

## **Sleep-in's**

The issue regarding whether sleep-in's constitute time which should be paid at National Minimum Wage was discussed at the recent ARMC AGM with James Bullion and Steve Holland in attendance. The council's position is that there has not yet been a clear ruling which compels the council to change its payment structure. NCC intends to wait and see how things develop in this area before making a decision which would cover all providers. If any individual services are affected in the way that Icen Care has been, they are invited to approach NCC through Steve Holland and will be looked at on a case-by-case basis.

It is hoped that in time, further lobbying will lead to a legislative change which will clarify the position and prevent the kinds of issues that Icen Care faced recently. In the meantime all Providers should be aware of the Icen example that they have been kind enough to share with us, and to consider the potential impact on their service.

## **H.M.R.C and sleep-ins**

### **National Minimum Wage (NMW)**

#### **Case Study generously provided by Icen Care**

In September 2016 we received a phone call followed by a visit from the National Minimum Wage Compliance Unit.

They advised us that someone had contacted them (at a later meeting they told us who it was) to say that when they had been employed by us they had only been paid £35.00 for a sleep-in and not the NMW per hour. We advised the officers from the compliance unit that we were not aware that we should have been paying NMW per hour of a sleep-in. We were told that we should have been aware and that it has been law since 2011.

We had to pass on payroll information from 2015 to the Compliance Unit for them to see what we had paid. We had to provide information on everybody that had undertaken a sleep-in. As a consequence of their investigation we have had to pay back pay to those staff owed and have been fined. The fines were calculated differently for each year that we had underpaid staff. The fine from April 2016 was 200% of the back pay! We will also be named and shamed in a published list of employers who have not paid their employees the national minimum wage.

Our advice to anyone being in this position is:

- Co-operate fully with HMRC
- Pay your fines immediately: if you settle the fine within 28 days of being notified of the amount by HMRC they reduce it by 50%
- If you are paying a set amount for a sleep-in check you are compliant with the N.M.W compliance unit.

This has cost us £1000's of pounds. Don't get caught out like we did.

Mandy Davy      Sandra Luckhurst

## **Events for Care Homes Managers, Owners and Other leads in Norfolk:**

Norfolk County Council and Norfolk Clinical Commissioning Groups quality and commissioning leads are organising two free linked engagement, coproduction and planning events. These events are particularly aimed at:

- Residential and nursing care homes managers and owners
- Community and primary health care staff in roles which link with and support care homes
- Acute hospital discharge staff
- Quality leads with a focus on care homes
- Other key stakeholders

### **Thursday May 18<sup>th</sup>: Assuring best quality in care homes**

Time: whole day event

Venue: Abbey Conference Centre, Norwich

The event will explore:

The quality picture for Norfolk in respect of residential and nursing care

- The data which is currently collected about the quality of care and how this data can be used intelligently
- How we work together as a whole system to assure the best quality of care for people living in care homes

The event will be based on coproduction and market engagement principles and will enable providers to work directly with quality and commissioning staff in both the Council and the CCGs to help develop sustainable arrangements to secure high quality care in care homes.

If you would like to book for this event please contact – Claire Brighton - [claire.brighton@norfolk.gov.uk](mailto:claire.brighton@norfolk.gov.uk) to book a place. When emailing please give your name, organisation and any dietary preferences.

### **Monday June 5<sup>th</sup>: Enhancing care for residents in care homes**

Time: 9.30 – 12.30

Venue: Abbey Conference Centre, Norwich

William Roberts (NHS England National Lead for Enhanced Healthcare in Care Homes) will talk about the learning from the care homes vanguards and framework for enhanced care in care homes.

The event will explore:

- Existing training initiatives which have been developed to support care homes
- Planned and potential support initiatives which could have a positive impact in reducing unplanned admissions from hospital to care homes, including training, preparing for admission to hospital and effective discharge to the care home
- How we work together as a whole system in Norfolk to ensure that the health needs of residents in care homes are well met

If you would like to book for this event please contact – Ruth Nobbs to book a place – [ruth.nobbs@nhs.net](mailto:ruth.nobbs@nhs.net) . When emailing please give your name and organisation.