

# Pressed for Time and Out of Pocket

## 1. Introduction

The widespread problem of homecare workers not being paid for their travel time needs addressing. Late last year, a UNISON survey of homecare workers revealed that more than three in five (63%) were only paid for time spent in the home of the people they care for, and not for when they were travelling between visits.

In highly congested urban towns and cities, or in rural areas where visits can be many miles apart, travel time can make up a substantial proportion of a care worker's day.

Only being paid for 'contact time' can bring care workers' hourly pay rates well below the government's national living wage, currently £7.83 for those aged 25 and over. Poor rates of pay, combined with the pressure to keep time spent in each home to a minimum, are major reasons for high turnover rates in the sector.

Ultimately responsibility for this long-standing problem and compliance with minimum wage laws rests with homecare employers, but local councils also play a key role. Guidance from the Care Act in England states:

*"When commissioning services, local authorities should assure themselves and have evidence that service providers deliver services through staff remunerated so as to retain an effective workforce. Remuneration must be at least sufficient to comply with the national minimum wage legislation for hourly pay or equivalent salary. This will include appropriate remuneration for any time spent travelling between appointments."*

[Minimum wage regulations](#) specifically provide for travel time between one assignment and another and should protect workers, but in reality this is not the case.

## 2. Background

UNISON sent Freedom of Information (FoI) requests in 2014, 2016 and 2018 asking councils in England and Wales the following:

- a) *Does your council currently make it a contractual condition that your externally commissioned homecare providers must pay their homecare workers for their travel time?*
- b) *Please list the steps that your council has taken to ensure that your externally commissioned homecare providers are paying their home care workers at least the national living wage.*

In total 174 councils across England and Wales with a responsibility for social care were contacted in September 2018 with 147 responding.

In 2014 fewer than one in ten (7%) councils in England and Wales made it a contractual condition when commissioning care for homecare companies to pay workers for their travel time.

When UNISON repeated the FoI request two years later the situation had improved, but only slightly. In 2016 just under a quarter (24%) of local authorities in England, and fewer than one in ten (9%) in Wales, stipulated in their care contracts that homecare firms must pay employees when they are travelling between appointments.

### 3. 2018 FoI results

Although the situation has undoubtedly improved since 2016, most councils in both England and Wales still don't make it a contractual condition for homecare companies and other organisations to pay staff for travel time.

Although the figure has almost doubled (from 24% to 46%) in the past two years, more than half the councils responsible for social care in England still don't stipulate in their contracts with homecare providers that they must pay for travel time. In Wales two in five (40%) of councils now demand that travel time is paid.

A further one in five (21%) local authorities in England said companies they commissioned were bound by minimum wage laws, but don't make any specific stipulation about paying for travel time. Or they said the amount they paid to firms incorporated an element of travel time within the hourly rate.

However, [UNISON's survey](#) of homecare workers in late last year indicates that many companies do not abide by minimum wage laws, and even those paid extra by councils to remunerate care workers for travel time simply do not do so.

For example, one council said it required care providers to pay their employees an average of £8.35 per hour. Although this is almost 7% above the national living wage (£7.83), the extra 52p per hour allows for just over four minutes travel time for every hour of contact time. Any travel time above this is therefore unpaid.

It's highly unlikely that any homecare workers would only spend four minutes an hour travelling between visits. The UK Homecare Association, which represents homecare providers, estimates staff that spend 19% of their working day travelling between the homes of the people they care for.

### 4. Conclusion

The picture has improved significantly since 2014, in part due to UNISON campaigning. UNISON's [ethical care charter](#), which says homecare workers must be paid for their travel time, has now been signed by 42 councils.

But too many care workers are still being failed by some councils' 'hands-off' approach to commissioning homecare services. A recent report by the IPPR, [Fair Care: A Workforce Strategy for Social Care](#), highlighted how local authorities' approach to commissioning plays a significant role in shaping the quality of jobs and the care provided, and has contributed to poor standards and the shoddy treatment of the workforce. Many councils are simply trusting homecare companies to pay staff for travel time but do little, if anything, to check that this is actually happening. As UNISON

research repeatedly shows, a clear majority of companies are still failing to do what is legally required of them.

Undoubtedly the huge squeeze on care budgets, caused by years of government cuts, has greatly contributed to this problem. Both the Westminster and Cardiff governments should enact a legal duty for councils to ensure all their homecare providers are paying workers for travel time. Failure to do this should result in companies being prevented from delivering care services in the future.

To ensure all homecare staff are paid at least the minimum wage for every hour they work, UNISON believes the following are necessary:

- The government must properly fund the sector, alongside improving the terms and conditions for the workforce. According to the IPPR report *Fair Care* ensuring all social care workers are paid at least the real living wage of £9 (excluding London) would require an additional £340 million.
- The Care Quality Commission should be given the power to inspect how local authorities allocate care services in England to help eradicate poor commissioning practices.
- There should be greater transparency around the rates local authorities pay their providers, including publication of figures showing a breakdown of how the fees paid cover pay, travel time, sleep-ins, other conditions, overheads and assumed profit margins.
- HMRC should carry out spot inspections of provider's payroll records, and companies should have to provide provision of clear and understandable payslips and time sheets to staff.
- Councils should carry out regular anonymous surveys of staff working for commissioned providers.