

**February 2021**



**COVID-19  
UPDATE FOR  
ALL SOCIAL  
CARE  
MEMBERS**

# Your Derbyshire UNISON contacts in social care



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*Jeanette is the branch secretary and first point of contact for many members calling Derbyshire UNISON. If you work in a social care setting for any other council (than DCC), contact her first.*



# KEEPING US ALL SAFE

I bring a huge debt of gratitude from all Derbyshire UNISON officers and activists to each and every social care worker, wherever you work. This is matched by the thoughts of ordinary people everywhere who have been overwhelmed by your dedication and selfless attitude.

If these people had their way, I have no doubt the appalling levels of pay in the social care sector - particularly in private concerns, run for profit – would be rectified overnight! Sadly, we don't run society.

Sometimes, it may seem like we're always going on about joining UNISON. We're not going to apologise for this! The main reason we do shout it at every opportunity is because it's weight of numbers and the pressure that puts on employers and governments that will see the 'industry' improve for the benefit of service users and staff together.

Of course, during the pandemic, recruitment to Derbyshire UNISON in social care has been at the highest levels for years as workers have been joining for their individual and collective safety. This latest publication seeks to answer some more of your questions that have cropped up more recently.

We have not removed older guides – these can still be found at the Coronavirus page on

our website [derbyshireunison.com](http://derbyshireunison.com) but some bits may be out of date (face mask advice, for instance). You can also reach us through our Facebook page (just search for Derbyshire UNISON).

Our leaders in social care are to be thanked for their efforts, both in negotiations with councils and employers and for being on hand to give advice to members – new and longstanding – on any number of issues. And please remember – if your question relates to a legal position like whether you should be paid when you're off etc, they can only give the legal answer as it is, not what they would like it to be! Sometimes they have to be the bearer of bad news.

Finally, we need to spare a thought for those social care workers in the county who have not survived this pandemic. They gave their lives helping others and we will never forget them. Let us collectively make sure there are no more. Stand up and be counted - Derbyshire UNISON will give you every assistance in bringing bad employers or rogue managers into line and ensuring everyone's safety.

Jeanette

**Jeanette Lloyd**  
Branch Secretary



# THE COVID-19 VACCINE AND SOCIAL CARE

**The** vaccine is being rolled out in social care. Social care has been hit hard by the pandemic, leading to loss of lives among the elderly, the vulnerable and the care workforce. Vaccination is a crucially important way to protect social care. Vaccines only become available via the NHS once they have been thoroughly tested to make sure they are safe and effective.

UNISON does understand some members are not comfortable yet with the idea of taking the vaccine. Legally, you cannot be forced into having the vaccine nor in telling your employer why you don't want to have the vaccine.

However, members must recognise that the right not to have the vaccine is not the same

as a right to continue to work in all settings unvaccinated. These are untested legal waters.

Where we have recognition we have asked employers to treat staff who may be in such a position with understanding and ensure each case is viewed separately not *en bloc*.

UNISON will do all it can to protect your job, whatever your views on vaccination, as we have already done for those who disagree with wearing face masks but our advice will obviously be constrained by the legal position at the time.



# COVID TESTING IN SOCIAL CARE

**Some** social care providers are planning (or have started) mass testing of staff and, consequently, we are receiving an increasing number of queries relating to testing.

It is impossible to answer all questions about testing plans and their effect on UNISON members in this document. Most of the situations we have had to advise members upon have carried their own unique elements.

Employers are introducing lateral flow device testing for staff and some may be considering the provision of training for self-testing. LFD self-testing has been rolled out for NHS staff already.

Our concerns about self-testing relate to the training and who delivers the training. If your employer plans to roll out self-testing of LFD, you should ask now who will be providing the training and make sure they are qualified to

do so. If you are in any doubt, contact Derbyshire UNISON.

As with vaccination, there is no law that can force you to have a test, nor can you be forced to download the track and trace app. However, we believe it could be easier for an employer to demonstrate a reasonable need for their staff to be tested than it would be for them to be vaccinated. It is quite possible an employer could make a reasonable case for dismissal in some circumstances.

Therefore, if you have an issue with taking a test, you should discuss it with Derbyshire UNISON. We will advise on the legal issues.

There is more useful information on testing at [Care England](#)



# SELF-ISOLATION AND PAY

**It is** vitally important you follow public health advice and don't attend work if you are experiencing symptoms of coronavirus. Many of those in receipt of care are in the high-risk category, and everything possible should be done to avoid passing on coronavirus.

What you will get paid, however, depends on your employer. If you work for the county council, a public body and one where UNISON is properly able to negotiate with the national employers, you should receive full pay.

However, in many other care organisations and settings, you will only qualify for statutory sick pay as the government have refused to instruct employers to pay take-home wages. Basically, the government is penalising you for having (or, possibly, having) contracted Covid!

The Government has twice made available via local authorities extra costs to support staff and infection control measures:

*“The infection control fund is intended to help providers pay for additional staff and /or maintain the normal wages of staff who, in order to reduce the spread of infection need to reduce the number of establishments in which they work, reduce the number of hours they work, or self-isolate.”*

Employers can claim this money and it could mean you do not lose out financially if you are self-isolating. UNISON has serious doubts this money is actually being used widely for paying staff but you should ask your employer if they applied for the money and what it was used for if they received it. UNISON would like to know the answers!



# ANNUAL LEAVE CARRY OVER

**Many** of you will be coming towards the end of your annual leave accounting period, which often runs from 1 April to 31 March. It is important you don't lose out on leave through misunderstandings.

The government introduced a temporary new law to deal with annual leave and Covid allowing workers to carry over up to 4 weeks' paid holiday over a 2-year period. The idea of this was to help people who:

- Were self-isolating or too sick to take holiday before the end of their leave year
- Had been temporarily furloughed
- Had to continue working and could not take paid holiday

Sadly, there was no compulsion put on employers to adopt this and many social care employers have chosen to ignore it and insist leave is taken.

And as many members are only too well aware, employers can force you to take annual leave even when you're furloughed. Just as

they can insist on you having previously booked annual leave even though your actual holidays had been cancelled.

However, if an employer insists on you taking leave, they must tell you at least twice as many days before as the amount of days they need you to take. For example, if they want you to take 5 consecutive days leave, they should tell you at least 10 days before.

Within Derbyshire County Council, there is an acknowledgement that things are different to normal and that, in exceptional circumstances, extended annual leave carry over may be considered. If you're in such a position, you will be (or possibly have been) approached to discuss a suitable resolution.

For members everywhere, if you have lots of leave stacked up, for any reason, we suggest you talk to your line manager about it. Don't automatically think you'll be able to use it in the 2021/22 leave year; you may be in for a nasty shock!

As always, contact Derbyshire UNISON if you are having difficulties.



# PPE

**We** are not going to republish all our original advice on PPE. This is available at [derbyshireunison.com](https://derbyshireunison.com). The value of that original advice from 2020 was proven as individual members and groups of members challenged their own employers to comply to NHS guidelines and won significant improvements.

If you want a more in-depth read about PPE, visit this [NHS page](#)

As usual, if you are having any difficulties with PPE provision and/or replacement, or you don't know whether you've been supplied with the correct gear, contact Derbyshire UNISON.

# FURLOUGH

**We** are frequently asked if care workers who should be 'shielding' can be furloughed instead?

The answer is yes. But the application of furlough is down to the individual employer. Workers cannot insist they apply it.

Employers do have to be consistent, though. If you feel this is not the case and your employer has granted furlough to someone but not you for, seemingly no good reason, then discuss with us.

(It is not expected any local authority will use furlough arrangements for social care staff).



# PLEASE!!

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YOUR UP-TO-DATE  
EMAIL ADDRESS

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