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The Fair Work Convention

The Convention brings together employers and unions with academic expertise to:

- Advise Ministers on Fair Work

- Advocate and Promote Fair Work

Our vision is that, by 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society.

What is fair work?

Effective Voice: Having effective voice means that all workers should be able to have a say in how work is organised and run. Having an effective voice is critical to delivering the other dimensions of Fair Work.

Opportunity: Everyone should have equal access to work and no one should face barriers progressing in work due to age, race, gender, sexual orientation or disability. Progression should also not be dependent on job role or contract type.

Security: Job security means contracts should be fair- not one sided. Wages should be stable and predictable. Hours should be agreed and predicable and should allow you to earn a decent living.

Fulfilment:-. Having a level of autonomy at work. Having roles that are well designed, which use people's skills and talents and recognises their contribution.

Respect: Work should always be conducted in a way that offers respect and dignity. It should be safe and it should promote well-being and work-life balance

Social Care Inquiry

- The inquiry found that:
  - the social care sector is not consistently delivering fair work;
  - the existing funding and commissioning systems are making it difficult for some providers to offer fair work; and
  - the social care workforce does not have a mechanism for workers to have an effective voice in influencing work and employment in the sector.

The report makes 5 recommendations including for the Scottish Government to support the creation of a new sector body that establishes minimum standards for fair work terms and conditions and to reform social care commissioning

Research into Personal Assistants

Not much known about the PA workforce – in terms of numbers and demographic.

'Unique employment relationship' - typically characterised by **lone working**, with terms and conditions set by the employer and shaped by a local authorities' initial needs assessment and resource provision.

Where there are problems?

- Insecurity
- communication/raising of issues in a close working relationship
- knowledge of rights and entitlements
- Resources
- Access to training

What are the positives?

- High quality personalised support
- Autonomy
- Flexibility,
- Variety
- Skills development
- Opportunities for innovation
- High levels of job satisfaction

'I just find it so rewarding. You just don't realise the little things that you do, that completely changes somebody else's life.'

Fair Work Dimensions

Effective Voice: Many PAs reported some issues here. Whilst the close working relationship with employers could greatly facilitate communication, many PAs also found this made raising problems difficult, citing fears of creating tension or of possible job loss.

Opportunity: Skills development opportunities can be strong – several PAs spoke about their role providing personalised support in a context of changing needs as inherently developmental, offering variety, autonomy and new experiences which help them professionally develop. However, many PAs face barriers to accessing necessary, relevant and developmental training, and this needs to be addressed.

Security: Job security was a key issue for many PAs who participated in this research. On one hand, providing personalised support in a context of changing needs by definition involved a degree of job insecurity. Rates of pay and hours could be variable and some PAs were not provided with contracts, sick pay or holiday pay and were unaware of their rights.

Fulfilment: Many PAs reported high levels of job satisfaction, and a strong sense that their work was meaningful and fun. This is especially this case when compared to other social care roles, in which measures of meaningful work are also strong – PAs reported having relatively more time and autonomy to co-produce excellent and innovative support, in the context of an often close working relationship.

Respect: PAs reported high levels of mutual trust and appreciation of their work by employers. Where respect may be lacking in the working relationship, this tended to occur at the technical level e.g. contracts, terms & conditions, job security.

Recommendations

Supporting social work/local authorities to support SDS Option 1:

- Improved and extended SDS training for current and future social workers, ensuring all relevant staff have capacity to engage and update their knowledge

- SDS training for local authority staff who work indirectly with SDS e.g. approving budgets

- Mainstreaming 'good stories' about SDS Option 1 across local authorities

- Resource shortages – which are also associated with capacity shortages amongst social workers – need to be addressed if SDS is to become successfully practiced and embedded across local authorities

Recommendations

Facilitating well-informed PAs and employers:

- Improvements in social workers' knowledge and understanding of SDS needs to be accompanied by improved communication with and information provision to PAs and employers about their mutual rights and entitlements

- Local authorities should take seriously the possibility that PA salaries from some direct payments are not always accompanied by appropriate tax and NI contributions – it is in no ones' interest for these practices to continue. Provision of information and support at set-up stage, and useful regular monitoring, could be helpful here.

- Ensure that PAs and employers are aware of and can easily access online ([Future Learn](#)) resources that can enhance their understanding of mutual rights and entitlements, and that can provide each party with resources to best manage the PA-employer relationship

Addressing unequal experiences of SDS Option 1:

- Steps to ensure better dissemination of information about Option 1 could facilitate greater uptake by individuals from less affluent backgrounds

- Resource constraints affecting local authority budgets need to be addressed, in order to ensure sufficient direct payments to meet needs, to ensure equality of access to Option 1 for any individual regardless of socio- economic status, and to create a context in which innovative ideas and practices can be explored and implemented by PAs and employers

Recommendations

Training:

- Provide sufficient (i.e. increased) and ringfenced resources within personal budgets to update training as an employers' needs require, and to train newly recruited PAs

- Develop easily accessible online training resources for training appropriate for completion via distance learning (e.g. FutureLearn)

- Work with Integration Joint Boards to give PAs' access to internal training available to the wider health and social care workforce, exploring the potential offered by Integration

Recommendations

Personalisation:

1. Facilitating innovation and job quality:

• Through co-production with PAs and employers, consider methods to understand the most effective ways for each party to raise, discuss and implement new ideas

• Consider how enhanced networking and information sharing opportunities for PAs could be useful in encouraging and developing innovative practices

2. Tackling job insecurity:

• Facilitate PA identification of and access to local forms of support for specific conditions, with a view to establishing pathways to maintain PA job security in the event of an employer's needs changing significantly

• Consider ways to establish job security pathways to assist PAs looking to continue in the role after a position ends

Recommendations

Positives and challenges of a close working relationship:

- Support the PA Network to offer more comprehensive assistance to PAs in a diversity of working situations, especially those who work predominantly or exclusively alone with their employer

- Ensure that PAs and employers are aware of and can easily access online (Future Learn) resources that can enhance their understanding of resolving conflict in the context of the PA-employer relationship, and understanding and management of other potential difficulties, to provide each party with resources to best manage the PA-employer relationship

Supervisions?

- Consider providing employers with information and resources with which to conduct Supervisions, should they or their PAs feel this is valuable

Facilitating recruitment and retention

- Investigate, using co-production between employers and PAs, the extent of support for a PA recruitment database, what form this might take, and what resources would be required

Recommendations

Addressing potential disparity in hourly rates across SDS options:

- As suggested by Audit Scotland, work remains to be done to ensure that communities agree with authorities about the practice of SDS at a local level, and that this is in keeping with their ideals and principles

- Where direct payments assume that PAs are to be paid at a lower hourly rate than other roles within the wider social care sector, re-evaluation will need to take place to ensure legality and pay parity across 'like work', equivalent work, or work of equal value (in terms of skill, effort or decision making).

'Regulation' debate:

- Support further discussion with employers and PAs about more established forms of recourse and support within Option 1 that can offer value to both parties, with a view to co-producing ideas about the direction (if any) this could take in the future

- Bring PAs and employers together to co-produce ideas about expanding the PA Network's remit and reach, including ways to access additional resources to support this

Q&A