

#SolveSleepIns Alliance



#StopSleepInCrisis

The Solve Sleep-ins Campaign

1. What is the Solve Sleep-ins Campaign?

The Solve Sleep-ins Campaign calls on the Government to properly fund care and support, and particularly the support that some people need during the night. This support is called 'sleep-ins'.

The Government recently made a change to its guidance on sleep-ins. The change means that providers of care and support and people who use Personal Budgets must pay care workers more money to provide sleep-in support. The Government has also said that providers must pay six years of back pay, even though the guidance only changed in July 2017. Personal budget holders may also be asked to pay this money.

Providers and personal budget holders believe that care workers should receive any back-pay they are owed but have explained to the Government that they do not have the money to meet the cost of the back-pay bill.

The Solve Sleep-ins alliance is made up of care providers, groups that represent the care sector, and organisations that represent the views of people who need sleep-in support. This includes adults with learning disabilities, but also adults with physical disabilities, older people and some children and their families.

The Solve Sleep-ins Alliance launched the Solve Sleep-ins campaign to:

- Make the Government aware of the urgent funding issues facing social care.
- Call on the Government to take immediate action to cover the costs of the back-pay bill.
- Demonstrate the importance of sleep-in support and how it could be at risk, if the Government does not pay the back-pay bill.

2. How you can get involved in the Solve Sleep-ins Campaign

Brexit is all the Government seems to care about right now. We need your help to change that.

Please join us in telling the Government why access to good care, such as sleep-in support is so important and why the Government must urgently address the funding of sleep-ins.

- **Day of action**

Please support our day of action on 18th May. You can do this by contacting your MP and asking to meet them on 18th to tell them why sleep-ins must be properly funded. MPs get

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very busy so please contact them as soon as possible. You can find out more about how to do this and information that you can use to help you, under the 'Getting Involved' section at the end of this document.

- **Telling others**

The more people who know about this campaign and get involved the better. Please help us by sharing information about the day of action with any groups that you attend and on social media using #SolveSleepIns.

- **Sharing your story**

Help us show why having access to high quality, reliable care is so important to you and the people you know. Tweet about the difference that care and support makes to your life and the lives of others using #SolveSleepIns.

Or send your story to and we will share it for you.

3. Background Information on the Solve Sleep-ins Campaign

Funding for care and support

Many adults with learning disabilities need help to take part in everyday activities. This help is often called care or support. Local authorities receive money from central Government and a small amount through council tax to pay for the care that people need. They then pay local social care charities and providers to deliver this care to people. Personal Budget holders receive money directly from the local authority which they can use to pay a social care provider or directly to one or more personal assistants (PAs) to deliver the care they need.

For many years the amount of money that local authorities have received from central Government to provide care has not kept pace with the growing demand and cost of delivering care. This means that local authorities have provided fewer services and less money for people with learning disabilities, as well as other groups of people who may need help in their daily lives, such as older people, people with physical disabilities and children.

This also means that social care providers have not received the funds necessary to meet the increasing costs of providing quality care and support services to those who need them.

Sleep-ins

Many people with learning disabilities can live independently with just a small amount of support. Some people, however, need extra help. This may include having a care worker or

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PA available during the night, should they need assistance. Older people, people with physical disabilities and children who use children's services, may also need this kind of support.

The care worker or personal assistant (PA) will sleep in a person's home but be available should an emergency occur during the night. This is called 'a sleep-in'. Having a care worker or PA sleep-in at a person's home enables that person to live safely and independently in the community.

In the past, and based on guidance from the Government, social care providers and personal budget holders paid care workers and PAs a flat rate for working a sleep-in shift rather than an hourly rate. This is because during most sleep-in shifts a care worker can sleep uninterrupted, and so the Government decided that rules around the National Minimum Wage did not apply to this type of night time support. If, however, the care worker or PA was woken during their sleep-in shift because someone needed assistance, they were then paid an hourly rate for the time spent awake supporting the person. Local authorities paid social care providers and personal budget holders based on the flat rate system.

Some care workers felt they should be paid an hourly rate for sleep-in shifts and decided to take their cases to an employment tribunal.

In February 2015, in response to the employment tribunals, the Government made a small change to its guidance which said that workers who were asleep 'could be deemed to be 'working''.

Local authorities, social care providers and personal budget holders were not made aware of the change. It was not until November 2016, that HMRC inspectors, who work for the Government and whose job it is to make sure employers are paying their staff properly, told social care providers that care workers now had to be paid the National Living Wage when they worked a sleep-in shift.

To begin with the HMRC said that care providers only had to pay the National Living Wage now and in the future for sleep-ins and not for the years previously. But last year, the Government decided that providers had to pay six years of backpay, even though the guidance only changed in July 2017.

Personal budget holders who directly employ personal assistants (PAs) to provide sleep-in support are also affected by these changes. Like social care providers, they could also be asked to pay six years of backpay.

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The Solve Sleep-ins Alliance thinks that care workers and PAs should receive any back-pay that they are owed. But providers and personal budget holders do not have the money to pay the back-pay bill, because they were never given the money in the first place. It is thought that the bill for organisations that provide care and support to people with learning disabilities could be as much as £400 million.

The Solve Sleep-ins Alliance believes that central Government should pay the bill facing social care providers and personal budget holders because they are ones that have caused the problem, by changing the guidance and not letting anyone know about it.

Social care providers and personal budget holders rely on funding from local authorities to be able to pay care workers and PAs correctly. At the moment, most local authorities are still not paying providers the extra amount of money needed to cover the costs of paying the National Living Wage now or in the future. This means that social care providers are facing even more costs on top of the £400 million which is needed to pay care workers the back-pay they are owed.

What does this mean for care?

- Unless the Government covers the cost of paying care workers the back pay they are owed, the care and support that many people need to live their day to day lives, could be at risk.
- Some care providers may have to close because they can no longer afford to run services and provide a level of care and support which they feel is appropriate. Others may have to hand back contracts to local authorities, again because they simply cannot meet the costs and continue to provide people with the level of care they deserve or need.
- For personal budget holders the situation is unclear. Whilst it is hoped that the Government will offer a solution for personal budget holders, this is yet to be agreed, meaning financial uncertainty and unnecessary anxiety for those using personal budgets.
- The Solve Sleep-ins Alliance is concerned that if the Government does not act now, some people may have less choice and control over who provides their care and may find it more difficult to get their care needs met. This could also mean that it becomes harder for some people to access the community and to live their lives independently. For personal budget holders there may also be financial implications.
- But it is not only those who receive care and support that will be affected. For care workers, it could mean job losses and financial uncertainty, as providers are faced with the prospect of having to make staff redundant. For personal budget holders it could mean difficulty paying PAs and having to reduce support hours to cover costs.

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4. The Sleep-ins Alliance:

The Solve Sleep-ins Alliance believes that:

- People with learning disabilities, and others that rely on care and support, should have access to the support they need to live their lives as independently as possible in the community.
- People should have the right to choose who provides their care, and the care being provided should be consistent, reliable and delivered to the highest possible standard.
- Care should be affordable for those in receipt of personal budgets.

As a result, the alliance is calling on the Government to:

- Meet the costs of the back-pay bill facing providers
- Cover the cost of any back-pay owed by personal budget holders.
- Look at how the National Living Wage could be better funded in the future.

5. Getting involved

- **Day of action**

The Solve Sleep-ins Alliance is holding a constituency day of action on 18th May.

Please take part by contacting your MP and asking to meet with them on that day. You could meet your MP in their constituency office or you could invite your MP to visit a service that you use. You could tell the MP about the difference that having access to high quality, reliable support makes to your life and the lives of the people you know. You could tell them your concerns about the bill for sleep-ins and ask them to ask the Prime Minister to pay the bill so that good care and support can keep going.

You can find out who your MP is and how to contact them by going to <http://www.parliament.uk/mps-lords-and-offices/mps/>.

You can phone, email or send a letter. We have written a letter and an email that you can copy and use. Or you can write your own.

We have written a briefing document with all the details that you can give to your MP at the meeting, to help you explain about the campaign.

You might want to take a 'selfie' photo with your MP, which you can share on Twitter and Facebook using #SolveSleepIns.

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Or send your story to Solve.Sleepins@unitedresponse.org.uk and we will share it for you.