



#StopSleepInCrisis

The sleep-in crisis

The sleep-in crisis could have a profound impact on social care services in the UK and on the people we care for. Please read below for a briefing on the sleep-in crisis.

The situation

The Government provides funding for sleep-ins for people with severe learning disabilities.

Sometimes disabled people are assessed by local authorities or the NHS as requiring overnight support from the state to keep safe and well because of the severity of their disabilities. Sleep-in shifts are an integral part of public services which Government has a statutory obligation to provide and often allow vulnerable people to remain in homes. In many cases, Local Authorities choose to fund charities or other independent/private providers to deliver these public services on its behalf.

Government has not funded sleep-ins at the National Minimum Wage for the last six years.

National Minimum Wage legislation from 1999 stated that sleep-in shifts were not subject to the National Minimum / Living Wage. In 2015 Government posted what it has subsequently admitted was misleading guidance suggesting that sleep-ins could be subject to the NLW. Adequate funding was not and has not been provided to Local Authorities to pay providers rates commensurate for workers to be paid sleep-in shifts at NLW rates. Even now, Government is still not giving more money to Local Authorities to make-up for the higher rate at which workers must be paid for sleep-in shifts.

HMRC is now pursuing social care providers for six years of back pay. Despite guidance changing on 2015, and it being unclear and misleading, HMRC is pursuing providers for 6 year of back pay. This has been confirmed as £400m in liabilities for the sector. Government refuses to make a commitment, even in principle, to provide full funding for any back pay costs incurred by providers in relation to 'sleep-ins'. We are facing a crisis where social care providers are being threatened with an unexpected HMRC bill for six years of back pay. This results from the unfunded and unenforced changes to guidance on the National Minimum Wage and sleep-in shifts stemming entirely from a Government mistake - where they issued incorrect guidance. As it is the Government's responsibility to fund social care for the most vulnerable people in society, and the current situation is a result of their own mistaken guidance and failure to see this as an unintended consequence of the NLW; we believe they have a moral and legal responsibility to past sleep-ins We have not been funded by Local Authorities nor by Government for this back pay.

This unexpected cost will affect our ability to provide services. In an underfunded sector, this huge unexpected cost will impact the services we are able to deliver to the vulnerable people who rely on us. Our workers do a critical job and deserve to be paid fairly - and we need Government to step up and pay this higher wage moving forward as well as provide adequate funds to pay this back pay. This continued uncertainty is effecting our services. If we are not assured of further funding soon, we will need to consider cutting back our services. This isn't fair for the people we care for or our valued staff. Simply put, social care sector for people with learning disabilities will quickly become unviable without swift Government action.

#SolveSleepIns Alliance



#StopSleepInCrisis

We have worked to find a solution with Government for over two years. As part of a wider coalition including charities, not-for-profit and independent sector companies who provide learning disability services in the UK, we have been working with the Government for over two years. Representatives have met with the Cabinet Office, DHSC, DBEIS, DCLG and HMRC - yet the situation still lacks a resolution.

The solution

Government should pay the six years of back pay entitled to low-paid care workers directly. Government would have funded sleep-ins at the NMW rate had their guidance been correct. The social care sector should not - and cannot afford to - fund this service on behalf of Government. Plus, Government giving money directly to workers is a more efficient way to ensure these workers get the back pay they are owed.

How you can help

Will you support our campaign to solve the sleep-in crisis in way which which supports the people we care for, our workers and ourselves as the providers who implement these crucial community services?

The SolveSleepIns Alliance

We are working as part of a larger alliance representing a significant portion of the social care sector for people with learning disabilities which includes the Association for Real Change, Care England, Learning Disability England, Learning Disability Voices and the Voluntary Organisations Disability Group. Our aim is to solve the sleep-in crisis in a way which supports the people we care for, our workers and ourselves as the providers who implement these crucial community services.