

Oilean

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Anna Fowlie
Chief Executive
Scottish Social Services Council
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Date 15.1.2018

Qualifying Minimum Wage employees in the Care Sector

Dear Anna

Thank you for your prompt response to my letter. I will be happy to forward to you the response from HMRC, when it arrives.

I have been around the Health and Social care sector for more than 40 years and I am convinced that one of the best things we have done as a society is to introduce the National Care Standards, Code of Practice and regulation of the workforce underpinned by an ethical approach to care. For that reason when we set up Oilean we adopted the National Care standards as our charter which continues to underpin our approach to the registration requirements of care staff across the country. It is also for this reason that we are now in the position of refusing to assess workers in the adult care sector unless they are funded by their employer.

In that same context your letter causes me considerable concern. You appear to be confirming that all arms of the Scottish Government, the local authorities, SDS, Care Inspectorate are aware of the pressures for this part of the sector but by keeping to their own boundaries are also supporting a culture of discrimination which is based on gender, poverty and lack of representation. The adult care sector is as you know more than 90% female, many of whom are paid minimum wage levels, on zero hours contracts and as you acknowledge very poorly represented in the workplace. What you describe in your letter is nothing short of institutionalized discrimination, which also knowingly puts employers at risk of breaching the minimum wage regulations. This is a pattern of conduct which is entirely unacceptable, and I believe illegal.

Based on your letter I believe any care sector employee on minimum wage who fails to get a qualification would be able to seek a judicial review against a decision by SSSC to take them off the register. Their review could well be based on the illegal discrimination described in your letter! One way or another you potentially could get your two-tier workforce, which I agree would be a very poor outcome.

Promoting Safer Communities through Learning and Development



Oilean (Training and Nurture) Ltd
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I am sure you will recognize my disappointment that an organization like SSSC which is ethically based would appear to accept institutionalised discrimination against the poorest paid section of the workforce it regulates. It seems from your letter that the Code of Practice is for employers and employees only and not for the regulator. Women and their families are currently being discriminated against and as you acknowledge no-one is interested in doing anything about their situation - now. In my head the regulator is there not just to hold the registrants and their employers to account but also to protect them where appropriate from discrimination.

I am aware that my comments might be considered passionate however I am also aware just how easily we at Oilean accepted the work from the care provider which has generated my company's interest in this area. It is so very easy to lose sight of the "Big Picture" and concentrate on making things work, sometimes at the expense of other people. So I wish to be clear that I also appreciate your sharing of my concerns.

On a different but related topic we have been in contact with HMRC concerning tax relief where care staff are either paying for their qualifications or making a contribution towards paying for their qualification. Such people are entitled to tax relief for their payments. I am attaching the relevant paperwork which we will be putting onto our website and I wondered whether you might see the SSSC website as a suitable place for these materials.

I look forward to hearing from you.

Yours sincerely

John G.W. Cran
Director

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