

## Care England Workforce Development Group | 19.02.26 | 13:00 – 14:00

Actions from last meeting	Actions from this meeting
<ul style="list-style-type: none"> <li>• <b>Care England</b> to write letter to Home Office to highlight how disrespectful it is to social care staff this is even being consulted on, as it demonstrates the lack of value on their societal contributions</li> <li>• <b>Members</b> to supply case studies to support the letter to the Home Office.</li> <li>• <b>Members</b> to share case study examples of recruiting from the pool of displaced workers with FR at <a href="mailto:frickatson@careengland.org.uk">frickatson@careengland.org.uk</a></li> <li>• <b>Members</b> to submit their own responses to the immigration consultation <a href="#">here</a>, before the deadline of the 12<sup>th</sup> February 2026.</li> <li>• <b>Care England</b> to turn Skills for Care's questions into a short survey for members to fill out their views.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Members</b> to send any further questions they have on the changes to trade union access to <b>FR</b> at <a href="mailto:frickatson@careengland.org.uk">frickatson@careengland.org.uk</a></li> <li>• <b>Members</b> to email <b>EB</b> at <a href="mailto:eblyth@careengland.org.uk">eblyth@careengland.org.uk</a> if they want to be involved in Care England's gender equality report.</li> </ul>

### Attendees

Tom Pisani **(TP)** - Parliamentary and Workforce Lead, Care England  
 Richard Ayres **(RA)** - Social Care Advisor, Care England  
 Ella Blyth **(EB)** – Assistant Policy Officer, Care England  
 Gavin Edwards **(GE)** - Social Care Lead, Unison

### Meeting Notes

#### **Employment Rights Act (ERA)**

**GE** spoke to **members** about the Fair Pay Agreement (FPA), the upcoming changes to Trade Union access and guaranteed hours.

**GE** outlined the current ERA timeline:

- 2026 - secondary legislation detailing key changes, including how the negotiating body will operate
- 2027 - negotiations will take place
- 2028 - agreement will be implemented.

Importantly, these changes will be legally enforceable, potentially through the Fair Work Agency (subject to confirmation). **GE** stressed the importance of the legal backup to the success of the FPA.

**GE** highlighted the need to build constructive relationships between trade unions and employers within the sector for the success of the FPA. One method is recognition agreements, which allow trade unions to access staff in their workplaces or digitally. The Employment Rights Act is strengthening union access rights.

Trade unions will be able to request access to places of work:

- Employers can agree,
- Employers can disagree, and then there will be a period of negotiation

- If an agreement is still not met, the case will go to the Central Arbitration Committee to make a decision.

**GE** outlined two key positions of UNISON:

- 1) They are campaigning for a national protocol between FPA trade unions and employers in the sector to facilitate access that works for the care sector. **GE** reassured **members**, trade unions are not interested in access that interferes with service delivery; they want to be able to access people in their workplace or have digital access to more fragmented groups like domiciliary workers.
- 2) They believe only trade unions that already have a footprint in the social care workforce and are on the FPA negotiating body should be granted access to the workforce. This will limit the number of different trade unions approaching **members** requesting access agreements, reducing their admin.

**GE** highlighted another key change: the need for employers to offer their employees guaranteed hours that reflect the hours an employee regularly works during a reference period. This is significant in the care sector, due to the high prevalence of zero-hour contracts. This change is coming in in 2027, with more details to be confirmed in secondary legislation.

### Myth busting for trade unions

**GE** counted common myths frequently heard about trade unions.

Myth	Fact
Unions do not operate in the social care sector	It is true that it is less unionised than other sectors, but trade union membership is still significant in the sector, it is in the hundreds of thousands. It is the fastest growing part of UNISON's membership; the appetite for trade union representation seems to be changing with the FPA and ERA.
The objectives of unions is to go on strike	A trade union's preference and purpose is to negotiate. The unions in the care sector are member led, there are very clear democratic structures both with employers through the recognition agreements and nationally through the social care committee in England which is populated by those that work in social care. It is the views of these people that inform a decision.
Unions do not understand the care sector	In more recent years, unions have been on a journey to understand the care sector more. The <a href="#">Fabian Society's report 'Support Guaranteed'</a> , is an example of the resources UNISON has used.
Unions do not work together	A concern employers may have with granting access is many different trade unions may turn up at the same time. <b>GE</b> reassured <b>members</b> trade unions will co-ordinate and work together to ensure <b>members</b> are not dealing with multiple access arrangement requests at the same time.

### Q&A

**GE** answered some key questions put forward my **members**.

- 1) What is the process of union access?

**GE** outlined the process. Trade union would write to the employer saying they seek to access and speak to the workforce under X conditions. This request could be accepted, with further discussions to follow; it can be rejected which triggers a more formal negotiation process, which could lead to an agreement, or if an agreement is not reached, to a decision by the Central Arbitration Committee (CAC). **GE** thought a CAC decision will be rare, as the FPA gives a clearly defined group of employers and trade unions which with a national protocol will set out how and when access can work. There will be a clear understanding of the details, eg. The notice period a trade union needs to speak to workers in a care home, and to ensure the responsibility of trade unions to not interrupt the delivery of care. **GE** highlighted how digital access could be really important to this, particularly in domiciliary care where there isn't a set workplace or to the 66% of care employers in England that have 20 or less employees.

**RA** highlighted that care homes are people's homes, so it is not different to domiciliary care. It is important to remember that access does not have to be on site.

2) From a union's perspective, how should the £500 million allocated to the FPA be targeted? What can realistically be achieved in year 1 of FPA?

**GE** agreed the government needs to put more money into this to ensure it is funded properly but pointed to the existence of the FPA being very valuable to the care sector, as it is a method of addressing ongoing issues of pay and wider working conditions. This needs to be remembered when entering all negotiations. Something meaningful can be achieved in the first round of negotiations, but the existence of FPA is meaningful in itself.

3) What does UNISON think the scope, breadth and diversity should be for the FPA?

**GE** presented two separate approaches: 1) to whom is an individual FPA applied, and 2) what group of workers can be affected by any FPA? On point 2, UNISON want it to be as broad as possible to ensure workers cannot be misallocated to dodge the FPA, as they have seen with NMW.

4) What does UNISON believe the role of the local authority should be in these negotiations to ensure it is a success?

**GE** highlighted UNISON's consultation response: the FPA is about bargaining power, and care workers working for a local authority are already covered by a national bargaining arrangement. There will be a need for these different bargaining units to talk with each other to ensure care workers who work for local authorities benefit from increases in pay negotiated through the FPA to ensure equity across the sector. UNISON are looking for flexibility in the sector so all care workers can benefit from the best deal, but in the first few rounds of negotiation, local authority care workers may not be included in the scope.

5) From a market sustainability, care providers are already facing tight margins; where are unions sourcing information on how much strain members can absorb?

**GE** acknowledged the diversity of the sector from service type to size to funding models. UNISON's knowledge about the sector comes from talking to care workers from across the sector.

6) When will unions start reaching out to members?

**GE** said conversations have started: providers are reaching out to talk about what access and recognition could look like; UNISON have written to some providers to invite the start of conversations and are talking to other trade unions to see which employers they are approaching. Trade unions are likely to approach the larger employers first, and will do so through contacting head office, rather than all the individual services. **GE** pointed to the most urgent next step from UNISON's perspective is to develop a national protocol to make this process as smooth as possible.

**GE** is most concerned an agreement will be reached, and then it flouted across the sector. Issues like commissioning and funding arrangements need to be addressed by government before 2028 to ensure smooth implementation.

**ACTION - Members** to send any further questions they have on the changes to trade union access to **FR** at [frickatson@careengland.org.uk](mailto:frickatson@careengland.org.uk)

#### **AOBs**

**EB** introduced a survey Care England is developing to support their report on gender equality in the sector. This is an important opportunity to talk about inequality in the sector, as we have a largely female workforce. Care England is keen to understand the views and experiences of care leaders and the care workforce on this matter. If **members** would like to learn more or be involved, please reach out to **EB** at [eblyth@careengland.org.uk](mailto:eblyth@careengland.org.uk).

**ACTION – Members** to email **EB** at [eblyth@careengland.org.uk](mailto:eblyth@careengland.org.uk) if they want to be involved in Care England's gender equality report.

**END**