

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY DEPUTY K.G. PAMPLIN OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 12th NOVEMBER 2019**

Question

Further to the Minister's answer to Oral Question 29/2019 on 29th January 2019, will he outline what work the "next stages" in the implementation of the Jersey Ethical Care Charter has entailed, as described in the answer, and provide an update on progress towards implementation?

Answer

Members will be aware that in July 2017 the last States Assembly adopted a proposition (P48/2017) put forward by Deputy Southern that, in principle, Jersey should adopt an Ethical Care Charter governing the provision of care in people's homes. As instructed by the proposition, a consultation was undertaken with the Jersey Care Commission and with users and providers of care services on the terms of the Charter with the result that there was general support for the proposed content of the Charter – 84% of responses agreed or strongly agreed that all providers of domiciliary care should be required to sign up to the Charter.

While the intention behind the Charter is entirely laudable and one which I support wholeheartedly, there are some practical obstacles in proceeding with implementing the Charter as a legal or contractual provision. Having consulted the Jersey Care Commission and Caritas Jersey, it is clear that establishing a mechanism that delivers mandatory requirements in the proposed Charter is difficult to achieve.

The proposed Jersey Charter has its origins in a UK union-sponsored voluntary charter that care providers and local authorities can choose to adopt. Such a voluntary approach allows providers to differentiate themselves in terms of how they treat their workers and to stand out in terms of attracting and retaining staff. It allows them to secure clients looking for a provider that adheres to particular standards. The user of the service is then ultimately making an informed choice.

If the Charter was to be compulsory there are particular issues around its terminology (it is not drafted as a legislative provision), its enforcement and the regulation of service providers. The proposed Charter contains elements that relate to terms and conditions of employment and therefore it is not appropriate for such a task to rest with the Jersey Care Commission. While the Commission upholds a comprehensive set of care standards across all care sectors, it does not stray into setting terms and conditions of employment, particularly the establishment of a minimum wage for those working in domiciliary services. Furthermore, Jersey's Employment Law does not make provision for separate legal requirements to apply to different groups of employees. I am informed that the Social Security Minister is not minded to prepare an amendment to the Employment Law in this respect and I agree that it is not appropriate.

The Charter refers to the requirement for a signatory to pay the Jersey Living Wage. This is at variance with the voluntary nature of the Jersey Living Wage – where the employer has decided voluntarily to become accredited. I understand that the promoters of the Jersey Living Wage do not support compulsory accreditation.

So, while I share the desire to ensure that Islanders receive the best possible domiciliary care and recognise the role that a Charter could play in articulating and promoting a set of locally-agreed standards and adherence to good practice, the practicalities of doing this in a legal or contractual framework are proving challenging.

I am willing to continue meeting with Deputy Southern (and the questioner if he wishes) to achieve implementation of the Charter in the best practical way.