too unsafe."

"Progress has been slow and although we have identified a number of sleepovers that can be removed or replaced, little has happened to date."

"We reviewed all our sleepovers three years ago...we persuaded council officers that they were institutionalising people...we only have sleepovers that are absolutely necessary for people with 1:1 support with 24 hour high needs."

"We have reviewed all sleepovers in [LA] with no reductions. There was a working group set up to look at service redesign, however this has not met since January and seems to have stalled."

"In [LA], providers are being urged to invest in technological solutions but [LA] are not supporting that investment."

"[LA] have reviewed all of the sleepovers in their area. No changes have been made...the process for us seemed like a 'light touch' exercise by one of their officers."

"As part of ongoing reviews we have managed to reduce a small number of sleepovers but progress is slow."

"If anything we are still seeing users being assessed by social workers as requiring sleepovers, and we are suggesting they look at digital technology or alternatives, but they say they feel this person needs a sleepover."

5. Impact of removal/reduction of sleepovers

Just under half of respondents (45%) provided details of the impact (actual or anticipated) of redesigning overnight support.

Six providers (16%) reported nil or positive impact from sleepover removal; some respondents provided detailed case studies of savings achieved and better outcomes for people.

"Through redesign of overnight support we have been able to implement alternatives to sleepover support which has resulted in an 11% reduction in the number of staff who were not receiving the Scottish Living Wage due to overnight support pay arrangements since 2016, this is despite growth within our support provision...the [positive] impact on the people we support is captured in [appended] case studies."

"We have reduced sleepovers in [three identified] areas and these have all been positive transitions, and in the main the feeling appears to be that they were not required and in place from a risk averse approach."

"We do this as a matter of course in conjunction with the people we support, their team and family in a productive way, to ensure that everyone is in agreement with any changes."

"About half of sleepovers in [LA] were removed and replaced with a responder service. Whilst this was a difficult transition for some people/families/staff, it is fair to say that on reflection it has been a positive change. The responder service is provided by us, so there was continuity of values, approach, systems and expertise."

The remaining respondents either had nothing to report about impact, or reported concerns about impact on staff, people supported, and on the organisation itself.

"We ceased to support someone because [LA] wanted the removal of the sleepover and we did not believe this was a safe or satisfactory solution for the individual. They have therefore had to move support provider."

"There are some people whose vulnerabilities will be exposed if provision is reduced and we have concerns that these situations will have to be borne out to make the point."

"Some staff will welcome reduction in sleepovers...while others are concerned about the impact on their finances...without sleepovers the take home salary will be less attractive."

"There is also a mention in some places that if they have to pay so much for a sleepover, then they would want a waking night instead. I've explained that this would cost our hourly rate per hour, not £8.75...and I would be very worried about where we would get all of the extra staff required..."

"We are currently reviewing our sleepover strategy...often for families whose loved ones have been in receipt of sleepovers for many years, their potential removal is an emotive and scary prospect. Equally many of our staff rely on regular sleepovers to top up salaries, and so removing them would have a significant impact."

In [LA], the drive from the commissioner is to reduce costs and maximise existing capacity...we are unconvinced that the identified sleepovers can be safely removed from 24/7 supported living services and replaced with technology."

"Some staff are missing the money they got from sleepovers and there was a degree of unrest about waking and sleeping staff getting paid the same money."

"We have examples of people's [sleepover] being reduced to find that after a short period it is increased again...care managers' understanding of reducing hours, and then having the expectation that staff should be around/available where there are concerns, demonstrates lack of preparatory work."

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