



Rt Hon Boris Johnson MP

Prime Minister
10 Downing Street
London
SW1A 2AA

16 April 2021

NATIONAL MINIMUM WAGE, SLEEP-IN SHIFTS AND THE CARE SECTOR

Dear Prime Minister,

You will be aware of last month's Supreme Court judgment around sleep-in shifts and pay.

The decision is a huge blow to care workers. These dedicated staff have been on the frontline during this pandemic giving their all to look after the most vulnerable in society

UNISON and Mencap were on opposite sides during the case. Mencap contested the case due to the huge back-pay bill facing the care sector, and UNISON because care staff should be paid for all the hours they're at work. But we are united in the same vision – a properly funded social care sector.

Paying staff decent wages is a major part of this. Fair pay means care providers can retain the skilled workforce that's essential for excellent care.

Care workers are already among the lowest paid in the country. The latest Skills for Care data shows that some care staff earn less per hour than the average retail assistant, and that 22% of care staff are paid at the national minimum wage rates. We need to prevent their pay being eroded further.

That's why action is needed urgently over sleep-in shifts. UNISON and Mencap are urging you to amend current rules so sleep-in shifts are defined as working time for the purposes of minimum wage law.

This would ensure pay reflects the reality of what the job actually involves and guarantee care providers ensure staff are paid for every hour of their overnight shifts.

The demands on sleep-in workers are considerable. They're expected to respond to the people they support at any time and at a moment's notice during the night.

The sound of a cough or footstep could be a sign of distress or serious health issue. What's more, staff cannot leave their place of work during a shift to go home to their families.

That's why Mencap changed its payment structure in 2017 so sleep-in shifts are paid at hourly minimum wage rates.

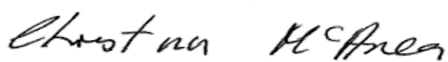
Mencap has no plans to reduce payments to staff. But other providers and council care commissioners could see the judgment as an opportunity to cut costs including wages. The result could be even fewer recruits joining a sector already suffering from thousands of vacancies. Minimum wage laws must be amended.

Both UNISON and Mencap are asking the Low Pay Commission to reassess the status of sleep-in shifts. It must be made clear that the entirety of these should be treated as 'working time'. At the very least, we hope you will ask the Low Pay Commission to investigate this matter urgently.

Acute underfunding lies at the heart of why social care is not fit for purpose. Central government must make more resources available to local authorities to allow much-needed reform. Improving the pay of the care workforce is the most sensible starting point.

Each of us will have a friend or relative who relies on the exceptional support provided by social care staff. Or may well need help ourselves one day. This is your chance, Prime Minister, to show you value their remarkable work with fair pay.

Yours sincerely,



Christina McAnea
General Secretary
UNISON



Edel Harris
CEO
Mencap