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Please ask for: the Information Access Officer

Date: 1 March 2016

My Ref: 881441

Dear Elias,

Freedom of Information Request - Care and Support Workers

I am writing further to the previous correspondence dated 5 February regarding your request for information under the Freedom of Information Act 2000.

I am pleased to inform you that the Council does hold the information that you have requested and I attach our response. Please note that the information supplied can mostly be re-used in accordance with the Open Government Licence. The council should be acknowledged as the source of the information, but copyright is maintained for all photographs and third party contributions to the information supplied. For further details see <http://www.nationalarchives.gov.uk/doc/open%2Dgovernment%2Dlicence/>.

If you wish to discuss this letter or the information provided please contact the Information Access Officer using the contact details above. If you are unhappy with the way your request for information has been handled you can request a review by writing to the Information Access Officer stating the reason for your dissatisfaction.

Information about the Freedom of Information Act 2000 can be found on the Information Commissioners Office website: <http://www.ico.org.uk>. Plymouth City Council also has information available on our website: <http://www.plymouth.gov.uk/homepage/councilanddemocracy/information.htm>.

Yours sincerely,

Craig McArdle
Assistant Director for Strategic Co-Operative Commissioning

Enc.
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Q1. Do you directly employ Care & Support Workers? [If NO skip to (18)]

A1. Yes.

Q2. Do they undertake Sleep-In work? [If NO skip to (6)]

A2. No.

Q3. Is it your policy that there are circumstances in which this constitutes 'Time Work' for the purposes of calculating National Minimum Wage? [If NO skip to (5)]

Q4. What are these circumstances?

Q5. How was this policy decided upon, by whom (i.e. in what roles)? Please provide minutes of the meetings in which this policy was decided.

Q6. Do your employees undertake 'Live-In' work? [If NO skip to (10)]

A6. No.

Q7. Is it your policy that there are circumstances when they are eligible for NMW? [If NO skip to (9)]

Q8. What are these circumstances?

Q9. How was this policy decided upon, by whom (i.e. in what roles)? Please provide minutes of the meetings in which this policy was decided.

Q10. Do any of your employees get 'Premium Rates' at particular times or on particular days (e.g. Bank Holidays, over-time, unsocial hours etc.)? [If NO skip to (12)]

A10. Bank Holiday - .25 enhancement and day off in lieu if contracted to work that day. If not contracted to work that day 1.25 enhancement and day off in lieu. Overtime – 1.25 over 37 hours.

Q11. Under what circumstances?

A11. As above.

Q12. Please provide data of 'Premium Rates' historically available to these staff; what the rates were under what circumstances and when their eligibility for these rates began and ended.

A12. Rates quoted above have been in place since 2011.

Q13. Please provide data of the average hourly rate of front-line Care & Support staff (not inclusive of Team Leaders or above) at this time and historically, as best as you are able.

A13. £9.52 - £10.80 (Grade D) NJC for Local Government Services pay rates.

Q14. Is the pay of these staff (including such things as sleep-in rates) subject to a Collective Bargaining arrangement involving unions?

A14. Yes.

Q15. Which unions?

A15. Unison, Unite, GMB.

Q16. Have you sought advice from HMRC, ACAS or the Dept. of BIS regarding any of these arrangements (with special regard to sleep-in and live-in rates)?

A16. Not applicable.

Q17. Please provide the content of these communications

A17. Not applicable.

Q18. Do you Commission other organisations to provide Care & Support services?
[If NO ignore the remainder of these questions]

A18. Yes.

Q19. Do you contractually require these organisations to pay National Minimum Wage?
[If NO skip to (24)]

A19. The standard PCC service agreement does not contain a clause requiring payment of the National Minimum Wage, although this is a legal requirement and there is an expectation within the terms and conditions that contracted providers will comply accordingly.

Some social care contracts currently require organisations to pay the Living Wage as set by the Living Wage Foundation.

Q20. Do your contracts define the understanding of National Minimum Wage under which the company is expected to operate (such as the circumstances in which sleep-in or live-in workers are eligible for NMW)?

A20. Please see response to Q 19 above.

Q21. What do you do to ensure the contract is robust
(e.g. punitive clauses in the case of a breach)?

A21. We do not use punitive clauses, but require regular and robust reporting by the provider. We also hold regular contract and quality review meetings.

Q22. What do you do to monitor adherence to this contractual obligation once the service is 'live'?

A22. See above response to Q21.

Q23. What are your policies/procedures for handling a report of breach of contract in this regard?

A23. We utilise a Contract Default Notice procedure.

Q24. Do you commission other organisations to carry out 'Live-In' work?

A24. Plymouth City Council do not currently commission any 'Live-In' packages.

Q25. For this 'Live-In' work: any information you hold as to what proportion of the fee you pay to the contracted company is actually paid to the worker.

A25. Not applicable.