



Supplementary submission to the Independent Review of Adult Social Care

Introduction

Variable and very often poor terms and conditions has been identified as a key workforce challenge for the social care sector. In particular, low pay driven by the undervaluation of the predominantly female workforce is a defining characteristic of social care work and a central cause of the sector's retention problem. Close the Gap is supportive of the development of minimum standards of employment which aim to improve the terms and conditions across the sector. Integrating minimum standards of employment into the adult social care commissioning process is necessary to lever employer action and realise Scottish Government's ambitions on fair work¹ and gender equality at work².

Including a minimum standard on pay would be a step towards addressing undervaluation but tackling this requires a longer-term sectoral approach. Close the Gap therefore calls on the review to recommend that a taskforce be established to address the gendered undervaluation of social care work. The taskforce should include gender experts, and its work should be informed by international learning on tackling undervaluation and using state wage-setting power to address low-pay.

Developing gender competent minimum standards of employment

The minimum standards of employment must be gender competent if they are to address the most pressing issues in the social care workforce and drive the system-wide reform that is desperately needed. This means they must respond to women's and men's differential engagement with the labour market and their different experiences of employment, unpaid caring, education and skills acquisition. These are clearly evidenced in social care work, which is economically undervalued precisely because it is overwhelmingly done by women.

Providers in receipt of public funding should be required to meet the minimum standards of employment. The standards should include:

¹ <https://economicactionplan.mygov.scot/fair-work/>

² Scottish Government (2019) *A Fairer Scotland for Women: Scotland's gender pay gap action plan*

- Pay;
- Job security;
- Training and development;
- Progression pathways; and
- Flexible working.

Meeting these standards will not only deliver for the workforce, it will have a multiplier effect through improving care standards and increasing recruitment and retention of skilled and experienced workers (thus reducing the associated recruitment and retraining costs associated with current vacancy and attrition rates). The minimum standards will benefit all social care workers however, as the majority of social care workers, women will be the biggest beneficiaries.

Gender competent minimum standards

1. Pay

Close the Gap calls for the following minimum standards on pay:

- Social care workers in all settings should be paid at least the Real Living Wage (RLW). This should be reflected in an increase to Personal Budget payments to enable payment of this rate for self-directed support.
- Social care workers should be entitled to occupational sick pay from day one of employment.
- Home care workers should be paid for travel time. This should include mandatory reimbursement for mileage incurred in travel to and from appointments.
- Providers should meet the costs of uniforms and any other necessary items e.g. mobile phones.

Why tackling low pay is important for women's equality in social care

Gender stereotypes and norms drive both women's concentration in low-paid work such as social care and the low pay associated with such work. Gender norms funnel women into feminised occupations and sectors and are then financially penalised for "choosing" low-paid work.

Scottish Government introduced the RLW for early learning and childcare (ELC) workers, however only for the delivery of the funded entitlement. This has not driven an across-the-board increase in hourly pay, with ELC workers paid the RLW for only the hours in which they are delivering the funded entitlement. In fact, most ELC workers do not receive the RLW. The piecemeal introduction of the RLW has not resulted in a sector-wide uplift in pay. It is estimated that around 80% of

practitioners and 50% of supervisors in private and third sector partner settings are paid below the Real Living Wage³.

Similarly, the introduction of the RLW for adult social care workers in the public sector has not had a knock-on effect on pay rates in private and third sector providers. Payment of the RLW for all social care workers would be a step towards addressing the low pay in social care, but it does not address the undervaluation of the work.

Why ending the non-payment of travel time is important for women's equality in social care

Many social care workers report not being paid for mileage and/or not being paid for travel time between appointments or for overnight stays⁴, effectively reducing their hourly pay rate, alongside highly compressed appointment times.⁵ Homecare employers across the UK have acknowledged that 19% of workers recorded working time is unpaid spent travelling between visits which translates to a potential 19% cut to hourly pay⁶. This exploitative practice can be linked to the undervaluation of social care work. If social care work is not valued, the workers are not valued, which increases the risk that women are exploited by poor employment practice, entrenching their labour market inequality.

Women are more likely to be dependent on public transport to get to work. They are also more likely to take multiple short trips in order to deal with school and childcare drop-offs, known as “trip-chaining”. This means women will take longer getting to and from appointments, an issue compounded by the highly compressed appointment times mentioned above. Travel on public transport may also incur higher costs, further eating into social care workers’ already small pay packets. This will impact on women’s in-work poverty.

The evaluation of Unison’s Ethical Care Charter⁷ notes that all but one of the providers signed up to the charter paid travel time. Providers used one of two methods: paying an additional sum on top of the hourly rate or absorbing it into the hourly rate. This report noted that payment for travel time is more transparent where it is added to the hourly rate and not absorbed within it. Close the Gap would

³ Skills Development Scotland (2018) *Skills investment plan for Scotland's early learning and childcare sector*

⁴ Briefing for care and support providers: Holiday Pay and Overtime Sleepovers and National Minimum Wage – CCPS (2015)

<http://www.ccpsscotland.org/wpcontent/uploads/2015/03/CCPSsleepoverbriefing.pdf>

⁵ Rubery, J. et al (2011) *The Recruitment and Retention of a Care Workforce for Older People*

⁶ Hayes, L.B.J. (2017) *Stories of Care: A labour of law – gender and class at work*, Palgrave: London

⁷ Moore, S. (2017) *An evaluation of Unison's Ethical Care Charter*, Work, Employment & Research Unit, University of Greenwich

recommend ensuring payment of travel time is transparent in order to limit opportunities for evasion or erosion of payment.

Why tackling low pay in social care is important for addressing women's in-work poverty

Poverty in Scotland is gendered. Women are more likely to be living in poverty than men. Women also find it harder to escape poverty and are more likely to experience persistent poverty than men. In line with the multiple labour market barriers experienced by different groups of women, there is a particularly high risk of poverty among black and minority ethnic women, disabled women and refugee and asylum-seeking women.

The undervaluing of “women’s work” contributes to women’s higher levels of in-work poverty; two-thirds of workers earning below the RLW are women.⁸ The social care sector is marked by increasingly precarious forms of employment, such as zero hours contracts, which negatively impact predictability of shifts, regular income, household budget management, women’s in-work poverty and children’s poverty. The link between women’s poverty and child poverty is well-established: the Scottish Government’s Child Poverty Delivery Plan recognises that there is “conclusive evidence that poverty and gender are inextricably linked”.⁹

2. Job security

Close the Gap calls for a minimum standard on job security as follows:

- An end to bogus self-employment so that women have access to employment rights, for example sick pay, maternity pay and the right to request flexible working.

Why ending insecure employment is important for women's equality in social care

As noted in the previous section, the social care sector is marked by increasing precarity of employment. Those on zero-hours contracts often are not entitled to basic employment rights, including the right to return to their job after maternity, paternity or adoption leave, access to maternity/paternity pay and sick pay, and the right to request flexible working. Workers on these types of contracts find that flexibility is demanded of them by their employer, but there is no reciprocity; a lack of employment rights makes it difficult for worker to request a change in hours or working pattern, or to resist an imposed change. Workers who are unable to accept

⁸ Scottish Parliament Information Centre (2017) *The Living Wage: Facts and Figures 2017*

⁹ Scottish Government (2018) *Every Child, Every Chance: The Tackling Child Poverty Delivery Plan* available at <https://www.gov.scot/Resource/0053/00533606.pdf> Accessed August 2018

shifts because of a clash with caring responsibilities report finding that they are not offered as many, or indeed any, shifts in future.¹⁰

Agency/casual workers may be required to work a variety of different shifts at short notice, which presents a particular problem for parents and carers as childcare is not flexible enough to support irregular patterns of work, and alternative care is difficult to arrange. Variation in income also makes it harder to afford or retain childcare, makes it more difficult to manage household budgets for which women usually have control, and can also result in disruption to social security payments. This contributes to women's higher levels of poverty, and as women are more likely to be responsible for household budgets, children's poverty.

These poor conditions of employment also have implications for the standard of care that is achievable, due to the associated recruitment and retention challenges¹¹. High staff turnover and high vacancy levels inhibit the delivery of person-centred care¹². Lack of continuity of staff means care recipients are met with a succession of different staff which not only impedes the standard of care, but the ability of care recipients to build secure relationships with their carers. The relationship aspect of social care is critical to the wellbeing of care recipients. This is being severely disrupted by staffing challenges driven by precarious work and low pay.

3. Training and development

Close the Gap calls for the following minimum standards on employee training and development:

- Employees should be paid the normal hourly rate to attend induction training.
- Providers should meet the costs of mandatory training requirements, including those for employee SSSC registration.
- Training and development opportunities should be accessible within working hours and on a flexible and part-time basis to enable women with caring responsibilities to participate.
- Employees should not be expected to attend training and development in their own time.

Why tackling the barriers to training and development is important for women's equality in social care

Across the labour market, women are less likely to receive employer training than men and more likely to have contributed towards the cost of their training¹³. The

¹⁰ Working Families (2015) Rigid flexibility: the work of the Working Families Legal Advice Service in 2014

¹¹ Close the Gap (2020) Submission to the Independent Review of Adult Social Care

¹² The ALLIANCE Scotland (2020) *Social Care Review Engagement Activity- Carers: People at the Centre*

¹³ Close the Gap (2020) Submission to the Independent Review of Adult Social Care

gender pay gap, women's concentration in low-paid work, and women's higher levels of in-work poverty means that women are far less likely to be able to afford to pay towards the cost of training.

Because of women's greater propensity to have caring responsibilities they are less able to undertake training or education outwith working hours. Research has also identified gender differences in training outcomes; men are more likely to have received a pay rise as a result of receiving training, and full-time workers, the majority of whom are men, are more likely than part-time workers to see improvements in pay and promotion prospects.¹⁴

Budgetary constraints and financial pressures experienced by social care providers, particularly in light of increasing demand during COVID-19, are likely to mean that there will be freezes on non-essential training, which may further reduce opportunities for progression.

There is also evidence of new workers in the social care sector being required to attend unpaid induction training for up to two weeks, pay for their uniform and own disclosure checks before starting in the role.¹⁵ The Fair Work in Social Care report also noted that many care staff are required to cover their own training costs. As social care work is low paid there is a clear financial barrier to accessing training and development when workers are required to meet the costs.

4. Progression pathways

Close the Gap calls for the following minimum standards on progression:

- Providers should develop progression pathways for employees.
- Promoted posts should be available on a part-time and/or flexible basis.

Why tackling barriers to women's progression is important for women's equality in social care

The Fair Work Convention's report into social care highlighted that there has been no mechanism devised to undertake proper job evaluation to enable the upgrading of pay for those with greater experience and skills, including for supervisory and managerial roles. Measures to value women's skills and addressing the largely flat staffing structures to provide for progression opportunities are critical in supporting social care as a profession. There must be financial incentives for progression and a clear career path.

Women face a number of gendered barriers to progression. Gendered assumptions about women's capabilities and preferences prevent them from progressing into

¹⁴ Ibid.

¹⁵ Ibid.

more senior roles. This is particularly the case for women who have had children and need to work flexibly to accommodate childcare. However, discriminatory attitudes about their suitability for management and other senior roles exist for all women, irrespective of whether they have children, or even want to have children. A study of UK employers found that nearly one in three employers admits they have or would reject a female job applicant because they suspect she “might start a family soon”. A further 29% said they have discounted or would discount a woman for a job role because she had young children and 28% said they have or would because she was recently engaged or married¹⁶.

Women are not only under-represented in senior grades in male-dominated sectors and professions. Men who are employed in female-dominated occupations, are more likely to progress to management and supervisory positions, thereby entrenching the gender pay gap. For example, men are over-represented in senior nursing grades despite being a minority in the workforce, benefiting from a “glass elevator” effect¹⁷. Many promoted posts are not advertised or available on a part-time or flexible basis, creating a further barrier to women’s progression.

Women’s lack of progression in social care is likely to stem from the different barriers listed here, but the general lack of meaningful progression opportunities in the sector indicates a lack of investment in developing these. Progression opportunities in social care should not solely be about workers moving from frontline care work into, for example, supervisory or managerial office-based roles. Instead, progression opportunities should also be about providing progression within frontline jobs.¹⁸ For example, Penrose Care offer additional front-line training to care workers, enabling care workers to specialise in specific areas of social care provision.¹⁹

5. Flexible working

Close the Gap calls for a minimum standard on flexible working as follows:

- Flexible working should be available to all workers in social care from day one.

Why enabling access to flexible working is important for women’s equality in social care

¹⁶ Slater and Gordon (2018, July 15) *Bosses are not hiring women in case they might start a family soon* available at: <https://www.slatergordon.co.uk/media-centre/press-releases/2018/07/bosses-are-not-hiring-women-because-they-might-start-a-family-soon/>

¹⁷ Royal College of Nursing (2020) *Gender and Nursing as a Profession*

¹⁸ Women and Equalities Committee (2016) *Gender Pay Gap: Second report of session 2015-16*

¹⁹ Penrose Care (2015) *Written submission from Penrose Care* available at <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Women%20and%20Equalities/Gender%20Pay%20Gap/written/29587.html>

Women are disproportionately responsible for care for children, sick people, older people and disabled people, and a lack quality part-time and other types of flexible working makes it difficult for them to balance work with family life. Part-time jobs are more likely to be found in the lower grades of all organisations, and concentrated in undervalued work such as care, admin and cleaning. Three-quarters of part-time workers are women, and disabled women are significantly more likely to work part-time compared with disabled men, and non-disabled men and women.²⁰

Only 6% of jobs paid £20,000²¹ or more are advertised as being available on a flexible basis.²² While all employees have the right to request flexible working, research by Close the Gap has found that there is no evidence of an increase in the use of formal flexible working in Scotland since 2010.²³ Pervasive presenteeism²⁴ in many workplaces, and a cultural presumption against flexible working creates a significant barrier to women's progression and labour market equality.

Recent developments in social care delivery, including online platforms and apps, are heralded as delivering greater flexibility and reliability for both the worker and the client. In practice, this flexibility is often one-sided, resulting in greater pressures on workers, including those who are self-employed or on an insecure contract. While agency working can potentially offer a degree of flexibility, it comes with a loss of employment rights such as sick pay, maternity leave or pay, holiday pay, employer pension contributions and the right to request flexible working. This should not be the cost to access flexible working.

Monitoring and evaluating the minimum standards

To ensure the minimum standards of employment are gender competent, the development process must be informed by gender-expertise. Additionally, it is necessary to ensure that **a gender competent monitoring framework is produced to ensure provider accountability**. The monitoring and evaluation process must use gender-sensitive sex-disaggregated data to identify whether the minimum standards are advancing women's workplace equality in the social care sector.

Addressing gendered undervaluation in the social care workforce

²⁰ Close the Gap (2018) *Response to the Scottish Government consultation on increasing the employment of disabled people in the public sector*

²¹ £20,000 full-time equivalent or more.

²² Family Friendly Working Scotland (2017) *The Timewise Flexible Jobs Index Scotland*

²³ Close the Gap (Forthcoming 2018) *Flexible Working for All? The impact of the right to request regulations on women in Scotland*

²⁴ Presenteeism is the practice of being present at work outwith one's normal hours, and for more hours than is required. Cultures of presenteeism negatively impact women because of their disproportionate caring responsibilities outwith work which makes it more difficult to be at work outside their normal hours.

Gender stereotypes and norms drive both women's concentration in low-paid work such as social care and the low pay associated with such work²⁵. A critical tool to make women's skills valued and visible is to establish job evaluation mechanisms. The Fair Work Convention noted in its inquiry report into social care that no mechanism has been devised for undertaking job evaluation in the sector and for upgrading the pay of those with greater skills and experience.²⁶ This has resulted in challenges recruiting and retaining senior posts and managers, with existing workers reluctant to take on additional responsibility for a limited financial reward. Establishing robust mechanisms for job evaluation is therefore a critical aspect of action to address the sector-wide economic undervaluation.

Tackling the economic undervaluation is not a small undertaking as it is a structural problem with roots across all aspects of gender inequality. It requires a strategic response at the sectoral level, including a sectoral job evaluation process. The minimum standards on pay would provide an interim response to low pay in the sector, facilitating a longer-term response to be developed and implemented within a timeframe sufficient for work of such scale.

Close the Gap therefore calls on the review to recommend that a taskforce be established to address the gendered undervaluation of social care work. The taskforce should include gender experts, and its work should be informed by international learning on undervaluation and using state wage-setting power to tackle low-pay. The taskforce should also examine the potential for a collective bargaining agreement covering wage rates and terms and conditions across the sector²⁷. This would include tackling gendered undervaluation as a core aim.

Establishing a taskforce on undervaluation not only has the potential to advance equality for women working in social care. The work of the taskforce would generate critical learning that could be applied to other jobs and sectors in which women's work is undervalued. Such action would also identify Scotland as a world leader on tackling gendered undervaluation and realising women's equality and rights in the labour market.

²⁵ Close the Gap (2020) Submission to the Independent Review of Adult Social Care

²⁶ Ibid.

²⁷ Unison Scotland (2020) Care After Covid: A UNISON vision for social care available at <https://www.unison-scotland.org/wp-content/uploads/Care-After-Covid.pdf>