United Kingdom Homecare Association

The professional association for homecare providers

Department for Business, Energy & Industrial Strategy
Labour Markets Directorate
1st Floor Spur
1 Victoria Street
London
SW1H 0ET

21 May 2018

Good Work: The Taylor Review of Modern Working Practices:
Consultation on measures to increase transparency in the UK Labour Market

Dear Sir or Madam,

Thank you for the opportunity to respond to the above consultation, which we have the pleasure to do on behalf of the United Kingdom Homecare Association (UKHCA).

UKHCA is the national professional association for organisations across the UK who provide care, including nursing care, to people in their own homes. Our mission is to promote high quality, sustainable care services so that people can continue to live at home and in their local community. We have 2,298 members who employ approximately 176,000 staff.

For some context about homecare organisations, in 2016/17 the overall staff vacancy rate was 10.4% and staff turnover rate was 27.8% (having risen by 4.7 percentage points since 2012/13).

Please do not hesitate to contact our team if you require any additional information.

Yours faithfully,

Policy Officer

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As UKHCA are responding to the consultation on behalf of our members, we have not given answers to questions 1-8 as these are for employers or individuals.

Question 9 - To what extent do you agree that the right to a written statement should be extended to cover permanent employees with less than one month's service and non-permanent staff?

Agree strongly

Question 10 - The following items are currently prescribed contents of a principal written statement. Do you think they are helpful in setting out employment particulars?

a) The business's name.

Yes

b) The employee's name, job title or a description of work and start date.

Yes

c) If a previous job counts towards a period of continuous employment, the date that period started.

Yes

d) How much, and how often, an employee will get paid.

Yes

e) Hours of work (and whether employees will have to work Sundays, nights or overtime) Yes/No/Don't know. If no, please explain why.

Yes

f) Holiday entitlement (and if that includes public holidays) Yes/No/Don't know. If no, please explain why.

Yes

g) Where an employee will be working and whether they might have to relocate Yes/No/Don't know. If no, please explain why.

Yes

h) If an employee works in different places, where these will be and what the employer's address is Yes/No/Don't know. If no, please explain why.

Yes. However, for peripatetic workers, such as homecare staff, this will usually need to be a statement about the nature of the work rather than individual locations.

Question 11 – Do you agree that the following additional items should be included on a principal written statement?

a) How long a temporary job is expected to last, or the end date of a fixed-term contract?

Agree strongly

b) How much notice the employer and the worker are required to give to terminate the agreement?

Agree strongly

c) Sick leave and pay entitlement?

Agree strongly

d) The duration and conditions of any probationary period?

Agree strongly

e) Training requirements and entitlement?

Disagree slightly. The principal written statement should keep to any mandatory training, occupational requirement or company policy.

f) Remuneration beyond pay e.g. vouchers, lunch, uniform allowance?

Agree strongly

g) Other types of paid leave e.g. maternity, paternity and bereavement leave?

Disagree slightly. Details of maternity, paternity and bereavement leave could be provided in a separate document.

Question 12 To what extent do you agree that the principal written statement should be provided on (or before) the individual's start date?

Disagree strongly. The caring role often involves personal intimate care and some new employees find they are unable to carry out these tasks. As a result, there are numerous examples of careworkers being appointed and resigning within a few days. UKHCA considers the principal written statement should be provided within a month of starting work or when the employer considers the employee is likely to stay in the post – whichever is the sooner. In addition,

the peripatetic nature of the work may make providing the principal written statement on the first day impractical.

Question 13: To what extent do you agree that other parts of the written statement should be provided within two months of their start date?

Agree strongly

As UKHCA are responding to the consultation on behalf of our members, we have not given answers to questions 14 -17 as these are for individuals.

Question 18 - Which of the following best describes your awareness of the Acas guidance on written statements?

UKHCA is aware of the Acas guidance and have some knowledge of what it says

Question 19 - If you have some knowledge of the Acas guidance on written statements, how helpful did you find it?

Very helpful. We have referred members to the Acas guidance and website when they have called the telephone helpline we operate for employers.

As UKHCA are responding to the consultation on behalf of our members, we have not given answers to questions 20 - 23 as these are for employers.

Question 24: We have committed to extending the period counted as a break in continuous service beyond one week. What length do you think the break in continuous service should be?

Two weeks. Extending the break further will add costs to homecare businesses who are already at risk from market instability and local authorities only willing to offer below cost contracts.

Question 25: Do you believe the existing exemptions to the break in continuous service rules are sufficient?

Yes

Question 26: We intend to update the guidance on continuous service, and would like to know what types of information you would find helpful in that guidance. (Select all that apply)

Real examples from case law/Signposts to further information/Information on what to do if you feel your employer has not complied with the legislation/other - please specify.

All of the above will be useful in the guidance. You could also add worked examples on how to calculate continuous service when a person has multiple

breaks with some lasting more, and some lasting less than the period which would count towards continuous service.

Question 27: Do you agree that government should take action to change the length of the holiday pay reference period?

No. It will be difficult for some small employers without comprehensive HR databases and where staff work irregular hours during the period.

Question 28: If you answered yes to Q27, should government:
a) Increase the reference period from the current 12 weeks to the 52 weeks recommended in the review?

No

b) Set a 52 week default position but allow employees and workers to agree a shorter reference period?

No

c) Set a different reference period

No

As UKHCA are responding to the consultation on behalf of our members, we have not given answers to questions 29 and 30 as these are for employers.

Question 31: Do you agree that we should introduce a Right to Request a more stable contract?

Yes

Question 32: Should any group of workers be excluded from this right?

No. Allowing all workers a Right to Request reduces the potential for complexity and loopholes which could be exploited.

Question 33: Do you think this will help resolve the issues the review recommendations sought to address?

Yes

Question 34: Should employers take account of the individual's working pattern in considering a request?

Yes

Question 35: Should there be a qualifying period of continuous service before individuals are eligible for this right?

Yes. A minimum of 3 months continuous service should give enough time to establish regular working patterns and hours.

Question 36: What is an appropriate length of time the employer should be given to respond to the request?

1 month

Question 38: When considering requests, should Small and Medium Enterprises (SMEs) be included?

Yes

If yes, do you think they should have any dispensations applied e.g. longer to respond?

No

[ENDS]