



Employment Unit Dorset: Care Sector Cases – Analysis

January 2023

The Employment Unit Dorset was set up in December 2020 by local Citizens Advice offices to provide high quality, specialist employment advice and representation to the residents of Dorset Council area who are served by the Dorset Council LCA's (Bridport, Central, East Dorset and Purbeck). The aim is to give Dorset LCA's the capability to refer clients for specialist employment advice using a team of dedicated caseworkers; help can be provided from initial information up to potentially representing clients at Employment Tribunals.

The EUD consists of a coordinator, three senior specialist caseworkers and a small team of specialist volunteers; members of the team have high levels of knowledge and expertise. Clients with an employment issue are identified through our generalist services (Adviceline, drop in, etc) and referred for further more complex advice to the unit if needed. Our team can give advice and define options, negotiate with employers and/or represent a client at a Tribunal as the situation requires

Citizens Advice, locally and nationally, has a strong commitment to Research and Campaigns work, and our teams regularly review the evidence from our clients in order to make the case for change, and to improve the policies and practices that affect people's lives.

Over the past two years the EUD has dealt with more than 410 cases of which 50+ (15%) were clients working in the care sector. Numbers are flexible as cases continue to come in. By care sector we mean employees working in care homes, and those providing domiciliary care to people living at home; and typical features of this sector include: long term employees still with insecure contracts; flexible / zero hours contracts; typically low pay; poor terms and conditions (T&Cs); anti-social hours; flexing in conditions especially cost/time of travel between people's homes exacerbated by the increase to the cost of living.

Below is initial analysis of 57 cases, as at 10 January 2023:

- Client age - by decade of birth

1950's	10
1960's	14
1970's	11
1980's	10
1990's	10
unknown	1

- Gender of clients where known/surmised from name or pronoun used

M	12
F	45

- Mostly clients have a contract of employment, as below

Contract	42
Zero hours	4
Agency	1
Temp	1
Self employed	1
Unknown	8

- Duration of employment

Duration	Client no's
Under 1 year	7
1-5 years	24
6-10 years	10
11-15 years	3
16-19 years	3
20 years and more	7

- Main types of issues

Issue	Frequency	Examples
Pay	18	Underpaid for hours worked, losing travel time pay, holiday pay on contracted hours not overtime consistently undertaken, SSP
Terms & Conditions	22	Covid safe practices and vaccines, changes in hours, holiday allowance, TUPE, Reasonable adjustments
Bullying	5	Being shouted at by management, told not to proceed with ACAS to get unpaid wages or they would go for costs, advice to return to work on light duties ignored

Others	12	Home going into liquidation, redundancies, Travel permission granted and then withdrawn, disability discrimination
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- Outcomes where known:
 - A few clients got financial recompense - one of £6,000.
 - Some apologies.
 - Some returned to work.
 - Many outcomes are unknown.
- Barriers to taking action:
 - Intimidating threats sent by agency about claiming legal costs which, in one case, scared off the client
 - Many clients get new employment and fail to return.
 - Specifically 22 clients stopped responding to us - in total equating to 43% of our Care clients
- Employers named more than once: 9 employers / agencies operating in Dorset and/or BCP were named more than once. Most of these are well-known companies. This data is available on request.
- We did not collect or obtain any information on whether people had joined a Union. We do know that three were in a union but chose our support.

In summary, our concerns are that the typical client in this category is someone who works hard and with long hours. They are typically loyal to their organisation until it goes wrong. They do not have the luxury of financial backup to be able to be unemployed, so they accept work with similar levels of insecurity and poor working conditions. For those who have only just started a new job they have fewer options to resolve issues. There also appears to be a sense of resignation that taking action won't result in any change, and/or may put their job security at risk.

What three key changes can we identify?

1. Enhance essential contractual terms and ensure actual contracts are written in straightforward language – and that employees recognise the importance of this document
2. Ensure all employers have a clear anti-bullying policy and practice which is shared with all employees
3. Raise awareness amongst care workers of their rights and options as well as the support available to them if they want to raise issues/take action

How we would like to influence change:

- Engage with employers – initially focusing on those who have had more than one incident - to encourage/support them to consider and introduce ways to prevent future issues.
- As part of this, co-design a template which covers good working practice, employment rights, sources of advice and support, Health & Safety and whistleblowing, potentially working with other organisations.

- Develop relationships with other agencies who support clients such as Steps2Wellbeing and others, to improve referrals for more detailed employment advice and support
- Raise awareness amongst care workers of their rights and options, so others who are struggling in the workplace know we are available to help.

Sarah Campbell, Employment Unit Dorset Co-ordinator

sarah.campbell@centralca.org.uk

Carline Buxton, Business and Partnerships Manager, Citizens Advice Central Dorset

caroline.buxton@centralca.org.uk

APPENDIX

Case studies [anonimised]

Case 1

The client told us about a number of issues at work involving some allegations of bullying. There had been various meetings held, but now the client has resigned. The client wanted support to understand what had happened and to challenge it, by making a case for constructive dismissal - ie. that they were put in a situation whereby they could no longer continue in their role. They were helped to make a claim, including preparing a Schedule of Loss, and supported with every interaction with ACAS. This led to an offer covering their financial loss, which they decided to accept.

Case 2

An EEA national went home to a sick relative, in agreement with their manager. Close to the return date, their daughter was taken into hospital. It was agreed with their manager that they must stay on. However, on returning to work, there was an accusation of gross misconduct for travelling despite Covid restrictions, and not returning at the right time. They were dismissed. With close support and representation, the preliminary hearing has led to the case being worthy of a full Tribunal Hearing which has yet to happen.

Case 3

This client came to us asking for support while preparing for an Employment Tribunal - they had already been advised by ACAS and had applied to the Tribunal. They wanted help to get the case prepared, so this was assigned to our Litigant in Person specialist. Despite having a great employment record for over 25 years in the same organisation, they were forced to return from a period of long sickness without the recommended phased return and with unsupportive processes which did not conform to the Organisation's protocol. They were looking to claim constructive dismissal, disability discrimination and age discrimination. We have supported them, answered their questions and are currently helping with gathering additional significant evidence and writing the Schedule of Loss. The case will be heard in 2023.