

UNISON calls for care staff to be properly paid

UNISON is urging councils in England and Wales to be far more proactive in ensuring that there is a high standard of homecare provision in their local area, after details emerged of five private care companies that have been flouting minimum wage law.

The care companies that have been 'named and shamed' by the government include:

- Millennium Care Ltd of Neath Port Talbot – commissioned by Neath Port Talbot Council – failed to pay £28,871.77 to 40 workers;
- APC Care Limited of Wealden – commissioned by East Sussex Council – failed to pay £6,311.6 to 39 workers;
- A1 Home Care Ltd of Chelmsford – commissioned by Essex Council and Brent – failed to pay £3,774.46 to 24 workers;
- Danum Homecare Ltd of Doncaster – commissioned by Doncaster and Wakefield councils – failed to pay £1,516 to 13 workers;
- Ms Deborah Harrison, trading as Kingfisher Care Services, Redditch Borough Council, B97 – commissioned by Worcestershire Council – failed to pay £558.79 to two workers.

These employers have been made to pay what they owed to staff while also being fined £3.2 million. In total, government investigations revealed that more than £2.1m was owed by 191 companies across sectors, to more than 34,000 workers.

UNISON national officer for social care, Matt Egan, said: "We are urging local councils to be far more proactive in ensuring that there is a high standard of homecare provision in their local area. While the vast majority of councils across the UK now outsource homecare services, they can still insist on standards that will improve standards of care and result in better treatment of these vital workers."

UNISON says that these failures highlight the fact that commissioning councils have a responsibility to comply with employment law, including that relating to payment of the minimum wage. By failing to keep tabs on whether contracted homecare providers are paying their workers properly, commissioning councils risk problems like higher staff turnover rates and visits being cut short, all of which directly contribute to lower standards of care for care users.

Dates for your diary.....

At some point in the next few months we hope that we will be able to move to hybrid meetings, with some people attending in person and others able to join online from home.

September

- 15th Difficult conversations, 10am or 1pm. Free regional training event. Details sent with last newsletter.
- 15th Women's Lives Workshop, 6pm, 10 weeks. Regional training event. Details sent with last newsletter.
- 20th Dyslexia Understood, 1pm. Free regional training event. Details sent with last newsletter.
- 21st Your Skills, Your Future, 10.30am. Regional training event. Details sent with last newsletter.
- 23rd Branch Committee, 6pm to 7.30pm.

October

- 7th Negotiations Committee, 10am to 12.30pm.
- 12th National Retired Member's Conference, 2 day event online.
- 21st Branch Committee, 6pm to 7.30pm.



North Yorkshire Branch

Branch Activist Newsletter

UNISON research shows councils are facing budget crisis



Councils in England, Wales and Scotland are grappling with huge budget deficits of almost £3bn for the next financial year, according to research published by UNISON. The record shortfall, totalling £2.996bn in 2022/23, will lead to huge service cuts at local authorities across Britain unless the government urgently finds the money to protect communities. The stark results show the mammoth savings needed to balance the books, without new funding from the government.

Many councils have already suffered massive cuts to services in recent years, including bin collections, teaching assistant numbers, social care, library hours and community spaces such as parks. Throughout the pandemic councils have kept services running, protected the vulnerable and delivered new functions. It's essential they receive enough funding to provide for communities as life returns to normal

Councils grappling with large budget deficits include:

- Hampshire County Council, which faces making more than £65.9m savings next year. Eight libraries across the county have already closed within the past year, at the cost of 50 jobs.
- Cheshire West and Chester Council has an almost £26m financial black hole, despite scaling back social care services by closing three respite centres. The move axed 95 beds and 98 staff roles.
- Hackney Council faces an £11m deficit in a London borough where 48% of children live in poverty. Teaching assistant jobs have been cut during several school restructures over the past year, with more cost saving reforms ahead.
- North Warwickshire Council has a £1.6m shortfall and made reductions to care services, resulting in the loss of 23 jobs.

UNISON general secretary Christina McAnea said: "These shortfalls will result in cuts that are likely to hit the poorest in society hardest. Children struggling in class won't be able to get the extra help they need to succeed. Families of the elderly and people needing support will be denied the services on which so many of them rely. Access to much-loved parks, libraries and community facilities are at risk of being taken away. The government must step up and help local councils desperately trying to keep afloat. If Boris Johnson is serious about levelling-up, this money must be found. Ministers cannot allow a two-tier society to develop where some of the most in need are left behind."

Contact the branch office

- ☎ 01609 532317 or 01609 532718
- ✉ unison@northyorks.gov.uk
- UNISON Office
- Grounds of 3 Racecourse Ln
- Northallerton
- DL7 8QZ

www.northyorks-unison.org.uk

The branch office is currently closed to visitors due to Covid restrictions, but branch admin staff are continuing to work as normal 9am to 4.30pm on Mondays to Fridays.

The big issue...

As a workplace UNISON rep, you probably get asked about contracts of employment often; or at least about issues that relate to the contract of employment. But what is it, and what should it look like?

A contract of employment will exist as soon as an offer of employment is made and accepted. There is no legal right to a 'contract', it becomes a matter of fact once the offer is made and accepted. It does not have to be in writing, but obviously it is harder to prove that an offer was made and accepted if it is not in writing.

However, every 'employee' or 'worker' (we could write a whole book on the legal definitions of who is a worker or an employee, so if you encounter any grey areas please contact the branch office for support) is entitled by law to a written statement of particulars of their employment. This is a requirement under sections 1 and 2 of the Employment Rights Act 1996 (as amended).

Important changes were made from 6 April 2020, which mean that most of the information provided in the written statement must be given to the employee/worker on or before the first day of work. Most of the information must be recorded in one single document.

The following information must be provided in a single written statement on, or before, the first day of work:

- The names of the employer and the employee
- The date that the employment began
- The date that any continuous employment began (i.e. where someone changes jobs or workplace but stays with the same employer)
- From 6 April 2020, details of any probationary period and how long it will last
- The scale and rate of pay, how often they will be paid and the way that their pay will be calculated
- From 6 April 2020, details of any other remuneration such as lunch payments, vouchers and any non-contractual payments
- The hours of work and details of what would be considered "normal working hours". From 6 April 2020 this must also include details of which days are required to be worked and whether the days will vary
- Holiday entitlement and holiday pay, including arrangements for public holidays
- The length of notice that the employee and the employer would need to give to end the employment
- The job title and a brief description of duties
- Whether the employment is permanent or fixed-term, and if fixed-term when it will end
- The place of work, or confirmation of whether the employee is expected to work at various workplaces
- From 6 April 2020, details of any mandatory training and whether this will be paid for by the employer

Other information that must be provided in writing, but can be in separate documents such as a staff handbook include; details of sickness arrangements and sick pay, and information about other forms of paid leave (such as maternity and paternity leave). Details of pensions, disciplinary policies and collective agreements must be provided but within two months of employment starting.



Local Government and schools pay: ballot papers sent out

Our consultative ballot for members who work in local government and schools will be arriving through letter boxes and inboxes today (Monday). Members are being asked to vote on whether they wish to accept or reject the 1.75% offered.

UNISON is recommending that the offer is rejected as it falls well short of what we think our members in schools and local government deserve and is below the current rate of inflation.

If you work in local government or schools, please encourage your colleagues to return their ballot and have their say. It is really important everyone has their say on this.

The closing date is 12noon on Wednesday 22 September. Votes from across the country will then be counted and UNISON's national committee will decide whether to then hold a formal industrial action ballot in the autumn.

Probation members urged to reject pay freeze: indicative ballot under way

Members who work for the Probation Service are being urged to vote to reject the pay freeze. Ballot papers went out last week for a consultative ballot. It is really important that all members return their ballot paper as we need to know the strength of feeling amongst probation workers.



With RPI inflation running at 3.8% in July, and forecast to be higher, the government is only allowing the Probation Service to offer the following derisory pay award this year:

- A £250 increase in the pay of all probation staff earning up to £24,000 (basic pay)
- Nothing for all other probation staff
- No increase on any allowances

That means the majority of probation staff will get no pay rise at all this year while probation pay continues to go backwards. The cost of living has risen by 27.6% in the last 10 years, yet probation pay has gone up by only 1%.

Despite the efforts of our members in keeping communities safe during the pandemic, and the risks they took in coming to work during the lockdowns, the government wants to freeze their pay.

The ballot closes on Wednesday 22 September. If probation members vote to reject the offer by a sufficient margin there will then be a national ballot for industrial action. Hence, it is really important that all our members in probation take part in the ballot.

Follow the branch on social media

We provide and share regular updates, news and interesting articles via the branch social media accounts; If you don't already, why not follow us?



You can also engage with us and share your ideas and views, but please remember never share anything on social media that can identify where you work and never make comments that could bring you or your employer into disrepute. Keep social media and work separate.