



## FAIR WORK CONVENTION MINUTES

DATE: 16 June 2022

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### Attendees and apologies

#### Attendees:

- Mary Alexander (Chair)
- Satnam Ner
- Jim Savege
- Chris Westcott
- Fair Work Convention Secretariat

#### Apologies:

Patricia Findlay, Robert Carr, Anna Fowlie, Roz Foyer, Lilian Macer and Aileen Mcleod

#### Guests:

- Deputy Director and Unit Head n from Adult Social Care Workforce and Fair Work Division

### Welcome and Introductions

The Chair welcomed Gillian Brown to the meeting, noting that she has recently taken on the role of Policy Manager for the Fair Work Convention Secretariat. There was a welcome to Ian Turner, Martin Reid and Anna Kynaston from the Adult Social Care Workforce and Fair Work Division of the Scottish Government to the meeting.

### Fair Work in Social Care

Ian Turner, Martin Reid and Anna Kynaston gave an update on their work to deliver the Convention's Social Care Inquiry recommendations and the wider work the Scottish Government is doing on creating a National Care Service (NCS).

Anna Kynaston summarised to Convention members the consultation activity of the NCS over the last 12 months and a look ahead to what is next in this process.

To summarise the responses on the consultation, Anna said that there has been broad support for a change to the way that the Government currently deliver social care support such as transferring formal accountability across Scottish Ministers and a large part of the consultation was dedicated to the Government's ambitions around fair work and also around ethical commissioning. This points to finding ways to procure services from a broad range of providers and embedding fair work within that process.



Anna said that Ministers were keen to bring forward legislation in this year of the parliament. This legislation will be a framework bill and would allow and facilitate co-design of any future system. Anna's team has been looking back at 2016's Social Care reform which saw significant new legislation in how Scotland delivers and provides social care. Ministers have agreed there will be an enabling Bill which sets out very clear parameters and allows Government to work with the unions, people who use social care services and key stakeholders to shape and frame regulations that will bridge the gap between people delivering social care and those who benefit from it. Anna's team plan to work throughout the summer to engage with stakeholders in this co-design process and start building capacity on what true co-design means and designing what they think will be effective in delivering change. It is proposed to have a Co-Design Lived Experience Panel of key stakeholders which will be part of a check and balance co-design process which could take two to three years. In the Programme for Government commitment it says that the NCS will take the life of this parliament to deliver and get right by 2026. Anna called on the Fair Work Convention to hold this process to account between now and 2026 to make sure the NCS is fully functioning in a fair work capacity.

Martin Reid then gave a summary on what work had been done to date on delivering the fair work agenda within the NCS. There has been a lot of work done on pay such as in Adult Social Care with the £10.02 and £10.50 pay up-rates (in December and April) and there will be a policy review on how effective this has been. There has also been work done at looking at Maternity Pay and Sick Pay within the terms and conditions work stream and what can be done to improve these issues. PVG checks and SSSC fees will be picked up and the cost for new entrants will be met. The team has been engaging with Local Government on this to see what the uptake has been with a view to continue covering these costs.

There is also ongoing work to develop a Fair Work Framework with 9 standards and the team have been engaging in a number of focus groups through the unions with workers and leaders to run through the proposed fair work standards. Once developed there will be a survey that will go out to the adult social care workforce to get feedback on this over the summer.

There is a Fair Work and Social Care Implementation Group which is chaired by Andy Kerr. There is also a link into separate groups on CPD for the work force and Ethical Commissioning which works alongside the Fair Work in Social Care Implementation Group. There will also be an overarching programme board to help these groups and a joint ministerial group which will be co-chaired by Scottish Government and COSLA.

Martin told members that there has been discussion with Local Government around arrangements on Collective Bargaining and discussion with unions on how to examine this. The agenda over the next year will focus on new work programmes on pay, terms and conditions and effective voice elements of fair work.

Martin also mentioned that there is a strong desire to link some of the work with



Children's Services. Mileage rates for social care staff is also being looked at.

There was then an open discussion with Convention members. The purpose of the discussion is to understand how the Inquiry recommendations are being delivered and the key recommendations on sectoral bargaining and the creation of a national body are being taken forward.

The main topics of discussion were:

- What is the risk of impact to the programme if legislation is not delivered by the end of June?
- Level of engagement of independent private providers, employers and the third sector and will focus in on unpaid carers.
- Driving consistency in front line care delivery and a cross sector approach.
- The Fair Work and Social Care Inquiry recommendations and what progress has been made with sectoral bargaining, commissioning and procurement processes and terms and conditions?
- The Feeley Report adoption of FWC recommendations.
- Maintaining skilled staff within the sector, training of staff and job security.
- Impact of the Resource Spending Review (RSR) on outcomes.
- Impact of the cost of living crisis and the rising price of fuel.
- Differences between different providers and what role procurement can play in driving fair work conditionality.

## **Secretariat Updates**

The secretariat provided updates on ongoing work including:

- The Hospitality Inquiry
- Communications update
- Speaking Engagements undertaken by Support Team

## **Staffing**

The Government currently is undertaking a recruitment freeze (with an exception made for the Head of Secretariat) which is impacting other Convention vacancies. The Secretariat is working to find other approaches to deliver the work.

## **Construction Inquiry**

Helen Martin told the Convention members about the meeting she and Patricia Findlay had with Ivan McKee MSP to discuss the Construction Inquiry report and recommendations. Mr McKee was very supportive of the Inquiry's recommendations and was working through some of the detail around the recommendations on procurement.

There will also be a meeting with the Scottish Building Federation next week to further disseminate the report.



## **Expenses Policy and Governance**

Fair Work Convention members agreed the expenses policy set out by the Secretariat.

## **The Hospitality Inquiry**

Satnam Ner, Co-Chair of the Hospitality Inquiry updated the FWC on the Hospitality Inquiry's first meeting which took place on Tuesday 14 June in which Co-Chair Linda Johnson was the Chair.

The Inquiry heard presentations from:

- The Office of the Chief Economic Advisor (OCEA) giving an overview of the economic data and current stresses on the industry.
- Beth Cocker, Social Researcher, Fair Work Convention Secretariat outlining the Literature Review of fair work related research in the Hospitality Industry.
- Professor Tom Baum, University of Strathclyde, considering structural and institutional fair work issues that impact the industry.
- Helen Martin, Head of the Fair Work Convention Secretariat outlining the Terms of Reference.

## **Chair and Members' update**

### **The Chairs' update:**

- Mary gave a presentation to the STUC General Council on the Construction Inquiry and let the General Council know about the Hospitality Inquiry and Social Care updates.
- Mary and Tricia had an introductory call with Richard Lochhead which resulted in agreement of deep dives on areas of the Convention's work. .
- The Chairs will be supporting Richard Lochhead with roundtables promoting fair work to businesses and other stakeholders - later in June and early July.
- Tricia gave a presentation at CIPD Scotland "Working Lives Scotland" report. The Convention wrote the forward for this report. The report is due to be published on Thursday 23 June.

## **Meeting Schedule**

- Convention members agreed that the September meeting should be in-person in Atlantic Quay (the Scottish Government office) in Glasgow.

### **Next Meeting:**

The next FWC meeting will be on Thursday 15 September, 2022 in Glasgow.

