

Home Care Services: Living Wage

Written Answers

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

To ask the Secretary of State for Business, Energy and Industrial Strategy, with reference to the Court of Appeal judgment on *Royal Mencap Society v Tomlinson-Blake and Shannon v Rampersad* made on 13 July 2018, what plans the Government has to bring forward proposals to ensure that overnight care is subject to the National Living Wage.

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

To ask the Secretary of State for Business, Energy and Industrial Strategy, what the (a) status and (b) liability for care providers that enrolled in HMRC's Social Care Compliance Scheme.

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

To ask the Secretary of State for Business, Energy and Industrial Strategy, what steps he is taking to issue guidance on rates for sleep-in shifts; and what discussions he has had with Cabinet colleagues on the adequacy of funding for local authorities to meet those rates.

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

To ask the Secretary of State for Business, Energy and Industrial Strategy, with reference to the Court of Appeal judgment on *Royal Mencap Society v Tomlinson-Blake and Shannon v Rampersad* made on 13 July 2018, what guidance the Government has issued on rates of pay for sleep in shifts to (a) local authorities and (b) care commissioners.

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

To ask the Secretary of State for Business, Energy and Industrial Strategy, with reference to the Court of Appeal judgment on *Royal Mencap Society v Tomlinson-Blake and Shannon v Rampersad* made on 13 July 2018, what plans the Government has to bring forward legislative proposals of the pay rates for care workers on sleep-in shifts.

Kelly Tolhurst Parliamentary Under-Secretary (Department for Business, Energy and Industrial Strategy)

The Court of Appeal judgment overturns the previous interpretation of the law and means that "sleep-in" shifts, as defined by the Court of Appeal, no longer attract the National Minimum Wage. The Court of Appeal judgment applies both retrospectively and going

forward. Government guidance on when "sleep-in" shifts should attract the National Minimum Wage has been updated to confirm that the Government has noted the judgment. That guidance will be updated shortly once Ministers have fully considered the implications the Court of Appeal judgment.

Over the past year Ministers from across the Government have been working closely on how "sleep-in" shifts are remunerated and will continue to do so.

Ministers from BEIS and the Department of Health and Social Care are liaising with local authorities and care commissioners to ensure that they have clarity on the legal position and on their responsibilities when commissioning care services.

HMRC's voluntary Social Care Compliance Scheme remains open. Employers participating on the scheme should take note of the Court of Appeal judgment and review their pay practices accordingly. HMRC officers have been in contact directly with all employers enrolled on the scheme to set out next steps.