

What changes has the Act made to the law?

The adult social care workforce in England is large, with 1.50m people working in the sector in 2024/25, making it comparable to the size of the NHS.¹ In Wales there are nearly 83,000². In Scotland the social service workforce comprises 214,750 workers³. Demand for adult social care 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.

The Employment Rights Act introduces new powers to establish a Fair Pay Agreement (FPA) process for the social care sector, to allow for the creation of Social Care Negotiating Bodies (SCNB). The bodies will negotiate minimum pay, terms, and conditions across the social care sector – similar to national-level collective bargaining.

Regulations made under these powers cannot reduce existing terms or prevent more favourable ones being offered to social care workers.

In essence, the Act empowers ministers to set up the SCNBs and ensure any national agreements raise, not lower, employment standards.

By empowering worker, employer, and other sector representatives to negotiate pay and terms and conditions, sectoral agreements known as Fair Pay Agreements (FPAs) will help to address the recruitment and retention crisis in the sector; in turn supporting the continued delivery of high-quality care and recognising care professionals for the important work that they do. For Scotland and Wales, the provisions will build upon the existing contractual mechanisms in place to uplift pay for social care workers by providing for the introduction of a legislative framework.

How is this different from the previous legislation?

There is no pre-existing law on sectoral agreements specifically in the social care sector. Historically, the bargaining power of care workers has been low, partly because of low unionisation rates. The Resolution Foundation estimates union membership is just 20 per cent for frontline care workers, where across the economy they are generally higher (at 41 per cent⁴). 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 in England. Adult social care is a typically low paid sector. The Welsh and Scottish Governments have both pledged to pay social care workers the Living Wage Foundation Voluntary Living Wage rate.

¹ [The state of the adult social care sector and workforce in England, 2025](#)

² [Data and information on the social care workforce... | Social Care Wales](#)

³ [Scottish Social Service Sector: Report on 2024 \(2025\)](#)

⁴ <https://www.resolutionfoundation.org/publications/who-cares/>

The Social Care Negotiating Body measures in the Employment Rights Act enable Ministers to establish a process for FPAs for the adult social care sector in England, and Scottish and Welsh Ministers to establish a process for FPAs for both adult and children's social care workers in Scotland and Wales, respectively. The powers may be exercised through secondary legislation following engagement with the sector and subject to the consent of the UK Secretary of State.

The powers in the Act allow the appropriate authority to make regulations that, among other things:

- Establish social care negotiating bodies for England, Scotland and Wales, 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 a negotiating body in its negotiations;
- Set out the process for dispute resolution and reconsideration of matters; and
- Ratify a negotiating body's agreement so that its provisions relating to workers' pay and terms and conditions are given legal effect.

When will these changes come into force?

The public consultation on the design of the Fair Pay Agreement process in England was open until 16 January 2026 (see more details below). We expect regulations establishing the Negotiating Body, bringing together employer and employee representatives, will be laid in 2026. We expect negotiations on pay, terms and conditions and other matters such as training and career progression, will be held in 2027. Once the Body has reached an agreement on how the funding should be spent, the Fair Pay Agreement will be implemented in 2028.

What further detail will be consulted on and when?

Engagement with sector representatives in England takes place through the Department of Health and Social Care's Fair Pay Agreement working group, established at the end of 2024 so that Government can update, and seek feedback from, adult social care sector representatives and trade unions. Alongside this, the Department of Health and Social Care coordinates a series of policy-specific Task and Finish Groups.

A consultation on the Fair Pay Agreement process in adult social care in England was live from 30 September 2025 to 16 January 2026. An Easy Read version, for responses by individuals only, is live from 21 November 2025 to 6 March 2026.

The consultation is available here: [Fair pay agreement process in adult social care - consultation document - GOV.UK](#).

The Easy Read version is here: [Plans for fair pay agreements in adult social care \(easy read\) - GOV.UK](#).

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 1.4 million between 2025-2045.⁵ ⁶Scotland has also seen an increase in the size of the social service workforce of 0.9% since 2023⁷. This increase has been driven mainly by increases in the housing support/care at home and nurse agency sub-sectors. The need for more dedicated, skilled and committed social care workers will therefore continue to grow.

Adult social care in England is a historically low paid sector, with the Health Foundation estimating that up to 1 in 5 residential care workers experience relative in-work poverty.⁸ The median hourly rate for care workers in March 2025 was £12.00, which was 56p higher than the National Living Wage (NLW) at the time

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.⁹

Skills for Care data shows in 2024/25 there were 1.60 million filled posts in adult social care in England, an increase of 52,000 filled posts (3.4%) since 2023/24. Data also shows staff turnover rates in the independent sector decreased from 25.8% to 24.7% in 2024/^{10, 11}

It is likely that this overall growth depended on recruitment from outside the UK with 50,000 recruits into care worker or senior care worker roles in 2024/25. The number of posts filled by people with a British nationality has decreased by around 30,000 in 2024/25 (and by 85,000 since 2020/21). The number of posts filled by people with a non-EU nationality increased by 80,000 in 2024/25 (and by 255,000 since 2020/21^{12, 13}

Skills for Care estimate that the sector will need 29% (470,000) more jobs by 2040 based on population projections of older people; and a higher proportion of more skilled roles given the rising prevalence of more acute needs.¹⁴

⁵ [ONS \(2025\), Zipped population projections data files, UK](#)

⁶ [Social care workforce report 2023](#)

⁷ [Scottish Social Service Sector: Report on 2024 \(2025\)](#)

⁸ [UK care workforce twice as likely to live in poverty as average worker](#)

⁹ [The state of the adult social care sector and workforce in England, 2025](#)

¹¹ [The size and structure of the adult social care sector and workforce in England - 2025](#)

¹³ [The size and structure of the adult social care sector and workforce in England - 2025](#)

¹⁴ [The size and structure of the adult social care sector and workforce in England - 2025](#)

Common questions

What will be in scope of the Fair Pay Agreement (FPA) process?

The scope of the FPA process is yet to be determined, and the details of individual FPAs will be subject to the negotiating process. In England, we have commenced the engagement process and are seeking views from the sector and Trade Unions. Officials have set up a working group with adult social care sector representatives and trade unions to help inform and develop the policies we intend to consult on publicly later in the year, which will include proposals relating to the scope of the FPA process in England.

In Wales, Welsh Government are currently working closely with their stakeholders through the Social Care Fair Work Forum, which is a national social partnership body in Wales, bringing together Welsh and Local Government, social care employer representatives and trade unions. They intend to publish their consultation in early 2026.

Further detail will also follow on plans for establishing bargaining arrangements in Scotland.

Is the negotiating body's activity collective bargaining?

The Fair Pay Agreement process is a form of sectoral collective bargaining which will empower employers, worker representatives, including trade unions, and others in partnership to negotiate pay and terms and conditions. It will operate under a new, bespoke legal framework which applies to the negotiating bodies and provide for sector-wide agreements. This is separate to that provided for by the Trade Union and Labour Relations (Consolidation) Act 1992, which deals with individual employer and union negotiations, and will not preclude such collective bargaining from continuing to take place to agree more favourable terms than any minimum entitlements arising from the Fair Pay Agreement process.

What are the timelines for implementation of a FPA process?

We are consulting widely on the design of the FPA process. The consultation on the Fair Pay Agreement process in adult social care in England is live from 30 September 2025 to 16 January 2026. Secondary legislation establishing the adult social care negotiating body for England will follow in October 2026. The body in England will then negotiate the first FPA from 2028. This government is committed to establishing the FPA process and seeing the first FPA take effect for adult social care workers in England within this Parliament.

In Wales, whilst they have not yet published their consultation, this is in development, and the intention is to publish in early 2026. Welsh Government is committed to delivering FPAs and will proceed on a similar timescale to England, progressing each stage at pace, while ensuring the process is robust and developed in partnership with the sector.

Further detail will also follow on timelines for establishing bargaining arrangements in Scotland.