



Llywodraeth Cymru  
Welsh Government

POLICY AND STRATEGY, DOCUMENT

# Social care workforce partnership: memorandum of understanding

Developing models of best practice of employment in the independent social care sector.

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# Details

Ratification date: September 2024.

## Background

1.1 Trade unions, social care employers and Welsh Government have formed this social care workforce partnership to agree a set of 'models of best practice' of employment for those working in the independent social care sector across Wales (outlined in Annex A). These 'models of best practice' will be developed to provide clear and consistent approaches to policies across the social care sector to be well-designed, easy to read, inclusive and accessible to all.

1.2 Social partnership is a way of working which aims to achieve mutually agreed outcomes, to the benefit of all involved groups. Social partnership brings together government, employers and trade unions in areas of mutual interest, to collaborate, design and develop the collective action needed to solve common problems and implement better solutions.

1.3 This will be an equal partnership and will work in line with the principles of social partnership to develop trusted relationships and engender behaviours that promote cooperation, respect, trust, increase participation as well as delivering mutual gains and benefits.

1.4 There is a clear need for support to address pay, recruitment and retention issues within social care, which have been exacerbated by the extreme challenges presented by Brexit, the Coronavirus (COVID-19) pandemic, and now the cost-of-living crisis. Working together to agree a set of models of best practice of employment demonstrates our collective commitment to improving the terms and conditions of service for social care workers.

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## Aims and objectives

2.1 The overarching aim of this partnership is to agree a set of models of best practice of employment for staff working in the independent social care sector (Annex A) to be adopted on a voluntary basis by employers.

2.2 The partnership will communicate these models to staff and employers in the independent social care sector.

2.3 The partnership will agree these models of employment covering the terms and conditions outlined in 3.1.

2.4 The partnership will operate on a voluntary basis and will encourage social care employers to voluntarily adopt these models agreed by this partnership.

2.5 The partnership will agree which employment issues outlined in 3.1 will be considered within its first year of operation, with a view to being able to reach agreement on issues which can be implemented and adopted by employers in the short term.

2.6 The partnership will agree a framework on the process of how it will operate – gathering and analysing evidence with input from experts outlined in 4.5. Its operating framework will be a live document which will be developed and progressed throughout the voluntary development phase.

2.7 The longer term ambition of the partnership is to embed fair work in the social care sector and for the models it agrees to be adopted as best practice for all staff within scope in the social care sector.

2.8 In the longer term, the partnership will explore mechanisms for agreeing expected levels of reward across roles in social care, using the pay and progression framework currently being developed by the Social Care Fair Work

Forum.

## Scope

3.1 The partnership will consider all issues related to the employment of those working within the social care sector outlined in Annex A. Included but not limited to:

- terms and conditions
- terms and conditions
- model HR policies
- access to trade unions
- induction policies
- bullying and discrimination complaints
- protection in relation to whistleblowing

3.2 The partnership will reach agreement on the models of best practice of employment, which if adopted, would apply to the whole social care workforce not directly employed by the public sector. Referred to as the 'independent sector' for the purposes of this memorandum of understanding (MoU) (outlined in Annex A).

3.3 To cover the independent sector and not cut across any local arrangements covered by recognised collective bargaining arrangements. The partnership will review these arrangements annually.

3.4 Employers who adopt the models agreed by this partnership should embed those as part of their employment contracts and implement the HR policies agreed within their organisations.

3.5 The principles outlined within this MoU are to be continually monitored by the

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partnership over the first year as its work develops. It will formally review the partnership arrangements after one year, and consider how longer term the policies agreed are reviewed.

## Membership

4.1 Formal members of the partnership will be Welsh Government, trade unions, and employer representatives. There will be no formal certification process as the arrangement will not be a formal, legally recognised collective bargaining arrangement. Members will be brought together by the chair / Welsh Government on a voluntary basis in line with the principles of social partnership outlined in paragraph 1.1.

4.2 Welsh Government: the Director of Social Services will represent Welsh Government on the partnership. If they are unable to attend a meeting or event of the partnership then a nominated senior official will attend in their place.

4.3 Trade Unions: trade unions recognised within social care will represent members on the partnership.

4.4. Employers: employer organisations are responsible for agreeing the nominations of the representative for employers. Initially this will be a representative from the National Provider Forum and Care Forum Wales. Employers representation will develop throughout the first year and in so doing ensure that participants reflect the diverse nature of social care across Wales.

4.5 Input from other partners will be needed as part of this process and an advisory group of experts will be established to be consulted as agreed by the partnership. These partners will include:

- the Association of Directors of Social Services (ADSS)

- health board commissioning representative
- local authority commissioning managers representation
- local authority section 151 officer representative
- National Commissioning Board Wales
- Social Care Wales
- Trades Union Congress (TUC)

## Monitoring

5.1 All partners commit to ongoing monitoring, with the aim of ensuring accountability and performance against milestones.

## Governance and oversight

6.1 Individual partners are accountable to their own organisations and each will have in place their own governance arrangements in relation to a range of matters including decision making and information flow.

6.2 These terms of reference are effective immediately following their agreement by the partners. They may be amended, varied or modified at any time by the agreement of the partners.

6.3 Decisions and agreements will be made on the basis of consensus, with all partners making decisions unanimously.

## Disclaimer

7.1 It should be noted that by signing this document or by adopting the

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agreement, the partners are not committing to legally binding obligations. It is intended that the partners remain independent of each other and that their collaboration and use of the term 'partner' does not constitute the creation of a legal entity, nor authorise the entry into a commitment for or on behalf of each other.

7.2 There is no financial support available centrally at this time and so partners accept that there will be an element of financial risk associated with signing-up to his agreement.

## Signatories

This MoU has been agreed by the following organisations:

- Welsh Government

On behalf of workers:

- Unison
- GMB
- RCN

On behalf of employers:

- National Provider Forum
- Care Forum Wales
- Welsh Local Government Association (WLGA)

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# Annex A

## Workers in scope

The workers listed below are those employed within the 'independent' sector. For the purposes of this partnership, this is interpreted as any organisation operating within the social care sector which does not include public bodies. That is, local authorities and the NHS.

It is not the purpose of this partnership to cut across any separate collective bargaining arrangements currently existing in the public sector.

The workers in scope include:

- all staff working in registered care homes (children's and adult)
- social care workers in residential family centres
- domiciliary care workers in registered domiciliary support services (including supported living services)
- personal assistants employed by people in receipt of a local authority direct payment
- microcarers
- other care workers paid using direct payments from the local authority but not employed as a personal assistant by the person receiving care and support

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