

Factsheet: Adult Social Care Negotiating Body in the Employment Rights Bill

What is the current policy/legal framework?

There is no pre-existing law on sectoral agreements in the adult social care (ASC) sector. Historically, the bargaining power of care workers has been low, partly because of low unionisation rates. Resolution Foundation estimate union membership at just 20 per cent for frontline care workers, where across the economy they are generally higher (at 41 per cent). This has contributed to limited action on pay and terms and conditions in the sector.

Currently the National Minimum Wage and National Living Wage apply to almost every worker across all sectors, including adult social care. Adult social care is a typically low paid sector.

Policy intent

The adult social care workforce is England is large, with 1.59 million people working in the sector in 2023/24, making it a larger workforce than the NHS.² Demand for ASC services and for more staff is expected to grow in the future. However, the sector is characterised by weak domestic recruitment and high turnover, with growth in staff levels driven by international recruitment in recent years. Alongside other factors, evidence shows that low pay and poor terms and conditions affect domestic recruitment and retention.

By empowering worker, employer and other sector representatives to negotiate pay and terms and conditions, sectoral agreements will help to address the recruitment and retention crisis in the sector, in turn supporting the continued delivery of high-quality care.

How will it work?

The Adult Social Care Negotiating Body measures in the Employment Rights Bill will enable the Secretary of State to establish the process of sectoral agreements in the adult social care sector through secondary legislation, following engagement with the sector.

The powers in the bill will allow the Secretary of State to make regulations that, among other things:

- establish an Adult Social Care Negotiating Body, including provision about the appointment of its members
- make provision about the remit of the negotiating body (for example, to specify additional matters relating to employment as a social care worker)
- specify how matters are to be considered by the Negotiating Body in its negotiations
- set out the process for dispute resolution and reconsideration of matters
- ratify the negotiating body's agreement so that its provisions relating to workers' pay and terms and conditions are given legal effect; and

¹ https://www.resolutionfoundation.org/publications/who-cares/

² CQC update for adult social care providers

make provision for state enforcement arrangements

By setting out the details in secondary legislation, we can develop the sectoral agreement process in close collaboration with the sector. We are keen to hear from all those that work in care, those who receive care, social care providers and local authorities. Delivering the sectoral agreement will need to be carefully planned. We will also consult in due course.

Key stats

The need for adult social care within the UK population is growing. The UK population is ageing, and the number of people aged 85 and over is projected to increase by 1 million by 2045.³

The quantity of labour supplied to the sector is not keeping up with growing demand. The workforce has faced significant challenges, particularly since the COVID-19 pandemic. Skills for Care report that vacancies in 2023/4 stood at 131,000 on any given day.⁴

Skills for Care estimate that the sector will need 29% (540,000) more jobs by 2035 based on population projections of older people; and a higher proportion of more skilled roles given the rising prevalence of more acute needs.⁵

Adult social care is a historically low paid sector, with the Health Foundation estimating that up to 1 in 5 residential care workers experience in-work poverty⁶. Most care workers are paid on or just above the National Living Wage.⁷

Poor terms and conditions are associated with higher staff turnover, and workers in social care are typically employed on statutory minimum terms and conditions. Turnover rates remain higher than most sectors, and higher than the UK average.⁸

³ ONS (2024), National population projections: 2021-based interim.

⁴ The size and structure of the adult social care sector and workforce in England

⁵ The size and structure of the adult social care sector and workforce in England

⁶ The cost of caring: poverty and deprivation among residential care workers in the UK - The Health Foundation

The state of the adult social care sector and workforce in England, 2024

⁸ The state of the adult social care sector and workforce in England, 2024