



NATIONAL ASSOCIATION OF CARE & SUPPORT WORKERS

NACAS STATEMENT ON THE RULING OF THE SUPREME COURT ON THE MENCAP SLEEP-IN CASE

The Supreme Court's ruling that an appeal can be made against the Court of Appeal ruling from Friday 13 July 2018 – that the National Minimum Wage (NMW) does not apply to sleep-in shifts unless the worker is awake for the purpose of working – is welcomed by our association.

Most care workers are required to be at work in some instances for up to 12 hours a night, in an uncomfortable environment often consisting of an office and a sofa bed. Care workers very often can barely get an hour of uninterrupted sleep, due to the anticipation of being awoken to attend to the person they care for, or not being able to fall back asleep after being awake.

It is therefore only fair that a sleep-in shift is considered as a working hours shift.

It has always been NACAS's position, that the expectation on employers to pay for years of unfunded sleep in shifts was unrealistic, with a huge consequential negative impact on an already fragile industry. Any back payments, especially those from small and medium independently run providers, should be funded by the government as they may push those business into bankruptcy, which may lead to the loss of jobs. However, it is our continued belief that care workers are entitled to be paid at least a National Minimum Wage for time spent at work from this point forward.

We have previously called on the UK Government to show leadership on this matter, to ensure that care workers get a fair deal and that employers are supported in the process. Therefore, we would like to call on Secretary of State Rt. Hon. Matt Hancock and the Minister of Social Care Rt. Hon. Caroline Dinenage to show leadership by initiating dialogue with care workers on this issue as a matter of urgency, to ensure that all care workers get a fair and better deal.

Signed

Mohammed Gbadamosi
Chair/Co-founder

Paul Featherstone
Founder

Karolina Gerlich
CEO/Co-founder