Overview

This document provides a summary of the responses received by the Welsh Government to the consultation on the *"Development of a Social Care Negotiating Body for Wales to set Fair Pay Agreements for the social care workforce"* which sought views on proposals to establish a body to negotiate fair pay agreements for the social care workforce, including its structure, functions and scope. The consultation was not attempting to develop the detail of any fair pay agreement, any level of pay or how new terms and conditions would be set; these will be agreed through the bargaining process.

The consultation was published on 24 February 2026 and ran for 8 weeks, closing on 28 April 2026. The consultation received 62 responses from a range of stakeholders and interested parties.

Action Required

For information only.

Further information

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Additional copies

This document can be accessed from the Welsh Government's website:

https://www.gov.wales/consultation-development-social-care-negotiating-body-wales-set-fair-pay-agreements-social-care

https://www.gov.wales/sites/default/files/consultations/2026-02/plain-english-social-care-fair-pay-agreements.pdf

Large print, Braille and alternate language versions of this document are available on request.

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Summary of the consultation responses

The consultation was held primarily as an electronic exercise using the Welsh Government's online platform or e-mail to record responses with written responses also welcomed. The majority of the responses to this exercise (46 or 73%) used the online survey whilst 17 (27%) respondents responded via e-mail to the Welsh Government.

Of those that responded, the following groups contributed to the exercise:

Local authorities	**2**
Representative bodies	**5**
Trade Unions	**4**
Regulator	**1**
Charity	**1**
Social care providers	**21**
Individuals	**29**
Total	**63**

Of the 63 responses received, when asked in what capacity they were responding to the survey, most respondents (29) confirmed that they were replying on behalf of an organisation. 27 responses said they were individuals sharing personal views and experiences whilst 7respondents replied providing individual professional views.

Questioned in what capacity respondents were giving their opinion, 32 replied as members of the health and social care workforce; 3 answered as in another professional capacity; whilst 1 replied as a commissioner of social care. 26 responses (41%) did not answer this question. Following on from this question, we asked if they had said yes to working in health and social care, whether they currently worked in social care. 30 responses said yes to this question, with only 3 replying no. 28 responses (44%) did not answer this question.

When asked what social care roles people currently worked in, we received a broad range of answer from across the social care sector from care home workers to occupational therapists, domiciliary care workers to registered nurses, managers and other support roles. Although the majority of responses (27) did not answer this question, we received the following responses from workers in the following roles: 9 care home workers; 6 domiciliary care workers; 6 other care-related roles; 44 other care providing roles; 3 team leaders; 2 in secure accommodation; and 1 response each from a children's home, occupational therapist, registered nurse, care home manager, domiciliary care manager, a registered manager and other support role.

Introduction

The Welsh Government published a consultation document seeking views on proposals to establish a Social Care Negotiating Body for Wales (SCNB) to negotiate Fair Pay Agreements (FPAs) for the social care workforce, including its structure, functions and scope. The exercise flows from the UK Government's legislation to introduce a FPA process for the social care workforce in England as part of the Employment Rights Act 2025, which includes clauses allowing for the creation of a SCNB for Wales. This is a significant step in creating a sustainable workforce. A FPA offers a practical and principled approach to addressing the longstanding challenges faced by the social care sector in Wales, underpinned by the legal certainty required to effect meaningful change.

The document asked a series of questions that explored ideas around how the Negotiating Body would be established and operate, make provision about its remit (for example, to specify additional matters relating to employment as a worker in the social care sector); specify how matters are to be considered; set out the process for dispute resolution; and how its agreements would be ratified, so that it is given legal effect and applied to workers' contracts.

The Welsh Government worked with our key stakeholder group the Social Care Fair Work Forum, to develop the consultation questions. The Forum is made up of representation from across social care and includes trade unions, employer representatives, local and Welsh Government.

The suite of consultation documents was made available in both English and Welsh at the following link to the Welsh Government website:

https://www.gov.wales/development-social-care-negotiating-body-wales-set-fair-pay-agreements-social-care-workforce

Stakeholder Engagement

The consultation received a public launch from the previous Minister for Children and Social Care, Dawn Bowden MS, during her statement to the Senedd on 24 February 2026, where she invited the sector, all key stakeholders and the wider public to "…*respond to ensure that findings shape our next steps*[1]."

In addition, the Welsh Government held two informative webinars on 18 and 24 March 2026 and attended a number of stakeholder led meetings to provide further clarity and answer any questions about the consultation exercise.

Analysis of the consultation responses by question

This section provides a detailed analysis of the 63 responses and a summary of the answers to each question including those questions on the specific issues posed within the consultation document.

It is important to note that whilst the analysis sets out the number of responses received for each question, some submissions were made on behalf of representative organisations. As such, a single response may reflect the views and experiences of a wider group of individuals or organisations.

Questions 1 – 22 related to the demographics of those who responded to the consultation, and more detail on those can be found Annex A.

Q23. We proposed two options that could potentially meet the needs to form the SCNB. The relevant Welsh Ministers will approve key named organisations to sit on the SCNB and will appoint an independent Chair for either of the following options.

Which option do you support?

Option 1 - an expert committee, providing independent specialist advice to government, building on our existing partnership approach and culture, which would ensure continuity in how stakeholders in Wales work together, or

Option 2 – an advisory non-departmental public body operating at arm's length from Welsh Government.

Option 3 – neither

Option 4 - other

Most respondents favoured either an expert committee model (24 responses) or a formal Non-Departmental Public Body (NDPB) model (20 responses).

[1] line 244 https://record.assembly.wales/Plenary/15758#A105242

Most responses supporting the expert committee didn't provide additional comments. However, the small number that did included reference to the need for strong representation across the social care sector, with individuals who understand the cost of running a care business and who have experience in negotiating fair pay scales.

Those favouring a *Non-Departmental Public Body (NDPB) format* felt that this would help ensure accountability, transparency, fairness and impartiality, supported by an equally impartial and independent secretariat. Concerns were raised regarding Welsh Government's role as both policy maker and funder creating a potential conflict of interest with an expert committee model.

Some responses flagged that the SCNB process was focused on fair pay, which could not be considered in isolation without corresponding commissioning and funding reforms.

5 responses stated "*neither" option* was suitable but only 2 provided reasons which were similar to those outlined above in relation to having independence from Government, with strong governance and accountability measures in place, with members having a well-informed and balanced experience of the sector.

2 responses selected "*other.*" 1 called for Occupational Therapists and the Royal College of Occupational Therapists to be included within the SCNB's remit and membership. The other supported fair pay in principle, but raised concerns about the implications for provider sustainability, commissioning and regulatory compliance.

Welsh Government response:

Welsh Government recognises that maintaining independence, as well as the confidence of employers, workers and wider stakeholders requires the SCNB to operate at arms-length from the Welsh Government, while remaining subject to clear democratic accountability. As a result, we will establish the SCNB as an advisory non-departmental public body.

The SCNB will provide a formal mechanism for negotiating workforce matters in the social care sector in Wales. It will facilitate negotiations and submit recommendations to Welsh Ministers for consideration. While Welsh Ministers will remain accountable to the Senedd for the overall policy framework, they will not intervene in the conduct of negotiations, enabling the SCNB to operate with the independence needed to build trust and credibility across the sector.

Q24 - Which proposal do you support to ensure workers are appropriately represented on the SCNB?

Option 1 - Include TUC Cymru, alongside Unison, GMB and RCN

Option 2 - Include only representatives of independent, membership based recognised trade unions: Unison, GMB and RCN with TUC Cymru acting as a

convenor ensuring effective coordination and communications across trade unions within social care.

Option 3 – Neither

Option 4 – Don't know

Option 5 - Other

22 responses felt that *Option 2* was the right choice, with this approach appropriately recognising the role of democratically accountable, membership-based trade unions in negotiation, while ensuring effective coordination through TUC Cymru.

20 suggested *Option 1* was the best choice, but none commented as to why TUC should also be a voting member of the SCNB.

Many responses highlighted the need to have representation across all sectors in social care – i.e. independent (or private sector), voluntary and not-for-profit organisations. There was recognition that union influence was stronger in public sector organisations. Therefore, it might be necessary for the creation of a co-operative for these groups to hear their voices and ensure they were equally represented if they did not wish to join a recognised trade union.

16 responses across the last 3 options in this group: "*Neither*," "*Don't Know*," and "Other" provided a range of similar thoughts that felt that trade unions, because of their perceived small footprint within the sector, could not accurately represent the views of all workers. 1 response felt membership should be kept under review, whilst ensuring the SCNB actively engages with the sector itself, not only relying on its members.

Welsh Government response:

We will proceed with the proposal set out in option 2. The TUC will act as a convener for UNISON, GMB and the Royal College of Nursing to form a trade union group to sit on the SCNB.

Regulations will require an equal number of seats for trade union and employer representatives on the SCNB. Welsh Minister's will invite the trade union group to nominate individuals and will then review and appoint members accordingly.

Members of this group will be appointed ahead of negotiations beginning.

Q25 – Care Forum Wales and the National Provider Forum are the employer representative organisations that currently represent social care providers on the Social Care Fair Work Forum. Do you agree or disagree with this proposal?

11 responses *strongly agreed* and a further 22 responses *agreed* with this proposal. Respondents felt the forums representing social care providers were well-established and had the confidence of social care partners. There was significant

agreement that the full range of social care services needed to be represented to ensure all aspects of the sector were heard and understood.

However, several responses were concerned that social care employers did not have the same level of expertise in negotiations as trade union counterparts; and questioned how Welsh Government would support this process. Other responses included consideration that the National Provider Forum and Care Forum Wales should oversee the mechanism to elect employer representatives to the SCNB to ensure the broad range of social care providers are represented.

14 responses "*Neither agreed or disagreed*" with the proposal. Some felt by not being members of the National Provider Forum or Care Forum Wales, they would not be fairly represented. Some reiterated the intention that the SCNB needed an equal number of seats representing employer and worker views in order to ensure the voices of both parties are heard fairly, and fair pay must be considered alongside fair pricing.

Respondents who disagreed or selected "other" questioned whether the Social Care Fair Work Forum was the right model for a pay negotiation body, citing concerns about insufficient representation of the independent sector and potential conflicts of interest if commissioners held the same powers as employers.

Some called for stronger representation from specific social care sectors, while others suggested advisory panels to ensure wider sector voices were heard. A key message was that any pay negotiation body should be accompanied by wider reforms to commissioning, sustainability and regulation.

Welsh Government response:

Responses strongly supported the importance of employer representation and emphasised that employer representatives should reflect the breadth and diversity of social care employers across the sector. Regulations will require an equal number of seats for trade union and employer representatives.

Welsh Ministers will invite the employer representative organisations identified above to nominate members from relevant organisations to the SCNB, ensuring that social care employers are appropriately and proportionately represented, and will then independently review and appoint members accordingly.

Q26 - Which of the two options proposed for involving local government and ADSS Cymru in the FPAs process do you support?

- **Option 1 – Employers, trade unions local government and ADSS all have full voting rights**
- **Option 2 – Employers and trade unions have full voting rights with local government and ADSS in an advisory role.**

29 responses chose *Option 1* recognising the importance of all the specified roles in this process and the need for all parties to work together to achieve this goal.

Some responses recognised local government's statutory role but also flagged their role as employers, service providers and commissioners of services, which could be a benefit or a conflict in negotiations. They suggested that advisory-only status would be insufficient, as it would not recognise councils' accountability for delivering social care services, whilst full membership would be consistent with social partnership principles, ensuring those responsible for implementation are directly involved in decision-making.

19 responses chose *Option 2* stating the need for commissioners to have an advisory role. There was a suggestion that commissioners provide formal evidence to the SCNB to show how they assess affordability, commissioning readiness and market sustainability.

Concerns were raised around funding and if money had been set aside to ensure FPAs could be delivered. Responses highlighted concerns about whether current funding levels allocated by local authorities, fully reflect the costs associated with delivering social care, and the impact this can have on market sustainability. While initiatives such as the National Commissioning Framework were welcomed as important steps towards driving good practice, respondents noted that these reforms will take time to become fully embedded and that their effectiveness could be affected if any new arrangements are not supported by appropriate funding.

There were responses that felt that collective bargaining can only be completed between workers and employers and that, if local authority employed staff were not included within scope, providing local government with a full voting right would blur the lines between their roles as customer and commissioner rather than employer. 1 response also feared that this could blur the lines between collective bargaining and social partnership.

Of the 10 remaining responses, 2 chose "*Neither*", 5 chose "*Don't Know*", and 3 chose "*Prefer not to say*". Respondents recognised the important role that local government and ADSS Cymru could play in the process but stressed that any FPAs must be closely linked to commissioning and funding decisions. The main concern was that pay agreements could have unintended consequences for the sustainability of care providers if additional costs are not reflected in commissioning fees. Several responses also highlighted the need for clear roles, transparency, and consideration of local market differences, while a small number questioned whether an SCNB was necessary or raised concerns about potential conflicts of interest.

Welsh Government response:

Having considered the responses and the views expressed regarding the respective roles of the WLGA and ADSS, we propose that these organisations should not hold voting rights, reflecting their position as commissioners and customers rather than employers.

However, recognising the vital role local government has in implementation and to ensure their views, knowledge and experience are included in negotiations, we will establish a clear process of engagement and influence. This will allow the SCNB multiple points of engagement with local government throughout the negotiation process.

We will work with WLGA to develop a clearly defined advisory role for local government, including ADSS. Local government will have the opportunity to provide information and evidence to the SCNB at the outset of negotiations to inform its considerations. In addition, the FPA will be shared with local government prior to Ministerial sign-off, enabling them to provide feedback and ensure their views are considered as part of Ministers' deliberations on the proposed FPA.

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Q27 - Do you agree that Welsh Government should have an advisory role (without voting rights) as part of the SCNB for Wales?

50 responses answered "*Yes*" to this proposal. The majority of responses agreed to the Welsh Government having an advisory role in the process, as the policy makers and key drivers for funding and regulation. Some responses suggested that voting rights for Welsh Government would undermine the independence of the SCNB to negotiate a fair pay deal. Several felt that true collective bargaining needed to be independent of government but argued that its role was to ensure that transparent and sufficient funding was available to deliver through a method that guaranteed delivery to all aspects of the social care sector and that enforcement was robust and comprehensive. Some cited the problems with the Real Living Wage (RLW) as an example of where this had not happened and lessons should be learned.

8 responses said "*No*" to this proposal but only 3 supported their objection citing points such as whether there was even a need for such a Body, querying the legality of imposing pay scales upon the sector and the methods of how this would be funded.

5 respondents did not return a response to this proposal.

Welsh Government response:

The Welsh Government will support the SCNB in an advisory capacity as policy makers but will not hold any influence or voting rights.

Q28 - Do you think there are any other organisations who should be members of the SCNB, in addition to the proposed worker and employer representatives?

18 responses replied "*Yes*" to this proposal. Several responses felt that there were other groups who should have a role in the SCNB but more as an advisory panel

rather than a direct role in the negotiations. This panel would support the SCNB with research, lived experiences and data and include as members representatives from the Real Living Wage Foundation, Social Care Wales (SCW), Care Inspectorate Wales (CIW), Home Care Voices, NHS Commissioners, Royal College of Occupational Therapists, Llais, Older People's Commissioner, Public Health Wales and small and medium businesses. Some felt that the advisory panels should also include more individual voices – i.e. workers, service users and carer voices – as their experiences needed to be considered as part of the negotiation process.

Whilst agreeing that there should be advisory panels, some responses felt that these should be to provide advice and research as only employer representatives and trades unions should be on the SCNB.

12 said "*No*" to this proposal but did not explain why.

28 answered "*Did not know*" to this proposal. Of those, only 2 provided supporting information with 1 voicing the need to ensure that the voices of service users or their representatives should be included, with the second highlighting concerns that the SCNB could become too big and slow down the process. Reviewing the membership regularly would help keep it relevant.

Welsh Government response:

For the first cycle of negotiations, the Welsh Government will not appoint any additional members to the SCNB, other than the core members as set out above. This is to ensure negotiations are led by trade union and employer representatives, in line with the principles of sectoral bargaining.

We recognise that the Chair and SCNB members may wish to draw on the expertise of others during negotiations. Regulations will therefore provide for Welsh Ministers to appoint non-voting members to support the SCNB where required. We also expect the SCNB to ensure the views of those who receive care are reflected in the process utilising any relevant research or data to support negotiations.

Q29 - How should the interests of people who pay for their own care be considered as part of the negotiation process? (Optional)

34 responses did not answer this question.

Those that did respond had mixed views. Some felt individuals who paid for their own care (or "self-funders") should have their voices heard as part of this process, citing concerns that FPAs could disproportionately increase costs for this group who already often pay higher fees than publicly funded service users. Some called for specific impact assessments and financial modelling to understand potential effects. Some suggested input from an advisory panel, made up of individuals, care providers operating in mixed markets and voluntary organisations.

However, there was no consensus on the best mechanism for representation. Suggestions ranged from gathering views through evidence submitted to help

negotiations, representation by care providers, consumer groups, advocacy organisations, a dedicated advisory panel, or through existing engagement channels such as Care Inspectorate Wales.

A small number of responses highlighted that self-funders who employ personal assistants may be employers themselves and should either be represented as such or receive clear information on any changes affecting them.

Views were not universally supportive of self-funder involvement. Some respondents suggested that self-funders should not influence workforce pay decisions, while others considered direct representation on the SCNB to be inappropriate or a potential conflict of interest.

Welsh Government response:

We recognise the importance of understanding the potential impact of FPAs on self-funders. To support this, the remit letter to the SCNB will require consideration of affordability for all purchasers of care, including self-funders, accessing any relevant information and research available.

Q30 - How should the interests of NHS commissioners be considered as part of the negotiation process? (Optional)

41 responses did not answer this question.

Several responses felt that NHS commissioners should have a similar advisory role as their local government counterparts in this process, as they too will be employing social care providers and their workers to help deliver care. It was considered essential to bring consistency and alignment in workforce and pay policies in social care. Some voices cautioned the need for impact assessments to model the effect on fee setting and sustainability of services, as pay in the NHS can unintentionally increase staff movement and weaken community services.

Some felt that FPAs could be a driver for greater alignment between local government and NHS commissioning practices, which can lead to better integrated services that build sustainability and improve outcomes for individuals and communities.

While the informative role of NHS commissioners was recognised, concerns were raised about granting them a more detailed role within the SCNB. These concerns reflected a view that commissioners have an interest in managing the cost of care and that this could create tensions within the collective bargaining process. Concerns were also raised about the impact of fee-setting approaches on funding for more complex care needs

Welsh Government response:

We do not propose appointing additional SCNB members to represent the interests of NHS commissioners. Rather, the interests of NHS commissioners will be considered through alternative arrangements, including:

- a remit for the SCNB to consider affordability across all purchasers of care, including NHS commissioners;
- established points of engagement for NHS commissioners throughout the negotiation process, led by the SCNB Chair and secretariat; and
- assessment of impacts on NHS commissioners through published impact assessments following agreement of an FPA.

Q31 - Are there any specific criteria that you think Welsh Ministers should consider when appointing members to the SCNB?

31 responses answered "*Yes*" to this question. Most felt that both the Chair and secretariat of the new SCNB needed to abide by the Nolan Principles and have demonstratable operational and financial expertise of the breadth of the social care sector but be independent from it. They also suggested that members should have collaboration, ethical leadership and effective negotiation and mediation skills.

Several respondents highlighted the need for the SCNB to consider FPAs alongside the Code of Practice for Funding the Third Sector and the National Framework for Commissioning Care and Support, ensuring any new agreements align with these principles.

Respondents stressed that the appointment process should be supported by robust governance procedures to prevent conflicts of interest. Members should have a strong understanding of the diversity of roles and services, the commercial realities of the sector and can recognise the impacts decisions can have for all parties.

44 responses chose "*No*" to this question, -21 responded "don't know" and 1 responded "prefer not to say" with no further comments.

Welsh Government response:

The Welsh Government intends to maintain a flexible approach to the membership criteria for the SCNB. Regulations will set out only two desirable criteria for appointment:

- knowledge and understanding of the social care sector, including service delivery; and
- experience or understanding of employment negotiations and industrial relations.

Responses emphasised the importance of SCNB members having a strong appreciation of the operational realities of social care in Wales and the diversity of the sector. The appointments process will also take account of the overall mix of skills, experience and perspectives on the SCNB, including the ability to work collaboratively, act impartially and uphold the values of social care.

Q32 - Do you agree with the proposal for Welsh Government to provide secretariat to the SCNB?

43 responses answered "*Yes*" to this question, indicating support for the Welsh Government providing the secretariat for the SCNB. 1 response felt that professional civil servants would help ensure the SCNB operates effectively, whilst another felt that a Welsh Government secretariat would help keep costs down. Another respondent felt that Welsh Government officials supporting the Social Care Fair Work Forum in a similar capacity had proven themselves trusted and effective.

8 responses answered "*No*." 2 respondents added that they did not know who should do so if not the Welsh Government, whilst 1 respondent felt it should be an external delivery partner but did not elaborate. Another respondent shared concerns that any government involvement would add a layer of bureaucracy that would not make it fair, independent or transparent.

12 responses did not answer this question.

Welsh Government response:

The majority of respondents supported civil servants providing the secretariat function for the SCNB, and we intend to take this approach. This will help ensure cost-effectiveness, continuity across negotiating cycles and impartiality. The secretariat function will be delivered by the National Office for Care and Support and will provide administrative, analytical and operational support to the Chair and SCNB members. It will not play any role in determining the outcomes of negotiations.

Q33 - Are there any factors we should consider when deciding how any funding available is distributed to support the negotiation and implementation of the FPA? Please explain your position and provide supporting information (optional)

35 respondents did not answer this question.

27 responses felt that there were other factors to consider, including the specific needs of rural areas and travel times and other logistics place additional cost implications on the workforce; that the proposal is applied to all aspects of social care and not just the public sector; regional variances and cost of living; that costs are not passed on to those using social care services; sufficient funding is available to meet any agreement; and ensuring that the agreement did not undermine pay differentials across roles.

Several responses felt it important that sufficient and sustainable funding was provided to deliver FPAs, including the true costs of staff pay, and that employers were not left to meet the additional costs with no support. This led to a call for assurances that monitoring mechanisms would be strengthened and focused to ensure local authorities were transparent and could demonstrate how their

commissioning processes had ensured that funding had been passed on to service providers. Some respondents felt that any funding to support the delivery of FPAs should be provided direct to social care providers to ensure that they receive the funds.

Some respondents felt that to address a national FPA without doing the same for commissioning fees risked undermining any benefit.

Welsh Government response:

The Welsh Government intends to set a funding envelope via a remit letter issued by Welsh Ministers ahead of each negotiation cycle. The mechanism for passing this funding to our workforce will be developed taking learning from the delivery of the Real Living Wage policy to care workers in Wales, and ensuring funding allocations are transparent.

Q34 - Is there anything else that you think a remit letter from the Welsh Government should set out?

19 respondents answered "*Yes*" to this question. The majority called for the remit letter to have clearly defined priorities and requirements, clarity on what is not in scope and provide all parties with an identified and sufficient and sustainable funding envelope. Some respondents felt that it should refer to the link with commissioning and set out the mechanism for how the funding will be utilised to deliver the FPA to workers.

Some answers felt that the remit letter should be a guide for the SCNB but be flexible enough to allow it to set some of its own priorities. It was felt that this would support true sectoral collective bargaining and allow the SCNB to determine its short, medium and long-term aims.

16 answers answered that they "*Don't know*," with 15 not providing any further detail.

12 responses said "*No*" to this question, 2 "Prefer not to say" and 13 chose not to answer with no further comments.

Welsh Government response:

We will establish a structure whereby a remit letter would set out any priority areas for government, including:

- coverage and remit: the terms and conditions, wider employment matters and specific roles in the workforce that the government would require to be considered for that cycle of negotiations
- due regard to contextual factors: the factors that the SCNB must and/or may have regard to, for example, economic conditions, affordability, workforce evidence, any relevant activities of other bodies

- conditions: conditions that must be met in relation to any agreement (this will include the maximum funding envelope for that cycle that has been agreed by central government)
- timelines: the timeline for negotiations including a deadline by which the SCNB must submit an agreement to Welsh Ministers
- information and evidence: any requirements as to information and evidence to be provided to the SCNB
- local government: that the SCNB must consult with local government and consider their views
- NHS commissioners and self-funders: to consider affordability for these groups.

The inclusion of these factors is intended to ensure that the SCNB has the flexibility to discuss and negotiate on issues within its full statutory remit, as well as accounting for government priorities and conditions such as the maximum funding envelope for that cycle of negotiations.

Q35 - Do you agree or disagree with our proposal for how negotiations will begin?

Once the SCNB has received a remit letter, it will be able to commence negotiations, led by the chair and supported by the secretariat.
Before the negotiations begin, the SCNB may wish to conduct a period of engagement and evidence gathering to understand the existing landscape. The SCNB will have the freedom to approach negotiations as they see fit, within the parameters set by the remit letter.

The majority of responses either "*Strongly agreed*" (14) or "*Agreed*" (29) with this proposal agreeing that the SCNB needs sufficient time to engage with the sector, complete its research and negotiate a transparent FPA. There was a call for the evidence to be published to show how decisions had been reached. Some felt that a transparent code of conduct would help ensure people had confidence and trust in the process, whilst others felt a clear set of timelines was needed to ensure that commissioners understood the implications of the agreements and built them into their budget setting processes to maintain sustainability, workforce retention and service delivery.

6respondents "*Neither agreed or disagreed*," with only 1 expanding on this view. They argued that the negotiations also needed to consider the national commissioning fee methodology to ensure that funds were passed on to deliver the final agreement.

6responses "*disagreed*" citing concerns that limiting the negotiations to the "*parameters of the remit letter*" would restrict consideration of wider issues affecting the workforce. Some felt that the research evidence should guide the discussions and negotiation of an agreement.

1 response "*Strongly disagreed*," 2 responses "*Don't Know*" and 1 response opted for "*Other*" but none of these elaborated on their choice.

Welsh Government response:

With the support of most respondents, we intend to proceed with the process outlined in the consultation document, whereby negotiations can commence once the SCNB receives the remit later. We will take account of all views shared as we develop this further.

Q36 – Do you agree or disagree with our proposal that each of the bargaining sides manages their own voting system, with a requirement that each side simply informs the chair whether they can support a proposed settlement?

The majority of responses either "*Strongly Agreed*" (16) or "*Agreed*" (21), noting that this reflected established pay bargaining arrangements and is therefore familiar, recognised and acceptable to employers and the workforce.

7answered that they "*Neither agreed or disagreed*," instead raising concerns about whether members would be able to consult effectively without causing delays to negotiations and service delivery. Respondents were concerned that, because the main parties represented only employers and employees, the concerns of service users would not be considered.

3 chose to "*Disagree*" with the proposal. Concerns included the potential for industrial action to influence negotiations, reduced transparency and the need for greater consideration of local government's dual role within the process.

6 chose "*Don't Know*" and 1 the "*Prefer not to say*" option but did not elaborate further on why they chose these options.

Welsh Government response:

With the support of most respondents, we intend to proceed with the process outlined in the consultation document, whereby each of the bargaining sides manages their own voting system and will take in to account of all views shared as we develop this further.

Q37 - Do you think 6 months is enough time for an agreement to be reached in negotiations?

37 responses answered "*Yes*" to this question considering that 6months was sufficient time to comprehensively consider the evidence, reflect and find an agreement for a fair pay deal. Some felt that the timescales needed to be aligned with budget setting to ensure that they are factored into these processes, so they are not delayed.

9 responses said "*No*" to this proposal with several noting the proposal was a waste of time, as wider pressures on the social care sector would not be addressed by this.

2 responses suggested it would not be long enough to complete the first negotiation because of the complexities of the sector.

9 respondents said "*Don't know*" but some felt that success would depend on providing sufficient time for the SCNB to genuinely engage with the sector and consider the evidence to negotiate what would constitute a FPA when it was not clear how they would be funded.

Welsh Government response:

We intend to proceed on the basis of 6 months being enough time for negotiations to take place to allow new FPAs to be agreed on an annual basis. We will keep this under review.

Q38 - Do you think 6 months is enough time for the sector to prepare for implementation of the pay agreement allowing Welsh Government to consider the recommendation and implement?

29 responses answered "*Yes*" with most considering six-months sufficient time for implementation, providing there would be sufficient funds to deliver it. Some stressed the urgency of introducing the FPA, arguing the sector and workforce are ready for its delivery.

13 responses answered "*No*" to this question, citing concerns that the sector is not yet prepared for the financial implications, particularly as the funding has yet to be agreed. Some felt that the initial agreement should be phased in to align with commissioning and budget cycles.

8 responses answered "*Don't know*". Responses emphasised the need for an implementation timetable aligning with existing commissioning and funding processes. Several explained that commissioning fee negotiations were conducted over the winter period with implementation in March, which would now require a further consideration of the additional funding for any FPA. There was concern that this could necessitate a renegotiation of the fees.

Welsh Government response:

With support from most of those that answered this question, we intend to proceed on the basis of 6 months being enough time for implementation of the FPA, whilst taking in to account the suggestions of how this can be made easier for the sector. We will keep this under review.

Questions 39-42 cover scope and coverage of the SCNB. One Government response has been included after question 42.

39. Are there any roles, either in your organisation or that you employ, that you are concerned do not fit within the definition of a social care worker as set out in section 42(1)(b) of the 2025 Act and section above, and therefore may not be within coverage of the SCNB?

8 responses said "*Yes,*" stating that greater clarity should be provided as to which roles would be included. These responses felt that the current definition was deliberately too broad. Some responses felt that roles such as ancillary staff, or occupational therapists, physiotherapists, technical instructors, enablement officers and telecare officers should be included in the definition as "social care workers," as these could cross boundaries between complex care and companionship.

18 responses chose "*No,*" sharing concerns about how costly the process could become and encouraging a more focused scope to avoid confusion. Some flagged the need for the SCNB to be aware of the potential unintended consequences of agreements, particularly where workers in some services are out of scope.

13 responses answered "*Don't know,*" with a number of them not providing any further clarification. Some sought greater clarity on what constituted a "social care worker," whilst 1 felt that half their staff were not carers but should be included or it would be unfair.

1 response replied "*Prefer not to say*."

Q40 - How can Welsh Government support you or your organisation to determine whether your workers are to be within coverage of the SCNB? (Optional)

47 responses did not answer this question.

Out of the few that responded, most called for clear definitions, guidelines (with practical examples and templates) and communication from the Welsh Government to help employers and commissioners understand how this process will work. Some felt online tools should be developed, alongside FAQs, and should be delivered in advance of the first agreement, so employers can determine who would fall within scope.

1 response felt social care workers who are self-employed or under informal arrangements should be included within the scope of the consideration of the agreements to end the practice of offering staff contracts that avoid providing staff with full terms and conditions.

Q41 - Are there any settings, services or roles that you think should be excluded from the SCNB's coverage?

9 responses said "*Yes*" to this question. Most felt that public sector workers, employed by either local authorities or health boards, should be excluded from this SCNB's remit, as they were subject to their own negotiations that excluded those in the independent and voluntary sectors.

1 response felt that the focus of the SCNB should be on those areas where there were recruitment issues and workers on low pay. However, there was some debate over whether ancillary roles should be included as they are part of care homes and domiciliary care services, with some agreeing and others against this idea.

32 answered "*No*" to this question. The majority chose not to elaborate on their response, but several did provide additional information debating if the SCNB should cover health and social care workers.

13 responses "*Don't know*" the answer to this proposal.

9 responses chose not to answer this question.

Q42 - Are there any other settings, services or roles that you think should be included within the SCNB's coverage that have not been mentioned? (Please see section "Coverage" for the list)

8 responses replied "*Yes.*" They highlighted several roles, including local authority staff, ancillary staff, nurse educators, foster carers and clinical supervisors embedded with social care providers.

23 answered "*No.*" Only 4 provided further information. 1 called for "extra care" staff to be included and 2 welcomed the inclusion of personal assistants in the SCNB's negotiations.

21 chose "*Don't know*" with 1 response seeking clarification on whether mental health support workers would be included.

1 response replied that they "*Prefer not to say*" and ten not responding.

Welsh Government response to Q 39 - 42:

Following consideration of the responses, we intend to keep a broad scope for the social care workforce within the remit of the SCNB. This reflects the ambition that, over time, all social care workers should have the opportunity to benefit from FPAs. This approach will also allow maximum flexibility for the SCNB to determine the scope of its negotiations. The only exclusions will be those covered by existing collective bargaining agreements via the National Joint Committee (Local Government employees) and Agenda for Change (NHS employees). More information is provided below on this.

Welsh Government's priorities, expectations and intended outcomes for the SCNB's work will be set out through a remit, including any workforce groups or issues that Ministers consider should be the focus of the Body's attention.

We will support organisations to determine whether their workforce falls within coverage of a negotiated fair pay agreement by publishing clear and detailed guidance. In line with consultation responses, we will look to make use of clear definitions, visuals and targeted communications, to ensure there is a clear understanding across the sector.

We acknowledge the concerns raised as a result of self-employed workers and those working under informal arrangements being outside of the SCNB's coverage. We

remain committed to addressing bogus self-employment within the care sector and intend to review the impact of a fair pay agreement on self-employed workers following its implementation.

Q43 - Please share any thoughts on whether the SCNB could affect those that are self-employed or working under informal arrangements. (Optional)

47 responses chose not to answer this question.

Consideration was requested by several responses regarding the potential impact on direct payments and commissioning fees for mainstream social care services. Increases in these payments will be needed to ensure personal assistants receive wage increases alongside their social care worker counterparts.

Clear published guidance was requested by several respondents, ensuring there is no ambiguity and that employers have clarity on how the programme would work in practice and who is in scope.

Some respondents expressed concern that employers could use self-employed or informal arrangements to bypass FPA provisions and employment rights. Others argued these groups should be excluded, as such arrangements are often chosen voluntarily by micro-providers.

Welsh Government response:

Those that are self-employed are not within scope of the SCNB as they're not covered by the definition of "social care worker" set out in the Employment Rights Act 2025. We remain committed to addressing bogus self-employment within the care sector and intend to review the impact of FPAs on self-employed workers following its implementation.

As questions 44 and 45 are linked, one Government response has been provided for both questions following question 45.

Q44 - Do you agree or disagree that workers covered by the National Joint Council for Wales should also be in the SCNB scope?

-21 responses either "*Strongly agreed*" (9) or "*Agreed*" (12) with this question. Those that provided reasoning felt that the current system already created a two-tier wage process between public and independent sector workers. It was felt a single process, where all workers were paid the same amount, should be the goal.

19 responses "*Neither agreed or disagreed*". However, the majority agreed that public sector workers should be omitted to help align pay rates in the independent sector with the public sector. Failure to do this could risk widening the pay gaps between these workers and potentially cause confusion.

Ten responses either "*Disagreed*" (7) or "*Strongly disagreed*" (3), citing the need for public sector workers to remain on their current pay agreements under the NJC, as they already benefit from collective bargaining arrangements. Their rate of pay is

likely to sit above any FPA for the immediate future, and this should not be a priority for the SCNB. This should be kept under reviewed as things progress.

6“*Did not know,*” 1 “*Preferred not to say*” and 6did not respond.

Q45 - Do you agree or disagree that workers covered by the Agenda for Change contract should also be in the SCNB scope?

20 responses opted for “*Strongly agree*” (9) or “*Agree*” (11). Whilst recognising the challenges of dual systems, respondents felt the risk would be greater for some workers to be paid less depending on who their employer is and ideally the SCNB should cover the whole workforce. Some felt that the “Agenda for Change” would be more generous than the new FPA and this could exacerbate the existing two-tier situation.

20 responses “*Neither agreed or disagreed*”. Many felt that, like the NJC, “Agenda for Change” was likely to be above what any FPA will be able to match initially. This should be monitored as FPAs progress to work towards bringing pay scales into alignment.

7responses “*Disagreed*”. These respondents argued that that “Agenda for Change,” like the NJC, is already a national collective bargaining framework and therefore should not be a priority for the SCNB. To add these workers would add complexity without benefit and cause confusion.

6“*Did not know,*” and 1 “*Preferred not to say*” to this question.

Welsh Government response to Q 44 & 45:

We carefully considered views on whether workers already covered by collective bargaining arrangements, including Agenda for Change for NHS workers and National Joint Committee for Local Government, should fall within the scope of the SCNB. Respondents highlighted the importance of workforce consistency, protecting workers, but avoiding confusion and making the process overly complex.

Considering these workers are already covered by established bargaining arrangements, it has been decided that including them at this stage could create duplication, complexity and uncertainty, while potentially undermining existing processes.

Focusing the SCNB on parts of the social care workforce not currently covered by established bargaining arrangements will allow it to target support where it is most needed and deliver the greatest impact on pay, terms and conditions. This will be kept under review as the SCNB develops and gathers evidence on workforce outcomes.

Cross-border questions:

We asked four questions relating to the management of services across the borders. A combined Welsh Government response to the next four questions can be found following Q49.

Q46 - Do you currently manage a service across the borders between England and Wales or England and Scotland?

13 responses chose "*Yes*." Views on cross-border pay varied. 2 reported the same pay rates on both sides of the border, while others indicated that pay was higher in Wales or, conversely, higher in England.

Several respondents reported that they already comply with nation-specific regulatory requirements and manage regional pay variations, whilst they did anticipate further administrative burden being caused by FPAs.

-31 responses said "*No.*" Only two responses provided any further information, confirming there was no standard approach to managing pay across the border, and the need for alignment and clarity was essential.

18 did not answer this question.

Q47 - In principle, would having to comply with different legal requirements for pay and terms and conditions in different countries cause you to reconsider your operations and where you provide care?

8 answered "*Yes.*" Whilst most did not elaborate, some responses indicated the potential for confusion in having different terms and conditions across the border, when some workers will be providing care in both countries day to day. 1 respondent felt that current commissioning rates already made it hard to deliver care.

14 answered "*No.*" Most responses did not elaborate, but 1 stated that unless the administrative burden becomes significantly more complex, they couldn't see them changing operations.

16 answered that they "*Did not know.*" Most responses did not elaborate, but 1 response stated it would be difficult to say without seeing the different legal requirements between England and Wales. Another response felt that current regulatory differences between England and Wales already brought complications with service and workforce registration and FPAs could add another layer of complexity.

25 did not answer.

Q48 - If pay and terms and conditions were different between England, Wales and Scotland, would this have any effect on your choice of job, where you work or where you live?

18 responses chose "*Yes*" to this question. Most chose not to elaborate on their reply, but of those that did the concerns were around managing the differences across the border and the risk of losing staff who moved to the nation with better pay.

12 chose "*No*" to this question. Most chose not to provide any further information but 2 explained that this would not be a consideration for them.

6replied "*Don't know*" but 1 flagged potential issues in managing somebody on different FPAs depending on the hours worked in each nation, and the need to explore alternative options for those in border areas.

26 did not respond.

Q49 - Which option below would you prefer where there is the potential for a worker to be covered by more than one FPA because they are working across borders?

49.1	**A**	**A worker follows the FPA pay and terms and conditions for the number of hours worked in that nation**
49.2	**B**	**A worker follows the one FPA where they spend most of their time working, receiving the same pay and terms and conditions for all the hours worked.**
49.3	**C**	**A worker follows the one FPA for where they are resident, receiving the same pay and terms and conditions for all the hours worked.**
49.4	**-**	**Other**
49.5	**-**	**Don't know**

23 chose option A. The majority did not provide any clarification of their choice. Of those that did elaborate, some felt this would be the best way to protect the integrity of any potential different FPAs developed. 1 response added that an alternative option could be for employers to pay their staff according to the FPA of the nation in which they were registered – i.e. with Care Inspectorate Wales in Wales or Care Quality Commission in England.

17 chose Option B. Those that elaborated on this choice, felt that this would provide clarity, consistency and fairness of pay for workers, minimising operational challenges for employers.

2 chose option C. 1 response felt that a worker receiving two different payments for the same work across the border might opt to only work in the higher paying nation and create further recruitment and retention issues.

3 chose "*Other*" with 1 arguing that FPAs could be linked to where the service provider was registered – reducing the administrative burden on employers. Another felt it was too difficult to give an informed opinion without knowing the potential scale of the issue but feeling that the market would respond naturally over time.

3 replied "*Don't know*."

Welsh Government response to questions 46, 47, 48 and 49:

We recognise there could be complexities with the small number of providers and workers the cross-border issues could apply to. We will therefore direct the SCNB in the remit letter to consider the pay policies across each nation, and any impacts on an annual basis, rather than setting a standardised approach to this that might not fit all. An agreed approach will be confirmed jointly with the UK Government ahead of the first FPA coming in to effect in April 2028.

Priorities for the SCNB

The following five questions seek respondents' opinions on what the Welsh Government should prioritise when issuing a remit letter to the SCNB. A combined response to all five questions can be found following Q54.

Q50 - Out of the following areas of pay, which do you think should be a priority for the Welsh Government's first remit letter to the SCNB? Select up to 3 priorities.

50.1	**A**	**Setting a pay floor (a sectoral minimum wage) above the RLW**
50.2	**B**	**Setting pay bands linked to career progression**
50.3	**C**	**Introducing qualification or skills-linked pay**
50.4	**D**	**Bonuses (e.g. for seasonal bonus payments)**
50.5	**E**	**Pay supplements (e.g. for unsociable hours or to support recruitment and retention)**
50.6	**F**	**Don't know**
50.7	**G**	**None of the Above**
50.8	**H**	**Other**

Most respondents (41) opted for option A as a priority for the SCNB's first remit letter with many suggesting this should be the only focus of the initial remit letter, provided that sufficient funding was made available. 27 chose option B, with 23 choosing option C. Most felt that, as more registration requirements were linked to qualifications, it was logical that this was reflected in pay and progression in a way that mirrors the NHS approach.

14 selected option D, and 16 felt option E should be included, with the impact of unsociable hours being better reflected in pay.
Throughout the responses received, many reiterated the need for any considerations and negotiations on pay to take account of pay differentials between roles across the sector, utilising the Pay and Progression framework developed by the Social Care Fair Work Forum to avoid significant financial burden on employers.

Q51 – Out of the following terms and conditions, which do you think should be a priority for the Welsh Government to consider as part of their remit letter to the SCNB? Select up to 3 priorities.

51.1	**A**	**Pay for time and costs of travelling between visits (in addition to the minimum RLW which providers should already be paying)**
51.2	**B**	**Pay for sleep-in or night shifts**
51.3	**C**	**Hours of working week, including guaranteed hours and zero-hours contracts**
51.4	**D**	**Overtime pay**
51.5	**E**	**Enhanced sick pay or sick leave**
51.6	**F**	**Paid holiday or annual leave**
51.7	**G**	**Pension contributions and conditions**
51.8	**H**	**Injury allowance**
51.9	**I**	**Don't know**
51.10	**J**	**None of the Above**
51.11	**K**	**Other**

The most popular choices were for option A, with 25flagging option E as the next most important area of concern for the workforce. Next came option B with 20 responses.

19 responses identified option D as a priority area with 18 responses selecting option C . 18 respondents identified option D as their priority.

16 respondents felt that option F should be a priority, followed by 13 respondents selecting option H.

2 responses answered "*Don't Know*" and 4 replied "*None of the above*." These felt that the focus should, in the initial phase, be focused on improving pay.

12 respondents selected "*Other*" and provided additional comments. Views were mixed, with some stating that many of the proposed areas are already covered by employment law. Others felt greater consistency and standardisation was needed cross the sector. Some highlighted the need to address social care funding to enable employers to meet expectations. Whilst recognising the flexibility of zero hours contracts, some favoured increased access to guaranteed hours and more predictable working patterns to improve workforce stability.

Additional comments noted the changes being brought about by the Employment Rights Act 2025, which involves changes to zero-hours contracts, strengthened Statutory Sick Pay, and new rights to guaranteed hours in social care. Despite being phased into effect, some felt there were considerable risks that these could have significant impacts on employers requiring contract adaptations, changes to rostering systems and workforce models, with further changes needed for FPAs.

6 respondents did not answer this question.

Q52 – Which, if any, of the following areas within training, development and career progression do you think should be included within the SCNB's remit?

52.1	**A**	**Training entitlements (e.g. include annual training days, access to a training budget, the right to request training)**

52.2	**B**	**Specialised training (e.g. dementia training, artificial intelligence training, delegated healthcare tasks)**
52.3	**C**	**Policies to support career progression for the workforce**
52.4	**D**	**Policies to support development opportunities for the workforce**
52.5	**E**	**Policies to support specific qualifications for the workforce**
52.6	**F**	**Don't know**
52.7	**G**	**None of the above - training, development and career progression should not be included**
52.8	**H**	**Other**

35 responses felt that option A should be included in the remit letter, urging flexibility, as some part-time or casual workers might not be able to meet specific time-bound qualification requirements.

The next priority was option B, with somefeeling that specific, dedicated training was needed to ensure that the needs of individuals receiving care were being met.

31 responses chose option C with 27 selecting option D,

20 thought option E was important, with several responses agreeing this would increase take up of qualifications, improve career progression and help retain staff.

2 responses selected "*Don't know*" and 4 responses answered "*None of the above"* and felt training, development and career progression should not be considered in the first remit letter.

11 responses provided further comments in "*Other*" that touched upon career development and training opportunities being more longer-term objectives. They felt the focus should be on securing the right funding to deliver fair pay. Some considered including any training and development in the remit letter would duplicate the work of the workforce regulator, Social Care Wales (SCW) and that requirements laid out in the Regulation and Inspection of Social Care (Wales) Act 2016.

Q53 - Which, if any, of the following areas within people and culture policy do you think should be included within the SCNB's remit? Select all that apply.

53.1	**A**	**Equality, diversity and inclusion policies**
53.2	**B**	**Wellbeing policies**
53.3	**C**	**Dignity at work (including bullying, harassment and discrimination) policies**
53.4	**D**	**Family-friendly or balance between work and personal life (including flexible working) policies**
53.5	**E**	**Health and safety in the workplace (including preventing violence in the workplace) policies**
53.6	**F**	**Whistleblowing and speak up schemes**
53.7	**G**	**Don't know**
53.8	**H**	**None of the Above: people and culture policy should not be included**
53.9	**I**	**Other**

There was a clear call for all of these policies with the most popular choices being option A and B each having 37 votes. Then came option C, D, E and F all having 32 votes each.

3 responses replied "*Don't know*."

11 responses answered "*None of the above: people and culture policy should not be included*." Many argued that employers are already responsible for these areas under existing employment law. While some supported greater national consistency, they did not see the SCNB as the appropriate mechanism for delivering it. Instead, some suggested promoting existing best-practice frameworks, whilst allowing employers flexibility to adapt policies to their own business models and circumstances.

7 respondents did not answer this question.

Q54 - Which, if any, of the following areas within additional benefits and financial support do you think should be included within the SCNB's remit? Select all that apply.

54.1	**A**	**Travel to work schemes (for example, travel season ticket loans, discount for transport, free parking schemes)**
54.2	**B**	**Tailored financial support (for example, financial coaching, student loan assistance)**
54.3	**C**	**Travel and expenses (for example, subsistence allowance, reimbursement of travel costs)**
54.4	**D**	**Other incentives (for example, staff counselling, wellbeing schemes)**
54.5	**E**	**Don't know**
54.6	**F**	**None of the Above: additional benefits and financial support should not be included**
54.7	**G**	**Other**

29 responses felt that option C and D were most important. 28opted for option A and 19chose option B.

1 response answered "*Don't know*" to this question, with 9 .

9 responses chose option F, and 1 option E.

5 answered "*Other*" and argued that any additional benefits or financial support was for employers to consider and should not form part of the SCNB's considerations for fair pay. They argued that, subject to funding, the focus should be on raising social care worker's pay, which would allow employers to focus efforts on improving terms and conditions and standards and attracting and retaining staff. Some felt that these were longer-term matters that were not a priority for the SCNB.

Welsh Government response to Q 50 - 54:

Responses relating to pay, terms and conditions will help shape the SCNB's remit and future negotiations. While pay and core terms and conditions are intended to be the initial focus, respondents identified a range of wider employment issues that may need to be considered where there is evidence that doing so could improve workforce outcomes..

We have noted the strong interest in issues such as workforce wellbeing, career development, recruitment and retention. To reflect this, the SCNB will have the discretion to consider a broader range of workforce matters where appropriate, including:

- the remuneration of covered social care workers;
- the terms and conditions of employment of covered social care workers;
- the training and development of covered social care workers;
- the career progression of covered social care workers;
- human resources policies and procedures relating to people and culture so far as they apply to covered social care workers; and
- benefits other than remuneration of covered social care workers (both financial and non-financial).

This recognises the view that improving the appeal and long-term sustainability of social care employment requires measures beyond pay alone. However, the inclusion of these matters within the SCNB's remit does not mean they will form part of every negotiation cycle. Priorities will be determined considering the available evidence, stakeholder input and resource considerations.

Some matters raised through the consultation are outside the SCNB's intended role and are better addressed through other mechanisms, such as commissioning arrangements, regulation, workforce planning or existing employment law. These issues will continue to be progressed through the appropriate policy and operational channels.

Q55 - If there are any additional areas that the SCNB should consider or have in its remit, please outline them here. (Optional)

The majority of respondents did not answer this question, only 9 did.

Suggestions from those that did respond included ensuring that any agreement was deliverable in practice across all aspects of the social care sector from micro care enterprises to large organisations and from independent to voluntary sector bodies. Some felt that the SCNB needed to be mindful of the impacts of its decisions on such a diverse sector, ensuring it balances their conclusions against the best needs of the workforce or service sustainability; as employers could only deliver increased pay and conditions if commissioners provided fees that allowed them to do so. There were calls to ensure that the SCNB’s remit letter aligned with the National Commissioning Framework and the Code of Practice for Funding the Third Sector in Wales to help ensure this.

2 responses felt that the SCNB's remit letter should allow enough flexibility to adapt to any issues that might arise and need to be considered.

Welsh Government response:

Direction provided to the SCNB via the remit letter, will ask that any negotiations take account of the diverse social care sector we have here in Wales, and ensure any unintended consequences are considered fully as part of any impact assessment.

Q56 - Do you agree or disagree with the proposed approach to dispute resolution, where disputes are triggered by the chair and referred to ACAS for independent dispute resolution? (Optional)

27 responses either "*Strongly Agreed*" (14) or "*Agreed*" (23) with the proposed approach to dispute resolution. All agreed that ACAS had the experience and impartiality and independence to help reach such resolution.

6responses "*Neither agreed or disagreed*" with the proposal. There were mixed feelings about this proposal, with 1 questioning if this might lead to collective industrial action arising in this sector and another fearing that ACAS was already overburdened by such matters and this could have a significant impact on FPAs.

2 responses either "*Disagreed*" (1) or "*Strongly disagreed*" with the proposed resolution method; 3 responses replied that they "*Don't know;*" and 1 response "*Prefer not to say.*" None of these responses elaborated further.

14 responses chose not to answer this question.

Welsh Government response:

The proposed dispute resolution arrangements are designed to assist negotiating parties in reaching agreement while respecting the principle of self-determination. Consistent with established collective bargaining practice, the SCNB will be responsible for agreeing the detailed dispute resolution procedures through its terms of reference, including any arrangements relating to voting and the circumstances in which matters may be referred to ACAS.

Where issues arise during negotiations, the independent chair will seek, in the first instance, to facilitate constructive dialogue between the parties and support efforts to resolve any areas of disagreement. If agreement cannot be reached and negotiations are unable to progress, the independent chair may seek assistance from ACAS. This graduated approach provides a clear mechanism for escalation where required, while ensuring that referral to ACAS remains an exceptional step rather than a routine part of the negotiating process. The involvement of ACAS would bring independent expertise and support, in keeping with recognised collective bargaining practice.

The Welsh Government recognises the importance of ensuring that dispute resolution arrangements operate in a transparent and proportionate manner, and that any outcomes are practical and capable of implementation. Accordingly, before any agreement is ratified, Welsh Ministers and the Secretary of State will consider its affordability and deliverability to ensure it is sustainable for the sector and supports the continued delivery of care services.

The next four questions are regarding guidance and what organisations and workforce will need from the SCNB to enable them to implement FPA's effectively. One combined Welsh Government response is included following question 60.

Q57 - What do you think should be included in guidance and communications to support you to implement FPAs? (Optional)

47 responses did not answer this question.

The main thrust of responses sought clear and concise guidance from the Welsh Government that provided clear direction for providers and commissioners on how to implement the agreement, including practical examples of model employment and commissioning clauses, timelines and templates to reduce ambiguity and promote consistency. This would provide all parties with confidence that there are clear roles for providers and commissioners and ease concerns that delivery could be inconsistent, delayed or open to dispute.

Several responses called for communications to be clear, concise and targeted to each group specifically, including explaining the agreements and how they are broken down to help implementation. Some responses also felt that there needed to be a dedicated point of contact for advice for complex coverage queries.

Q58 - Do you agree or disagree that Welsh Government and the SCNB should co-author and publish guidance? (Optional)

36 responses either "*Strongly Agree*" (11) or "*Agree*" (25) with this proposal, stating that this would help ensure consistency and build trust as an authoritative document. Some responses called for specific, tailored content to cover SMEs, personal assistant employers, councils, domiciliary care employers, etc. and for any guidance to align with commissioning and budget cycles.

5 responses "*Neither agree or disagree*" with this proposal.

3 responses either "Disagree" (1) or "Strongly disagree" (2) with this proposal. 2 of those that responded disagreed with the proposals stating the Welsh Government should not take forward such proposals if they could not fund any changes.

2 responses replied "Don't know" to this question.

Q59 - What do you need guidance on to help you or your organisation to comply with an FPA? (Optional)

45 respondents did not answer this question.

Several responses argued that, to comply with the FPA in practice, employers and commissioners would need practical, consistent, clear and concise guidance that focuses on implementation rather than policy intent. They felt that the scope of any FPA needed to be clear and built into commissioning arrangements. This would provide clarity that any agreed pay and conditions would be broken down into hourly rates that should be reflected in commissioned rates, contract variations and spot-purchasing arrangements to ensure funding is provided to enable compliance. Some responses felt that the guidance should also include compliance expectations and enforcement consequences for non-compliance.

Some felt that a clear timetable was needed that aligned with commissioning cycles, payroll reports and include self-assessment checklists. These would minimise the administrative burden and build consistency in practical terms to ensure compliance across a fragmented provider landscape.

A number of responses felt that ensuring that there was sufficient, ring-fenced funding for the delivery of FPAs would, alongside commissioning reform, ensure compliance.

Q60 - Please share any other views or comments about what support is needed for providers and commissioners of care to comply with a FPA. (Optional)

47 respondents did not answer this question.

Of those that did, several flagged the issue of sufficient funding to ensure that commissioners could implement the negotiated FPAs to all providers, one response suggested it should be paid directly from Welsh Government to all providers.

The need for clear, consistent and timely communication following the ratification of any agreement was flagged again, with summaries of expectations and implementation timetables that allow for flexibility for smaller, bespoke services to be compliant. This was considered particularly important for commissioners, so they can budget, review contracts and adjust fee rates in an organised and timely way to minimise disruption. One felt that a clear outline of how compliance would be assessed would also be beneficial, whilst another felt that enforcement action should include support, dialogue and corrective action in first instance rather than direct sanctions.

Several respondents highlighted that compliance would depend on aligning commissioning, funding and guidance, with concerns that inadequate fee levels could prevent employers from meeting their obligations. Some called for commissioning reform or a National Contract for Care Services to reduce regional

variation and support consistent implementation. Additional suggestions included clearer definitions of enforcement roles and responsibilities within the Welsh regulatory landscape to avoid conflicting expectations, and the creation of a Welsh Government evidence portal to share cost assumptions, impact assessments, templates and guidance.

Welsh Government response to Q 57 - 60:

Based on the responses received, Welsh Ministers will consult with the SCNB and produce guidance and relevant communications to support implementation of an FPA.

In addition, we will engage sector partners and other relevant organisations, such as the Fair Work Agency and the Association of Directors of Social Services Cymru (ADSS), to develop the guidance and communications for a wide range of groups involved in implementing FPAs. We will ensure that guidance provides appropriate support and direction to workers, employers and local authorities so they understand what an agreement means for them - including for detailed assessments of potential impacts, where necessary - and the action they must take to implement it.

Q61 - Please share any views or information from your perspective about the current processes for resolving disputes and complaints about contracts of employment, pay or working conditions. If there are any changes that you think should be made to these processes, please include them in your response. (Optional)

49 respondents did not answer this question.

Several of those that did respond felt there were already well-established routes for dispute resolution and there was concern that adding an additional mechanism would duplicate effort causing further delays. However, some recognised that existing routes could be streamlined to help ensure early determination and avoid operational disruption. Some pointed to the already large backlog of cases in the system. One respondent argued that the tribunal route in particular was not geared to deal with social care, as it did not understand the sector or the complexities it operated under.

Several felt that the current compliance and enforcement process about contracts of employment in social care was inadequate and needed reform with some feeling this was caused in the main by commissioners, either through inadequate and inconsistent funding, which meant employers were left to meet the difference in wages with things like the RLW; or by failing to adequately monitor the delivery of contracts.

Welsh Government response:

We will take these views into consideration when working with ACAS to develop the process, ensuring a streamlined process for all that works efficiently.

The next two questions ask about groups of people with protected characteristics. One combined Welsh Government response is included following question 63.

Q62. Are there any groups of people, such as (but not limited to) those with protected characteristics, who you believe would be positively impacted by the proposals in this consultation?

12 respondents did not answer this question, with 12 saying "*No*," and 21 answering that they "*Don't know*."

17 replied that the proposals would bring benefits to those with varying protected characteristics.

From those that expanded on their response, most considered the changes likely to have a positive impact across the workforce, extending beyond pay and conditions for groups with protected characteristics, including women, older workers and ethnic minorities. Respondents viewed this as an opportunity to recognise the skills and value of the workforce, support clearer career pathways, and promote greater equality and fairness across the sector. Many also highlighted the potential of Fair Pay Agreements (FPAs) to improve recruitment and retention, raise the profile of care workers, and reduce disparities between the public, private and voluntary sectors. One response noted that improved workforce stability could also indirectly benefit unpaid carers through greater continuity of support.

Some respondents further suggested that evidence gathered through FPA negotiations could strengthen workforce data, helping to inform future negotiations and support the monitoring of inequalities.

Q63. Are there any groups of people, such as (but not limited to) those with protected characteristics, who would be negatively impacted by the proposals in this consultation?

41 did not answer this question.

18 answered either "*No*," or "*Don't know*"

3 answered "*Yes*" to this question. Those that expanded on this raised concerns that, without sufficient funding, older and disabled people receiving publicly funded care could be negatively affected if social care providers are unable to meet growing demand. Concerns were also expressed that differences in Fair Pay Agreements (FPAs) between Wales and England could increase competition for workers and worsen existing recruitment and retention challenges. Responses further highlighted potential indirect impacts on unpaid carers, who may need to reduce or leave paid employment if care services become less accessible or more costly.

Responses also identified potential adverse impacts on older and disabled people who self-fund their care. Concerns centred on increased care costs being passed on through higher service charges, placing additional financial pressure on self-funders and potentially leading to greater demand for publicly funded support in the future.

Welsh Government response to Q 62 & 63

We will consider the responses to questions 62 and 63 as part of our wider impact assessment process when laying regulations, covering any unintended consequences of any agreed Fair Pay Agreement.

The next two questions ask about the impact on the Welsh language. One combined Welsh Government response is included following question 65.

Q64. What impact, if any, do you think establishing a social care negotiating body to determine Fair Pay Agreements could have on opportunities to use the Welsh language and on ensuring the Welsh language is not treated less favourably than English?

42 respondents did not answer this question. 3 didn't know, and a further 3 said there would be no impact.

Remaining respondents focused on the importance of ensuring guidance and policies are available bilingually to promote inclusivity and equality, while also supporting people with dementia and those receiving end of life care. Respondents also highlighted the potential for the proposals to attract and retain more Welsh speakers within the sector, particularly if professional development incentives recognise Welsh language skills and are supported by increased funding and protected time for training.

Some also felt that properly funded Fair Pay Agreements (FPAs), reflecting the true cost of care, could help retain Welsh-speaking workers in North Wales and rural areas and support the expansion of Welsh-medium services across Wales. A small number of responses suggested that greater priority should be given to improving mathematics and science education than to language-related considerations.

Q65 Could the development of a social care negotiating body be designed or adapted to promote positive effects on the use of Welsh and to mitigate any negative effects?

50 respondents did not answer this question and 3 replied "No." Those that did respond highlighted differing views on the role of the Social Care Negotiating Body (SCNB) in relation to the Welsh language, with some advocating that its remit should reflect Welsh language legislation and Welsh Government commitments, while others raised concerns about the costs for employers.

Responses supported the inclusion of measures to encourage the use of Welsh in the workplace and across the social care sector, including ensuring sufficient bilingual staff to deliver services and reflecting local population needs. Responses also suggested that the SCNB should promote and monitor the use of Welsh to ensure Welsh-speaking and rural communities are not disproportionately affected by Fair Pay Agreements (FPAs), alongside calls for additional support for Welsh language training.

Welsh Government response to Q 64 & 65

We will consider the responses to questions 64 and 65 when undertaking our wider Welsh Language impact assessment alongside the laying of the regulations for the establishment of the SCNB.

Q66 We have asked several specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

46 respondents did not provide any further comments here. Many of those that did took the opportunity reiterate points made elsewhere in their response regarding recognition of the diversity of the social care sector, and consideration of specialist areas such as dementia care, sick pay and recognition of nurses in social care.

Concerns were raised about the potential financial and operational implications of FPAs, particularly for smaller providers and the voluntary sector. Responses highlighted the importance of sufficient and sustainable funding, commissioning fees that reflect the true cost of care, and alignment between FPA requirements and commissioning arrangements to avoid unintended impacts on service viability. There were also calls for local government representation within the SCNB, given its commissioning and statutory responsibilities.

Responses further noted the need to avoid measures that could disadvantage providers already offering terms above the agreed minimum standards and stressed that FPAs should support, rather than limit, employer ambition in rewarding and developing their workforce.

Conclusion and Next Steps

The responses to the consultation have been invaluable in shaping the future direction of the SCNB and informing consideration of the complex issues it will need to address. We are grateful to all those who took the time to contribute. Their views and insights will continue to play an important role as the work progresses, and the consultation responses will remain a key reference point in informing the development of regulations, as well as the remit, priorities and future work programme of the SCNB.