

Vulnerable Adults, Health and Communities Policy and Scrutiny Committee

Date of meeting:	Monday 4 December 2023
Classification:	Part Exempt – Appendix A is exempt under Paragraph 3, Section 12A of the Local Government Act 1972
Title:	Call-in of Cabinet Member Decision entitled 'Increasing home care workers' pay for a Fairer Westminster'
Report of:	Bernie Flaherty, Bi-Borough Executive Director of Adult Social Care and Health, and Deputy Chief Executive
Cabinet Member Portfolio	Cabinet Member for Adult Social Care, Public Health and Voluntary Sector
Wards Involved:	All
Policy Context:	Fairer Westminster (Fairer Communities and Fairer Council pillars)
Report Author and Contact Details:	Gareth Wall, Bi-Borough Director of Integrated Commissioning, gwall@westminster.gov.uk

1. Executive Summary

- 1.1. This report informs the Committee of the call-in of the decision made by the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector to approve the Cabinet Member Decision entitled 'Increasing home care workers' pay for a Fairer Westminster'.
- 1.2. The decision report was approved by the Cabinet Member on 27 November 2023 with the call-in period due to expire at 5pm on 4 December 2023. On 1 December 2023 Cllrs Dean, Shearer and Short indicated that they wished to call the decision in. These three Councillors are all Members of the Vulnerable Adults, Health and Communities Policy and Scrutiny Committee and thus the call-in is legitimate and shall be heard by that Committee.

- 1.3. The Chief Executive as Proper Officer was notified on the same day. The Chief Executive has activated the call-in and summonsed a meeting of the Vulnerable Adults, Health and Communities Policy and Scrutiny Committee for Monday 4 December 2023 in consultation with the Chair of that Committee, Councillor Albert.
- 1.4. Call-in provisions exist to enable Members to temporarily halt the implementation of a decision when they believe that decision needs to be revisited. Members are required to give reasons for call-in. Generally, call-ins may be activated for three reasons: Members:
- believe the decision may be contrary to the normal requirements for decision-making;
 - believe the decision may be contrary to the Council's agreed policy framework and/or budget;
 - need further information from the decision-taker to explain why the decision was taken.
- 1.5. In requesting that this decision was called in, Members activating the call-in provided the following reasons:
1. *Our Homecare workers provide some of the most important services in our city, going into the homes of the most frail and vulnerable residents and providing essential support. It is absolutely right that they are paid fairly and the Conservative administration, when letting the original contracts, worked hard within the framework of procurement law to ensure workers were paid the London Living Wage.*
 2. *We fully support the principle of paying Homecare workers more and where reasonably possible. However, we believe this increase should be properly funded through the base budget of the Council rather than through a one off Government grant (The Market Sustainability Grant), which may or may not be extended. Moreover, the increase should be funded by efficiency savings elsewhere, not least the departments not delivering public facing services.*
 3. *We request to see the legal advice behind this decision, to ensure the increased funding goes to Homecare workers' wages in its entirety. We also have concerns the relevant companies haven't been formally consulted on this issue or agreed the way forward.*
 4. *Finally, we would welcome a comment from the Executive Director for Finance, asking why this was considered the best route to fund the Homecare workers pay rise.*
- 1.6. The Committee may choose to refer the matter back to the decision maker(s) with reasons for their reconsideration. This would require the decision maker(s) to reconsider and, within 10 working days, or as soon as possible thereafter, either amend the decision or not before adopting a final decision – this would require a further written report. If the Committee chooses not to refer the matter back to the decision maker(s), the decision shall take effect on the rising of the Committee.

2. Key Matters for the Committee's Consideration

- 2.1 It is recommended that the Committee reviews the decision outlined in this paper and agrees one of the following options:
- a) To note the decision made by the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector but take no further action.
 - b) To refer the matter back to the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector, with specific matters for their reconsideration.

3. Background, including policy context

- 3.1. Homecare services help people to live independently at home. Homecare workers provide personal care and support that includes help with the activities of daily living such as washing, dressing, sharing reminders about medication, preparing food, and other tasks agreed as part of an individual's care plan.
- 3.2. Although providing personal care can be rewarding and is a vocation for many, there are times when people's behaviours, health conditions, and domestic environments present challenges for homecare workers.
- 3.3. The Council formally signed the Unison Ethical Care Charter in May 2023 to re-affirm the value of care workers and commit to improving their working conditions. Delivering on this commitment will also help with recruitment and retention in the sector, which in turn will help to maintain and improve the quality of care. Providing support for homecare workers also builds on existing Council initiatives that respond to the cost-of-living crisis.
- 3.4. The government's Market Sustainability and Investment Fund (MSIF) was created to enable local authorities to make tangible improvements to adult social care capacity. Local authorities can choose to use the funding to: increase fee rates paid to adult social care providers, increase adult social care workforce capacity and retention, and reduce adult social care waiting times. The grant is designed to attract care workers into the workforce and to support providers in building capacity and sustainability. It is expected, in turn, that use of the grant will lead to greater consistency of care for service users, lower staff turnover, and a positive impact on people from two protected characteristics groups (women and residents from a Global Majority background) by enhancing the pay of homecare workers.
- 3.5. In Westminster, turnover of homecare workers is currently 18%. Increased pay should help improve staff retention, leading to consistency of care. This is valued by service users, and it supports stability and reduced training costs for providers.

4. Financial Implications

- 4.1. The use of the MSIF Workforce Fund is considered to be an appropriate option for financing the homecare workers' pay increase in line with the grant objectives set by the Department of Health and Social Care.
- 4.2. The financial implications in the original decision report acknowledged that there is a risk of a funding reduction if the grant is not extended beyond financial year 2024/25. If this was to happen, then the expenditure will form part of the Medium-Term Financial Plan (MTFP) process and would be built into the Council's base budget, unless other alternative funding could be sourced. As part of the budget process savings options would be identified across the Council rather than placing the responsibility on one directorate.
- 4.3. Further, as highlighted in the Budget Task Group meeting held on 21 November 2023 there is increased scrutiny from central government on appraising adult social care budgets. If it does not see an increase in adult social care spending in line with expectations linked to the additional grant funding that has been allocated, then it will be seeking clarification from local authorities. This adds further weight to ensuring that the grants awarded are first fully utilised before considering efficiencies.

5. Legal and Governance Implications

- 5.1 The legal implications are set out in the Cabinet Member Report entitled 'Increasing home care workers' pay for a Fairer Westminster'.
- 5.2 The requested legal advice on this matter is set out in exempt Appendix A.

6. Carbon Impact

- 6.1. Officers anticipate the carbon impacts of this decision to be minimal since it entails a change to homecare workers' pay. However, in keeping with the Council's net zero ambitions and procurement policies, home care providers must demonstrate how they are meeting the Council's net zero goals. The actions they are undertaking include: mandatory recycling, encouraging staff to walk or cycle between appointments and carbon impact awareness training sessions.

7. Equalities Impact

- 7.1. No negative impacts on service users with protected characteristics are expected from this change. Positive impacts on women and residents from a Global Majority background are expected. 76.5% of patch homecare workers are female and 23.5% are male. 79% of patch homecare workers are from a Global Majority background. The investment will help address pay-related inequalities across both gender and ethnicity in Westminster.
- 7.2. Officers anticipate that the increase in homecare workers' pay could help improve job satisfaction, and support with recruitment and retention. This,

in turn, could help ensure the quality of care is maintained and/ or improved. Further, a stable workforce also contributes to continuity of care for service users, particularly those who are elderly and/ or have a disability.

- 7.3. The investment will also provide a positive impact for residents who are employed as homecare workers. For the providers that will receive this additional investment, 44% of their employed care workers live in Westminster at present.

8. Consultation and Engagement

- 8.1. Consultation with Ward Members is not necessary, as this will benefit residents across the borough and the impacts are not ward-specific.
- 8.2. There has been ongoing communication and engagement with the providers since August 2023. Officers engaged with the patch care providers extensively and regularly to plan, design, and implement the new pay arrangements for December 2023. There has been clear messaging with regards to the investment to ensure providers are able to consider impacts and inform their longer-term plans.
- 8.3. Providers have remained in agreement, are keen to be part of the initiative to support homecare workers, and have been working with officers to support this going live for December 2023.
- 8.4. Feedback from providers has included:
 - **“On behalf of City and County** we would like to say thank you to Westminster for the MSIF for our care workers which was offered to us. Care workers will be very grateful for the extra payments which will be processed to them under the funding and treat that as an appreciation of their hard work and commitment to Westminster residents”.
 - **Health Vision** shared: “On behalf of our dedicated team of front-line care workers I would like to thank you for the generous uplift in their wages. The timing just before Christmas will be most welcome and they will be delighted to know that it will remain in place for at least a year. We have a fantastic team of carers and I know how much they will appreciate this recognition of their hard work”.
 - **Verilife** shared: “We are encouraged to see some initial proactive effort towards supporting much needed increases to carers pay”
- 8.5. Through discussions about funding and payroll, providers are clear that the payment is directed at salaries per homecare worker and have agreed a mechanism through which this is captured: salary slips will clearly note this additionality, which can be monitored for assurance. Contract monitoring will help ensure the payments are being made directly to homecare workers, and case studies will support feedback loops.

- 8.6. Feedback from carers will be gathered and used to inform contract management to evidence impact.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Report Author,
Gareth Wall, gwall@westminster.gov.uk**

APPENDICES:

Appendix A – Legal advice (exempt)

Appendix B - Increase in homecare workers' hourly rate of pay Cabinet Member Report

Appendix C – Grants (exempt)

Appendix D – Statement of Decision

BACKGROUND PAPERS:

None