



## Department of Health & Social Care

Steve Brine MP  
Chair of the Health and Social Care Committee  
House of Commons  
SW1A 0AA

26 May 2023

Dear Steve,

Thank you for inviting me to attend the evidence session with the Health and Social Care Select Committee on Tuesday 2 May 2023, which I attended with the Director General for Adult Social Care, Michelle Dyson. I am writing to follow up on the questions raised by the committee.

### **Paying domiciliary workers for travel time**

All businesses – irrespective of their size or business sector – are responsible for paying the correct National Living Wage (NLW) / National Minimum Wage (NMW) to their staff.

As I indicated during your committee hearing, while domiciliary care workers should be paid at least the NLW/NMW for their working hours, there is some complexity in how workers are reimbursed for travel time.

I understand from feedback that some domiciliary care providers choose to pay a higher rate for time spent providing in-person care (contact time) and not pay for travel time in between visits or expect that travel costs should be absorbed into the overall rate of pay. This can still be compliant with the National Minimum Wage (NMW) regulations providing the average hourly pay that an individual receives for all working hours is above the NLW. Given that this employment model can be compliant with NMW regulations, we cannot prevent this model of employment under current legislation.

However, we do encourage commissioners and employers to take appropriate steps to incentivise adult social care recruitment and retention. For example, local authorities have the flexibility to use the government's Market Sustainability and Improvement Fund to drive improvements including in workforce capacity and fee uplifts. This could include directing additional funding to incentivise paying domiciliary care workers for travel time.

### **Reasons for CQC taking enforcement action against providers**

During the hearing, I was asked what the common reasons are for a care provider "failing" an inspection.

The Care Quality Commission (CQC) expects providers to aim to achieve and sustain an overall rating of good or outstanding, as good quality care is the minimum that people receiving services should expect and deserve.

As of 4 May 2023, the most common breaches CQC has taken enforcement action against are Regulations 12 and 17 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, which cover safety and governance.

The intention of Regulation 12 (Safe care and treatment) is to prevent people from receiving unsafe care and treatment and prevent avoidable harm or risk of harm.

Regulation 17 (Good governance) aims to make sure that providers have systems and processes that ensure that they can meet other requirements in this part of the Health and Social Care Act 2008 Regulations 2014.

### **The delay in booking driving tests and the impact on domiciliary care workers taking up employment**

I have been assured by the Driver and Vehicle Standards Agency (DVSA) that it recognises the demand for driving test appointments remains high and the impact this is having on learner drivers, which I recognise has a knock-on impact for domiciliary care workers. The DVSA is working hard to provide as many practical driving test appointments as possible to all those wanting to take a driving test, which may include care workers, at all test centres.

### **Timelines for workforce training reforms**

Finally, on the timelines for delivery of two key areas of workforce reform, our new Care Certificate and Care Workforce Pathway.

Care Certificate:

- Spring 2023: Development of the specification for the new Care Certificate qualification starts. This work is underway with our delivery partner Skills for Care.
- Autumn 2023 onwards: Market engagement to ensure the sector is ready to deliver the new Care Certificate qualification to care workers.
- Spring 2024: Commencement of government funded training places for the new Care Certificate qualification.

Care Workforce Pathway:

- April 2023: Launch of the Care Workforce Pathway call for evidence with a period of sector engagement.
- Autumn 2023: Publication of the first phase of the Care Workforce Pathway, focussing on those in direct care roles, such as care and support workers and more senior roles.
- 2024: Publication of the second phase of the Care Workforce Pathway, aimed at other adult social care roles including Personal Assistants and Registered Managers.

Yours sincerely,



**HELEN WHATELY**