

IN THE UK COVID-19 PUBLIC INQUIRY

CHAIR: BARONESS HEATHER HALLETT

On behalf of Irish Congress of Trade Unions, Gerry Murphy Statement

First Statement in Module 6

Dated: 17 January 2025

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WITNESS STATEMENT OF GERRY MURPHY (The ICTU)

1. I am Gerry Murphy, Assistant General Secretary of the Irish Congress of Trade Unions (ICTU). My office address is 45-47 Donegall Street, Belfast, BT1 2FG, Northern Ireland.
2. I make this statement on behalf of the ICTU in response to a letter dated 19th July 2024, sent on behalf of the Chair of the UK Covid-19 Public Inquiry (“the Inquiry”), pursuant to Rule 9 of the Inquiry Rules 2006. This statement is made for the purposes of Module 6 of the Inquiry which is examining the impact of the Covid-19 pandemic on the adult social care sector in Northern Ireland.
3. This statement is structured as follows:
 - a. An overview of the ICTU and its relation to workers in the NI adult social care sector
 - b. A summary of the NIC-ICTU’s role in relation to workers in the adult social care sector
 - c. The Strategic Engagement Forum and meetings held by affiliates relevant to the adult social care sector
 - d. Engagement with the NI Health Minister and officials, as well as with other NI Executive ministries and the UK Government and Parliament on matters relating to infection prevention and control (‘IPC’), incl PPE, Testing, working conditions, control matters, management of pandemic and vaccinations.
 - e. Impact of the pandemic on the workforce.

f. Other concerns or issues

a. The ICTU and its relation to workers in the NI adult social care sector

4. The ICTU is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 800,000 working people, 200,000 of whom live and work in Northern Ireland. There are currently 44 unions affiliated to Congress, north and south of the border. Some of our affiliated unions operate across Ireland and the UK, others only on the island of Ireland North and South, or solely in the Republic of Ireland or just Northern Ireland (NIPSA, UTU). As a trade union federation, the ICTU is unique in representing the interests of members across two jurisdictions. I exhibit a list of the affiliated unions with members working in health and social care. **[(Exhibit GM2/01 INQ000360943)].**
5. Congress seeks to achieve a just society - one which recognises the rights of all workers and citizens to enjoy the prosperity and fulfilment which leads to a good quality of life. Quality of life embraces not just material well-being, but freedom of choice to engage in the arts, culture and all aspects of civic life. This vision applies in the context of Ireland, Europe and the wider world and challenges the existing economic order. Congress strives to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality. The primary instrument for the achievement of this mission is the organisation of workers in unions. Congress is also constructing and advocating for a platform of policies capable of delivering our vision of a just society.
6. Congress seeks to shape and influence government policy in key areas, such as taxation, employment legislation, education and social policy. In general terms, the role of Congress is to:
 - Represent and advance the economic and social interests of working people;
 - Negotiate national agreements with government and employers, when mandated to do so by constituent and member unions;
 - Promote the principles of trade unionism through campaigns and policy development;
 - Provide information, advice and training to unions and their members;
 - Assist with the resolution of disputes between unions and employers;
 - Regulate relations between unions and rule on inter-union disputes. Congress operates in accordance with its Constitution and Standing Orders **[(Exhibit GM2/ 02- INQ000187949)].**

7. The Northern Ireland Committee of the Irish Congress of Trade Unions (NIC-ICTU) directs the work of the ICTU in Northern Ireland. Members of the NIC-ICTU are elected at the Biennial NIC-ICTU Conference where policy for the organisation in Northern Ireland is also set. The NIC-ICTU also operates through a number of policy and advisory Committees including the Health Services Committee. Committees are reconstituted every two years following the Biennial Delegate Conference.
8. The NIC-ICTU Health Committee is comprised of various affiliate unions to the NIC-ICTU that represent workers at all levels across the entire Health and Social Care (HSC) system. The focus is on policy development and implementation and we engage with the Department of Health, the health arms-length bodies (Health and Social Care Board, Public Health Agency etc) and HSC Trusts on this basis. The Committee does not engage in collective bargaining on behalf of our collective memberships, a process which is taken forward by a separate structure comprising the DoH, Health bodies and the individual recognised unions.
9. The NIC-ICTU is involved in a range of civic society coalitions including the Women's Policy Group, the Equality Coalition and the Human Rights Consortium. The ICTU has a fraternal relationship with equivalent confederations in GB (the TUC, the Wales TUC and the Scottish TUC), and share several affiliated unions headquartered in GB, such as Unison and GMB. There is an annual meeting of the leadership of all four confederations known as the 'Trade Union Council of the Isles'. These confederations also offer support and solidarity on shared endeavours such as the Covid-19 Inquiry on which we collaborate with information and share resources such as legal advice and the guidance of the TUC's lead official on this Inquiry, Mr Nathan Oswin.

b. Health and social care systems across Northern Ireland before the Covid-19 pandemic

10. The Northern Ireland Executive and Assembly had just reformed in January 2020 following a hiatus of three years of collapse and reforming with the New Decade New Approach agreement when the pandemic struck. The three-year absence of government contributed hugely to the polarisation of already fragile political relationships and community cohesion. Although NIC-ICTU fully supported devolution and the Belfast/Good Friday Agreement, it remains our view that even prior to the collapse of the Assembly, there were serious deficits in how Government in Northern Ireland was working.
11. Context of the HSE workforce in early 2020:

The ICTU and our affiliate unions have been raising concerns about the impact of under investment in our public services for many years. Workforce planning and workforce issues in the Health and Social Care sector are of particular concern. As the inquiry will be aware, social care in Northern Ireland is integrated into the rest of the health service, unlike other regions of the UK.

Individual affiliate unions, particularly those representing professional and technical staff within the HSC, raise issues through the NIC-ICTU Health Committee that inform more broadly the position taken in relation to the transformation programme (implemented since the 'Bengoa Report' from 2016 laid the foundation for the 10-year approach to transforming health and social care outlined in "Health and Wellbeing 2026: Delivering Together"). In particular, affiliate unions representing social care workers expressed concerns about the lack of implementation of recommendations made within workforce reviews conducted within these areas. Of trade unions affiliated with ICTU, Unison and GMB represent the majority of workers providing adult care, alongside colleagues from non-affiliated trade unions such as the Royal College of Nursing and British Medical Association, as well as affiliated unions such as the Chartered Society of Physiotherapists and Society of Radiographers. The majority of the evidence we will present will originate in those unions directly representing frontline workers during the pandemic.

It should also be noted, that due to the often precarious terms and conditions care workers are employed under, especially by employment agencies directly recruiting from abroad, there is a significant cohort of people working in the sector who are not in a position to benefit from trade union membership. Nevertheless, when Unison and GMB made representations to government and HSC employers, they did so on the understanding that any improvements earned for care workers ought to be available to the entire workforce of "approximately 36,000 social care workers in Northern Ireland, the vast majority whom worked for the voluntary and private sector" [**Exhibit GM2/03 INQ000508176**] . Residential care staff constitute 44% of the social care workforce and domiciliary care workers are estimated to be about 32% of the workforce and migrant workers make up a large proportion of the adult social care workforce.

12. Health spending in Northern Ireland has increased in real terms in the years preceding the covid-19 pandemic. In the 10 years from 2009/10 to 2019/20, health spending increased by 25% in nominal terms or by just over 5% in real terms. As of 2019/20, Northern Ireland had the highest per capita expenditure on health of any UK country (of the English regions, only London has a higher per capita spend). However, Northern

Ireland experienced the smallest increase in per capita health spending over the 10 years leading up to 2020. Nominal spending increased by 18% in Northern Ireland compared to 29% in England and Wales, and 23% in Scotland. More detail on funding for NI's HSC was outlined in our response to Module 3.

Workforce Strategy

13. In May 2018 the Department of Health published 'Health and Social Care Workforce Strategy 2026: Delivering for Our People'. This was a year later than the commitment made within 'Health and Wellbeing 2026' which had promised such a strategy by May 2017 to cover all aspects of the HSC workforce, including recruitment and retention, opportunities for introducing new job roles and reskilling and upskilling initiatives. Again, this discussion on workforce strategy was outlined in greater detail in our response to Module 3.

14. It remains the view of the NIC-ICTU Health Committee that comprehensive workforce planning and engagement with staff and their representative trade unions using the principles of co-production and co-design should be an integral part of all the workstreams under the transformation programme. The transformation process will only be successful in delivering better health outcomes for the public where it has the support of the workforce. However it is clear that workforce planning and engagement has not been sufficiently mainstreamed into the transformation programme and the effect of this has been acutely felt in the response to the Covid-19 pandemic.

15. Unison is one of the largest unions operating in Northern Ireland, with membership in education support services, the community and voluntary sector and most prominently, in the NHS. The NIC-ICTU Health Service Committee (HSC) is chaired by Anne Speed, Unison's lead negotiator who also sits on the NHS bargaining structures. Unison's John-Patrick Clayton is the NIC-ICTU representative on both the board of the Public Health Agency and the DoH's Transformation Advisory Board.

16. The HSC of NIC ICTU appeared before the Health Committee of the Northern Ireland Assembly in June 2020, the following is an excerpt from the evidence on the Covid outbreak and its initial impact presented before the Committee, which included a particular focus on adult care to which we will return. The Unions told MLAs that day of the wider context affecting the wider HSC:

We are extremely concerned that the Covid-19 pandemic will further widen health inequality within our society. Covid-19 itself is particularly dangerous for persons with

*underlying health conditions such as respiratory diseases and heart disease, conditions which disproportionately affect people in Northern Ireland living in the most deprived areas... Over the last decade HSC services have been through a period of sustained austerity. It is accepted across the system that the cost of providing health and social care increases by around 6% annually. This level of investment, effectively to allow HSC services to stand still, was not forthcoming during the last decade and has left our members working in a service that is under-resourced and under pressure. [**Exhibit GM2/ 04 - INQ000360944**].*

c. Strategic Engagement Forum and meetings held by affiliates relevant to the adult social care sector

17. The Northern Ireland Executive (NIE) formed a Strategic Engagement Forum (The Forum) which brought together employers, trade unions and statutory bodies including the Health and Safety Executive for Northern Ireland (HSENI) and the Public Health Agency [**Exhibit GM2/ 05 – INQ000187950**]. The Forum was chaired by the Labour Relations Agency. While not solely concerned with the healthcare system, it had input from affiliated unions with members in HSC bodies, in particular Unite, NIPSA and Unison.

18. The Forum published key documents including a list of priority sectors and workplace safety guidance which informed NI Executive policy. After this initial work, however, the Forum was unfortunately largely ignored by the Executive. Again, the details of the Engagement Forum were outlined in our evidence to Modules 2c and 3.

Engagement Within the Healthcare System

19. A tripartite system of updates and information sharing was established based on the negotiating structures, initially weekly in the early stages of the pandemic, becoming less frequent as the system established procedures to manage the situation. The topics covered in the initial agendas included Shielding, PPE, face covering, testing, fit testing, death-in-service, contact tracing, childcare, health & safety officers. These meeting took place online. NIC-ICTU has copies of the agenda and brief reports of most of these meetings.

20. Additionally, Unison corresponded with a large range of officials and ministers as the situation developed with the above agenda items. Many of the matters raised in that early period of the pandemic are summarised in the Briefing Note for the NI Assembly

Health Committee Evidence session dated 11th June 2020. The agenda of that meeting focused on three themes:

- Trade unions input into major HSC policy issues, including the Delivering Together Transformation Programme;
- Workforce issues;
- The impact of Covid-19 in social care and the need for substantial reform of the social care system.

The evidence session heard particular concerns raised by unions about *“the impact that the Covid-19 pandemic will have on resources both for the day-to-day running of health and social care and in the resources required to enable transformation to take place.”* Unison called for a full analysis of Covid-19 to date in terms of health inequality (including BAME workers) and action on testing, PPE, standing down and restarting HSC services, as well as a long discussion of the impact in social care. [**Exhibits GM2/ 04 INQ000360944 and GM2/ 07 -**

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d. Engagement with the NI Health Minister and officials, as well as with other ministers and the UK Government and Parliament on matters relating to infection prevention and control (‘IPC’), incl PPE, Testing, working conditions, control matters, management of pandemic and vaccinations.

21. We also include a list of summaries of meetings held by Unison with employers, officials and the health minister from July 2020 to January 2022, and an additional list of summaries of documents relevant to this module for the period of the pandemic. These summaries of meetings and documents cover an extensive period of activity and will be excerpted below with limited details and outcomes, where available. [**Exhibits GM2/ 08 - INQ000532655 and GM2/ 09 - INQ000532656**].

22. Unison have provided ICTU with the full documentation from their correspondence, press releases and policy submissions made during this period, and these can be made available to the inquiry if further detail is required. Many or most of the meetings with officials in the Department of Health or trusts and agencies will have either detailed minutes available from officials present or summary reports.

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23. The summaries below will cover many of the matters raised by the inquiry in its Rule 9 to ICTU, but not necessarily in the order of questions outlined in the Rule 9 request. They will cover a chronology of *'decisions made by the UK Government and Devolved Administrations'* and how they impacted upon infection prevention and control ('IPC'), including PPE, testing, working conditions, control matters, management of pandemic and vaccinations. The framing of the Rule 9 questions proffered are not compatible with the information we have received from affiliates. The meetings summarised below were not limited to a single topic such as PPE, or testing, or infection control but as can be noted in the summaries and correspondence, covered a range of related and relevant matters. We would present these in a chronological order as they reveal the unprecedented and urgency of the situation faced by the HSC workforce, management and political leadership.

Summaries of meetings, with a particular focus on adult care.

6th July 2020 – John Patrick Clayton (UNISON) discussion with Rodney Morton Public Health Agency (PHA) re Serious Adverse Incident (SAI) on FIT testing. This was a follow-up call after Rodney Morton had requested that John Patrick Clayton chair a SAI review on FIT testing as a Non-Executive Director (NED) of the Public Health Agency and John Patrick Clayton declining this request. John Patrick Clayton instead proposed that the review panel engage with him as the NED Trade Union representative at any early stage in the process to ensure trade union input on the terms of reference and methodology [Exhibit GM2/ 10 - INQ000532657].

6th July 2020 – UNISON meeting with the Health Minister, Robin Swann MLA, Mark Ovens (Minister's Special Adviser) and Andrew Dawson, Department of Health –Minister referred to getting a Transformation Advisory Board (TAB) meeting soon, further to letter received from TAB members. Officials would be in contact to set that up. Topics discussed were engagement with trade unions, co-production and co-design and moving it from the periphery to mainstream. Further engagement with officials was suggested regarding social care. In relation to testing in care homes, it was suggested it may move to monthly testing potentially.

28th July 2020 – Transformation Advisory Board meeting with Health Minister, Robin Swann MLA (Anne Speed attended on behalf of NIC-ICTU Health Committee)

4th August 2020 – John Patrick Clayton discussion with Rodney Morton re PPI Fit testing in advance of meeting on 5th Aug – This was a discussion in advance of a meeting on 5th August with the FIT testing SAI panel. Rodney Morton outlined who

the panel members were, their background and that the panel would need to endorse a terms of reference.

5th August 2020 – John Patrick Clayton meeting with Fit Testing SAI Panel - Alan Murray, Michael Scott and Mark Roscrow (panel members), [NR] and Rodney Morton (PHA) – the meeting discussed the context for the SAI review taking place, the proposed terms of reference for the review and possible wider trade union engagement and engagement with workers across HSC Trusts

13th August 2020 – John Patrick Clayton meeting with [NR] Department of Health - discussion was around potential proposal to introduce living wage in care settings, on staggered basis. [NR] advised that the Minister had asked her and colleagues for options and that they were developing a plan, but the issue was funding. The intention was to put a proposal to the Executive seeking additional funding. There was some further discussion on enhancing training and career development pathways within social care.

John Patrick Clayton followed up by email 19/8/2020. The email acknowledged the proposal to introduce the real Living Wage. However, it raised concerns at its proposed phased implementation, given the changing nature of the rates on a yearly basis. It urged that the real Living Wage be the day 1 rate instead. The email raised issues regarding monitoring and oversight of implementation of the real Living Wage. It also referred to overall terms and conditions issues, including issues of sick pay, in light of the pandemic. It highlighted that a concrete proposal to improve things would be the creation of a regional forum.

27th August 2020 – UNISON (Patricia McKeown, Anne Speed, John Patrick Clayton) meeting with Health Minister, Robin Swann MLA, Peter Jakobsen and Alastair Campbell, Department of Health - Patricia McKeown outlined staffing and safe staffing as a thread through all issues. She raised concern at a second surge and the impact on UNISON members. Ms McKeown raised protecting the income of the workforce, noting that the end of the sick pay protection was approaching. Anne Speed raised some concern at review of terms of reference by Minister around safe staffing work. The Minister stated that he wanted the terms of reference sorted before the end of September so the process could get going. He also requested trade union assistance to ensure safe staffing was further up the agenda. There was a discussion on officials exploring mechanisms on the real Living Wage for social care. The Minister wanted a paper asking for funding to go to the Executive. The Minister

advised UNISON to contact the Chair of the RQIA in relation to sharing information on social care.

10th September 2020 – UNISON (Patricia McKeown, Anne Speed, John Patrick Clayton)/RCN (Pat Cullen, Rita Devlin) joint meeting with First Minister Arlene Foster MLA, deputy First Minister Michelle O'Neill MLA, Health Minister Robin Swann MLA, Dara O'Hagan (special adviser), Mark Ovens (special adviser), Name Redacted (Department of Health), deputy Chief Nursing Officer. Agenda items included

- *Partnership working with UNISON/RCN across NI Executive*
- *Preparedness for Covid-19 second wave*
- *Public messaging/briefings*
- *PPE supply*
- *Test and trace capacity*
- *Support for social care settings, inc care homes*
- *Schools restart/childcare settings as a public health issue*
- *Development of cross-Executive public health model*
- *Safe Staffing legislation*

Outcomes of meeting included:

- *Preparedness for a second wave – This discussion highlighted regular contact with employers, but the desire for more joined up approach. Patricia McKeown asked for future engagement with Finance Minister regarding social clauses and procurement. The First Minister invited r thoughts regarding an upcoming winter preparedness summit with UK Government Minister Michael Gove. In response, UNISON raised issues regarding impact of pandemic on disadvantaged groups; of access to sick pay in social care; and on ongoing accessibility and supply of PPE.*
- *Cross-Executive public health model – The point was made to Ministers and officials that public health needed to be the responsibility of all Departments and the need for co-production and co-design was reiterated. This discussion led to acceptance of point that care workers needed more focus. Deputy First Minister said officials would be asked to engage with UNISON regarding the Programme for Government. The unions made reference to the model in Scotland, where there was more direct engagement with trade union movement across the piece.*

- *Public sector pay policy – The unions made the point here that First and deputy First Ministers should seek to push the UK Government to fund pay improvements in health in Northern Ireland.*
- *Safe staffing legislation – The Health Minister highlighted issues around capacity and resource in taking this legislation forward.*

29th September 2020 – John Patrick Clayton phone conversation with [NR] [NR] Department of Health – this was a follow up discussion regarding possible proposals on the real living wage for care workers. [NR] discussed various options under consideration, including options that would raise pay just above the national living wage. John Patrick Clayton referred to engaging with Wales regarding its Fair Work Forum.

16th October 2020 – John Patrick Clayton (UNISON) meeting with [NR] Department of Health and Seamus McAleavey (NICVA) re Transformation Advisory Board (TAB) – [NR] indicated the Minister was retaining TAB and expanding its membership.

Tuesday 20th October 2020 - NI Assembly Committee for Health – evidence session re care homes – Anne Speed, John Patrick Clayton (UNISON), Rita Devlin (RCN), [NR] (GMB) [Exhibit GM2/ 11- INQ000532668].

6th November 2020 – UNISON (Anne Speed, John Patrick Clayton) took part in meeting with Department of Health, independent sector employers, HSC Trusts and PHA re workforce recruitment and deployment in social care

25th November 2020 – John Patrick Clayton attended Transformation Advisory Board meeting – Health Minister Robin Swann MLA, Sharon Gallagher, [NR], Chris Matthews and [Name Redacted] (Department of Health), John Patrick Clayton, [NR], [Name Redacted], Seamus McAleavey, [NR], [NR] (TAB members) - Discussion took place around TAB terms of reference, John Patrick Clayton agreed to send written comments on these to [NR] There were discussions around the reconfiguration of services, health inequalities and engagement with workforce and trade unions. John Patrick Clayton raised safe staffing and need for progress on social care pay, terms and conditions. A presentation on vaccination rollout would be shared with TAB.

3rd December 2020 – John Patrick Clayton phone call with Health Minister Special Adviser, Mark Ovens, regarding development of safe staffing legislation – Discussion related to concerns at lack of progress on developing safe staffing

legislation. Mark Ovens expressed some frustration at pace this was being developed and said he would ask for an update and meeting on next steps with officials. John Patrick Clayton subsequently emailed Mark Ovens (21/12/20) a paper setting out analysis of differing legislative approaches taken on safe staffing in Wales and Scotland.

4th December 2020 – John Patrick Clayton meeting with [NR] Department of Health – [NR] provided an update on development of proposals on pay for social care workforce. She outlined some difficulties in developing the proposal, that the Minister still needed to bid for funding from the Executive and that the Department needed to settle on options in relation to that. John Patrick Clayton subsequently emailed [NR] (10th December 2020) regarding experience in Wales of £500 one-off payment made to social care workers, which had proven to be problematic as it did not represent a pay increase and was subject to tax and national insurance. John Patrick Clayton offered to try and put [NR] in touch with officials in Wales regarding their social care forum. [NR] [NR] responded (17th December 2020) and agreed to be put in touch with officials in Wales.

7th January 2021 – UNISON meeting with Chief Social Worker, Sean Holland, Jackie McIlroy, [NR] Department of Health regarding fair work forum – discussion here was around UNISON providing information to Sean Holland, Jackie McIlroy, [NR] regarding the Fair Work Forum in Wales, through our Unison colleagues. There was also some suggestion from Departmental officials on reshaping the NISCC Leadership Forum.

20th January 2021 – John Patrick Clayton attended meeting of Transformation Advisory Board - Discussion around TAB responding to the budget. There was approval of amended Terms of Reference. Patricia Donnelly gave a presentation regarding the vaccine programme, outlining progress in vaccinations across care homes. Patricia Donnelly suggested the testing programme would end within next 2 weeks. Patricia Donnelly highlighted some concerns around vaccine uptake amongst younger, female workforce in domiciliary care. John Patrick Clayton suggested working with UNISON and trade unions to encourage vaccination.

26th January 2021 – UNISON meeting with Marie Roulston, Brendan Whittle, [NR] (Health and Social Care Board) [Name Redacted] Rodney Morton (PHA) - Discussion was on issues around sick pay, procurement and commissioning.

1st February 2021 – John Patrick Clayton attended meeting with [NR] David Gordon, Department of Health and other members of Transformation Advisory Board [NR] [NR] Seamus McAleavey, [NR] [NR] [NR] regarding response to Executive budget - focus was on how TAB engage in budget consultation and discussion.

23rd February 2021 – John Patrick Clayton attended Reform of Adult Social Care Programme Board – This was the first meeting since January 2020. It was explained that the programme team was re-tasked to assist with the pandemic response. The meeting was reminded that the Health Minister had agreed in May 2020 to go to Executive to seek more resources for pay. It was highlighted that this was complex and that officials were working with the Department of Finance to prepare a business case. Officials stated that they had calls scheduled with the Welsh Government and Scottish Government on workforce. There was some discussion around potential that employers could offer the £500 recognition payment that had been advanced to HSC staff on a ‘pro rata’ basis and then claim this back, but this would be subject to Ministerial decision.

22nd April 2021 – John Patrick Clayton meeting with [NR] Department of Health – this was a phonecall in which [NR] advised that the Minister was keen to move similar to Wales regarding a Fair Work Forum. Trade union representation would be part of this and it would look at fair pay and terms and conditions. It was suggested the Minister was looking to make an announcement imminently.

1st July 2021 – John Patrick Clayton and Anne Speed meeting with Jackie McIlroy, [NR] [NR] [NR] Aine Morrison, Department of Health regarding reform of adult social care and terms of reference for Fair Work Forum - Issues discussed included career development pathways for the social care workforce, workforce development, longer-term strategic funding, and timescales for establishing the Fair Work Forum. Autumn 2021 was raised as possible timescale for this. It was suggested that Sean Holland may initially chair. UNISON suggested UNISON, GMB and RCN as unions to be represented on a Fair Work Forum. UNISON agreed to send written comments on the draft terms of reference.

23rd July 2021 – John Patrick Clayton phone call with [NR] Department of Health - Discussion related to advancing case on pay for social care workforce. John Patrick Clayton raised new Executive ‘Scoring Social Value’ policy, which [NR]

NR was aware of. The business case on pay for the social care workforce had not progressed.

28th July 2021 – John Patrick Clayton attended Reform of adult social care programme board - Discussion at this meeting regarding possible pay uplift for care workers and status of the business case on this. Sean Holland connected this to establishment of the Fair Work Forum. There was a proposal to develop terms of reference for the Forum through a stakeholder engagement workshop. John Patrick Clayton raised point that issues around pay, terms and conditions should be resolved through industrial relations, rather than through public consultation on proposals around reform of adult social care. The business case was still with economists and the complexity of applying an uplift was referred to.

5th August 2021– John Patrick Clayton phone call with Sean Holland, Chief Social Worker regarding proposals on sick pay and vaccinations - Sean Holland referred to letter received from Unison regarding sick pay linked to vaccination status. He accepted these were legitimate points and would have to be factored in. Sean Holland stated the Minister and his special adviser were on leave. Sean Holland asked for some 'breathing space' until the Minister returned. John Patrick Clayton agreed that UNISON would not make public statements on issue. John Patrick Clayton sought a meeting between Department and Health Joint Secretaries for period when Minister returned, on the basis that the approach of linking sick pay to vaccination status would not happen until that meeting had taken place, which was agreed.

12th August 2021 – meeting between Pauline Shephard (Independent Health and Care Providers (IHCP) and trade unions (UNISON, GMB, RCN) – the meeting discussed issues around vaccination of care home workforce and concern that staff may be required to be vaccinated by employers. Discussed ways IHCP and unions could work together to promote vaccinations and advise members in relation to vaccination. IHCP advised that each member runs their business as they feel appropriate. However IHCP position was that engagement was the best method around vaccinations, addressing 'myths' around vaccination and that they had been working with PHA and RQIA around vaccination. IHCP referred to need to understand barriers. IHCP agreed to a joint communication with unions on the issue.

2nd September 2021 – John Patrick Clayton phone call with **NR** Department of Health - phonecall was to advise that Fair Work Forum was moving directorates within the Department of Health.

2nd September 2021 – John Patrick Clayton phone call with Kathy Fodey (Public Health Agency (PHA)) re care home vaccination - discussion related to uptake of vaccination across care homes.

8th September 2021 – John Patrick Clayton and Name Redacted (UNISON) evidence session with NI Affairs Committee inquiry into experience of minority ethnic and migrant people in NI [**Exhibit GM2/ 12 - INQ000532669**].

7th October 2021 – Meeting alongside RCN, GMB and IHCP with Patricia Donnelly re vaccinations -

14th December 2021 – Patricia McKeown attended meeting between Health Minister, Robin Swann MLA, trade unions and Royal Colleges.

13th January 2022 – John Patrick Clayton phone call with NR Department of Health - Discussion related to update regarding progress on Fair Work Forum and progress regarding consultation on reform of adult social care

26th January 2022 – John Patrick Clayton attended briefing by Sean Holland, Chief Social Worker and Aine Morrison, Department of Health on proposals for reform of adult social care. Health Minister Robin Swann MLA attended briefly – This was an embargoed briefing by Sean Holland, Aine Morrison in advance of publication of consultation paper later than day by Minister. The Minister attended briefly at the end of meeting. The briefing was for trade unions and professional bodies, others on call included BASW and NIPSA. A presentation was provided on the consultation proposals. John Patrick Clayton indicated that UNISON would desire that the Fair Work Forum meet to discuss proposals around valuing the workforce. Valuing the workforce was identified as a lynchpin for reform and a key priority for funding.

Summaries of documents – Covid-19 Inquiry Module 6

Submissions 2020

Letter to Permanent Secretary 160620 – This related to the creation of the Management Board, through temporary changes to the HSC Framework Document. UNISON raised concern at the lack of engagement and consultation on these changes. We called for a meeting of the Partnership Forum. We questioned how trade unions would be engaged with by the Management Board. We raised issues around the rolling forward of the Commissioning Plan Direction and Commissioning Plan. We sought clarity on the relationship between the new Management Board and Transformation Advisory Board (TAB).

UNISON Response to DoH Consultation on HSC framework document Dec 2020 FINAL – This was the UNISON response to the subsequent consultation exercise undertaken by DoH after the Management Board had been established. UNISON raised similar issues to those in the letter of 16th June 2020. [Exhibit GM2/ 13 - INQ000532670].

UNISON Submission to DoH review Covid-19 and care homes July 2020 FINAL – This was the UNISON submission to the DoH Rapid Learning Initiative on Covid-19 and care homes. The submission summarises issues raised by members working in care homes during the Covid-19 pandemic up to that point. Issues referred to included statutory sick pay and access to the job retention scheme; PPE; discharge of residents into care homes; testing; the ‘Safe at Home’ pilot initiative; impact on the BAME workforce; the provision of additional funding to private sector care homes; and inspection and regulation. [Exhibit GM2/ 14 - INQ000532671 L].

UNISON NI Stakeholder Engagement Feedback Template Final Aug 2020 – This was a submission to HSCB/PHA regarding the Draft Covid-19 Care Home Action Plan Phase 2. Issues raised by UNISON included the need for urgent clarity regarding continuation of the sick pay scheme beyond 31st August 2020; the need for the plan to refer to the agreement on the transfer of staff to the independent sector during Covid-19; the need for effective partnership working; the need for greater clarity around mechanisms to support the supply of PPE; and the sustaining of the testing programme. [Exhibit GM2/ 15 - INQ000532672].

Response to DoH Surge Planning Strategic Framework JP Clayton 110920 – This was a submission John Patrick Clayton was invited to make as a member of the Transformation Advisory Board on the DoH Surge Planning Strategic Framework. Specifically in relation to care homes and social care, the submission refers to the sick pay support scheme having expired; the need for consistent availability of PPE with oversight from Trusts and the RQIA; and the need to adhere to agreements on the transfer of staff to the independent sector during Covid-19. [Exhibit GM2/ 13 INQ000532670].

2021

UNISON NHS Agenda for Change pay claim – 2021 – Northern Ireland – This was presented to the NHS Pay Review Body in response to the remit issued by Robin Swann MLA, Minister of Health, on 18 January 2021. It contains survey data

for the pay claim that reflects the experiences of NHS workers in NI during the pandemic, their household finances, and their views on working in the NHS. The figures in the document are for NI only. The response rate for the survey from NI was around 400. [**Exhibit GM2/ 16 - INQ000532673-**].

*UNISON Northern Ireland Written Evidence to NI Affairs Committee 110621 FINAL - This related to the Committee Inquiry on the experiences of minority ethnic and migrant people in Northern Ireland. Our written evidence highlighted some particular impacts of Covid-19 on black and minority ethnic workers and also refers to our concerns regarding the immigration health surcharge. [NR] and John Patrick Clayton gave oral evidence to the Committee subsequently (8th September 2021) [**Exhibit GM2/ 17 INQ000536012**].*

*UNISON Response to NI Executive draft PfG Outcomes Framework FINAL 290321 - Specific section of this response focused on social care and the lack of reference to reform of social care. It highlighted the impact of Covid-19 across social care and the findings within the 'Power to People – Proposals to reboot adult care and support in NI' report regarding the social care workforce being undervalued and underpaid. The submission sought a commitment to establish a Forum to address low pay and terms and conditions. The submission further highlighted the disproportionate impact of Covid-19 on black and minority ethnic groups and the disproportionate impact of employers within the care sector not providing adequate sick pay. [**Exhibit GM2/ 18 INQ000536013**].*

*UNISON Response to Northern HSC Trust Consultation on proposals to purchase domiciliary care provided by non-statutory providers 291121 FINAL - Response to Northern HSC Trust consultation regarding allocation of geographic 'lots' to non-statutory providers of domiciliary care through a forthcoming procurement exercise. UNISON had responded to a similar consultation exercise in January 2018. [**Exhibit GM2/ 19 INQ000532674**].*

UNISON Response to NI Executive budget 2021 – 22 FINAL - This response highlighted the ICTU 'No Going Back' campaign and the UNISON 'No Going Back to Normal' campaign. It highlighted impact of Covid on key workers, including care workers, workers who in the years before Covid had been undervalued, underpaid and mainly invisible. The submission referred to the impact of spending cuts and austerity on making the effects of the pandemic worse. It raised concerns that the November 2020 CSR did not restore levels of public spending to pre-austerity levels.

UNISON called for Executive to collectively call for a new deal on public spending for Northern Ireland. [Exhibit GM2/ 20 INQ000108538].

UNISON TEO Covid-19 Recovery Plan Response 020721 FINAL - This was in response to invitation from TEO to comment on the Recovery Plan. The submission raises similar points and issues to the Programme for Government response above. In responding to the 'Recovery Accelerator' around 'Health of the Population', UNISON called for recognition of HSC staff and highlighted that low paid workers in care homes and in the community had had to cope with financial hardship as a result of inadequate sick pay. Noting the commitment to improve pay for the workforce, UNISON called for the real Living Wage as a minimum, the express prohibition of zero-hours contracts and workers to have decent terms and conditions and enjoy the right to collectively bargain. [Exhibit GM2/ 21 INQ000532675].

Briefing Notes

Briefing Note Colm Gildernew 190520 (Email Record): This briefing note was offered in advance of a Health Committee meeting with the Minister and Chief Medical Officer. It raised issues on care home testing and on pay, terms and conditions for social care workers and suggested questions on same. [Exhibit GM2/ 22 INQ000532676].

UNISON Briefing for NI Health Committee 300620: This was a briefing note for the Health Committee in advance of its meeting with the Health Minister, where we raised issues regarding the Management Board and suggested some questions on same. [Exhibit GM2/ 23 INQ000532677].

Briefing Note NIC-ICTU Ad Hoc Committee on Bill of Rights 180321: This was a briefing note provided to the Assembly Ad Hoc Committee on the Bill of Rights in advance of Congress providing oral evidence to the Committee. It provided background information on the trade union's movement support for a Bill of Rights and set out some key areas we requested the Committee consider in its deliberations. We referenced Congress' 'No Going Back' positions and highlighted that a strong focus on social and economic rights within the Bill of Rights could assist in a fair recovery from the impacts of the pandemic that addresses inequality. [Exhibit GM2/ 24 INQ000187979].

Letters 2020

Coronavirus letter 6.3.2020 non-health and non-education employers – Letter from [NR] to employers including nursing homes. The letter sought normal pay for staff having to self-isolate or quarantine due to Covid-19.

Letter sent to all employers except health and education on 13.3.2020 (from [NR] [NR] re sick pay and Covid-19)- Letter from [NR] with similar request as above. Recipients included care providers.

Dr Michael McBride docx (Letter from Patricia McKeown to Dr Michael McBride 23 March 2020) - Letter that outlined UNISON priorities to keep the public safe and our members safe to care for them. Raised growing concerns around the speed and trajectory of the current strategy. The letter raised concerns regarding contact tracing and suggested redeployment of staff could assist. Highlighted concerns regarding care homes given events in Italy at that time, and referred to issues members had raised with UNISON on PPE. Stated that private companies should produce officially tested testing kits and equipment.

Letter to all Executive Ministers (letters are dated 26th March 2020) - Letter from Patricia McKeown to all Executive Ministers. Referred them to the letter to the CMO of 23 March and attached this. Sought engagement with UNISON regarding response to the pandemic. Responses from Minister of Finance (2nd April 2020), Minister for Agriculture, Environment and Rural Affairs (1st June 2020), Minister for Infrastructure (15th April 2020)

Letter to Chief Medical Officer 2nd April 2020 - Letter from Patricia McKeown, further to letter of 23rd March. Letter raised issues around service re-organisation, guidance regarding PPE both in acute and community settings, and on provision of testing. Response from Chief Medical Officer 8th April 2020

Letter to Junior Ministers, TEO, 3rd April 2020 (Joint UNISON/RCN letter requesting high level engagement) - Letter sent by Patricia McKeown and Pat Cullen following meeting with the Junior Ministers. Sought high level joint engagement with First Minister, deputy First Minister, Health Minister and Finance Minister. Junior Ministers' response Cor 1307 – 20 – Response from Junior Ministers dated 23rd April 2020. The Junior Ministers asked for suggested agenda items for a meeting.

Joint UNISON RCN letter FMDFM 040520 – Further letter to Junior Ministers, following their response above. This provided a suggested agenda for a meeting as requested. This was: Coordination between NI Executive and HSC Trade Unions;

Testing; Contact tracing; PPE provision and NI guidance on use of PPE; Deployment of HSC staff to private sector nursing homes; review and forward planning for possible second wave.

Letter to Pat Cullen and Patricia McKeown 18.06.20 – Junior Ministers’ response to letter of 4th May 2020. The letter indicated that the Health Minister would join the meeting, but given the passage of time the Ministers thought it unnecessary that the Finance Minister attend. It indicated officials would be in touch to arrange a time and date.

Letter to Health Minister social care 6 May 2020 – Letter from Patricia McKeown to the Health Minister on ‘Fair Pay and decent terms and conditions in social care’. Letter followed an announcement by the Minister of 27th April that £6.5 million was being made available for private sector care homes, seeking clarification on the basis on which this funding was being advanced. UNISON understood from the press release that funding was to support increased cleaning and bring in additional staff to support the isolation of residents when necessary. The letter expressed concern at need to advance public money for this purpose and sought clarity as to which homes were not meeting required standards. Sought assurances that the use of the additional funding would be monitored. Assuming the funding could be used for staffing costs, the letter sought clarity as to whether conditions were attached requiring fair pay and decent treatment, on employers to recognise trade unions and rights of the workforce to join a trade union and collectively bargain. The letter urged the Minister to consider how a regional bargaining forum between employers, health and social care bodies that commission services, the Department and unions could be created in an effort to improve pay and terms and conditions. The letter was copied to the Chief Social Worker, Sean Holland.

Letter to Sean Holland Social Care 6 May 2020 – Letter from Patricia McKeown to Sean Holland, Chief Social Work Officer on ‘Fair Pay and decent terms and conditions in social care’. Letter covered the same issues as the letter sent to Minister the same day (above), but additional issue raised were the issue of members only being provided with statutory sick pay when having to self-isolate if they or family members were displaying symptoms of Covid-19. UNISON urged the Chief Social Worker to intervene directly with all care home employers to make clear to them that they should offer full pay to all workers self-isolating due to Covid-19 and that this should be a condition attached to receiving any of the £6.5 million in funding.

The request to consider creating a regional bargaining forum was not repeated however. The letter was copied to the Health Minister.

Letter to Health Minister Social Care 19 May 2020 – Letter from Patricia McKeown to Health Minister further to letter of 6th May 2020 and announcement by Minister of 13th May 2020 on bringing forward proposals to deal with low pay and poor terms and conditions in care homes. The letter welcomed the recognition of longstanding issues and the public commitment to improve pay and terms and conditions and deal with the specific issue of sick pay during the pandemic. The letter highlighted that the input of UNISON would be essential and sought the opportunity to input into proposals before they were finalised and presented to the Executive. The letter highlighted that homecare workers must not be excluded and called for the Regional bargaining forum sought in the letter of 6th May to be convened without delay. Chief Social Worker Sean Holland was copied.

Letter to Health Minister re TAB 030720 FINAL – Letter sent from TAB members to Health Minister seeking engagement on future role and purpose of TAB, in light of creation of Management Board.

Letter to Health Minister 240720 FINAL - Letter from Patricia McKeown to Minister further to our meeting of 6th July. Highlighted impact of Covid-19 on most deprived communities and emphasised need for a public health model and actions to tackle inequality. Letter noted that, following the meeting of 6th July, UNISON would contact Chief Social Worker and his team to discuss proposals being developed on improving pay and terms and conditions in social care. The letter highlighted the need to backdate the sick pay scheme for care home workers.

Minister Conor Murphy 27 July 2020, Minister Robin Swann 27 July 2020, OFM DFM 27 July 2020 - Joint UNISON/RCN letters sent after meeting with First Minister and deputy First Minister was postponed. The letter expressed frustration at postponement of meeting at last minute. The letter highlights that we particularly wanted to raise issues on test, trace and protect, the approach to care homes/nursing homes and domiciliary care, and nature and availability of PPE. The letter set out issues such as childcare/schools re-opening, preparations for a second wave and a memorandum of understanding with Republic of Ireland, a public inquiry into the response to the care home sector during the pandemic, and development of a future public health model.

Response from Finance Minister ('High Level Engagement with UNISON and the Royal College of Nursing' (31st July 2020) – The Minister stated he was not scheduled to attend this meeting. Copied correspondence to First and deputy First Ministers.

Letter to Dr Tony Stevens 020920 FINAL - Letter from Patricia McKeown to Dr Tony Stevens as Interim Chief Executive of RQIA regarding establishing an information sharing protocol in relation to social care settings between RQIA and UNISON. The letter referred to previous attempts to establish such a protocol, prior to Dr Stevens appointment. The letter highlighted that UNISON had been raising numerous issues on behalf of our members who work across these settings throughout the course of the pandemic, particularly in relation to the provision and use of PPE and testing for both residents and staff, including directly with the RQIA, with a significant theme arising across the many issues we have been raising being the need for strong regulation and oversight of the implementation of regional policies. We sought engagement on developing an information-sharing protocol and highlighted that we had raised the issue directly with the Health Minister in engagements with him. Letter was copied to Christine Collins, Interim Chair RQIA.

Response from Dr Tony Stevens (290920) - Dr Stevens referred to past correspondence between Patricia McKeown and Olive MacLeod, former Chief Executive of RQIA and that it had been suggested the matter be discussed at an RQIA JNF meeting. Dr Stevens stated that he would be arranging quarterly JNF meetings and suggested he would include the matter as an agenda item.

OFM DFM (letter from Patricia McKeown to FM/DFM following our meeting of 10th Sept. Letter is dated 13th Oct 2020) – This letter highlights the extension of Infection Control Fund in England and £500 payment in England for those accessing benefits who cannot work from home when self-isolating.

Further to discussion in the meeting of 10th September about engagement between the UK Government and devolved administrations around winter preparedness for Covid-19 and issues which could be raised in that forum, and in light of a subsequent announcement made by the UK Government, the letter recommended that particular consideration be given to the pressing need for co-ordinated actions to protect residents, service users and staff across social care. The letter outlined the background of issues around sick pay and the expiry of

the scheme put in place by the Department of Health for care homes to pay sick pay up to 80% of average pay.

The letter highlighted that the UK Government announced on 17th September that it was extending the Infection Control Fund until March 2021 and that this fund could be used to pay staff full pay when having to self-isolate. In addition, the UK Government announced that people on lower incomes accessing benefits in England would be eligible for a £500 payment where they cannot work from home and are required to self-isolate from 12th October. The letter urged the NI Executive to secure the Barnett consequential that should flow from these announcements by the UK Government. It suggested this funding should then be ring-fenced by the Executive to fund full pay for social care workers required to self-isolate, as well as the wider economic support workers across other sectors may require when self-isolating.

Letter to Health Minister re Four Seasons 29 October 20 - Letter from Patricia McKeown regarding announcement of sale of Four Seasons homes in NI. It asked the Minister to prepare a plan for the HSC to bring the homes into public ownership. Letter was copied to Chief Social Worker Sean Holland.

*UNISON-RCN Letter to Health Minister 1111220 1 (re safe staffing legislation) - Joint letter from Patricia McKeown and Pat Cullen to the Health Minister raising concern at lack of progress on safe staffing legislation. Sought impetus in process and that Minister agree request for a discrete team within Department to work on legislation. [**Exhibit GM2/ 25 INQ000360945**].*

*Response from Minister Swann re safe staffing (181220) – Minister Swann response to above letter. The Minister highlighted that the Department had asked for the legislation to be included in the forward work plan of the Assembly. Offered assurance that the Department was firmly committed to developing the case for safe staffing legislation to be introduced at earliest legislative opportunity in partnership. [**Exhibit GM2/ 26 INQ000532684**].*

2021

Letter_BetterFinancialSupport_ISAG_Final (12th Feb 2021) – Letter coordinated via Dr Ciara Fitzpatrick, signed by Owen Reidy for NIC-ICTU and Patricia McKeown for UNISON. The letter related to the need to put in place greater financial supports for those on low incomes self-isolating to improve compliance with self-isolation.

Letter to Health Minister 070721 FINAL - Letter from Patricia McKeown to Health Minister regarding the announced easing of Covid-19 restrictions in England. The letter raised concern if NI Executive were to follow this approach.

Response from Minister Swann (22nd July 2021) – Response from Minister to the above letter. The Minister offered a meeting with UNISON.

Letter to Mark Lee re sick pay 040821 - Letter from Patricia McKeown to Mark Lee, Department of Health. The letter sought that Department of Health reconsider approach that would link sick pay support to vaccination status.

This followed a draft letter shared with trade unions for comment on 3rd August. The UNISON letter stated that UNISON could not endorse the content of the Department's letter. It objected to the approach being put forward to link sick pay for care home staff to vaccination status and urged that this approach be urgently reconsidered. The letter highlighted that UNISON had been strongly supportive of the vaccination programme but that UNISON had consistently opposed attempts to pressure or force vaccination on the workforce, such as any suggestion that vaccinations for health and social care workers would be made legally mandatory.

The letter referred to evidence from research studies that have been undertaken that indicated that such an approach would be less likely, rather than more likely, to result in increased uptake of the vaccine. It further referred to the findings of a UNISON survey of care worker members across the UK in April 2021. Of the 4263 members responding, 12.3% said they had not yet been vaccinated. When results were filtered to members who had not received helpful information and had been threatened by their employer, this rose to 21.2%.

The letter stated that UNISON had sought to work with the Department, HSC Trusts, the PHA and care home employers to encourage uptake of the vaccine by addressing staff concerns and ensuring that tailored information is disseminated to staff.

The letter highlighted that limiting the financial supports available to workers that encourage them to self-isolate would be counterproductive to limiting the spread of the virus.

The letter was copied to the Health Minister. It concluded that the stipulation that staff must be double vaccinated to access enhanced sick pay should be removed.

The letter requested an urgent meeting with Mark Lee and his Departmental colleagues to discuss this further.

It should be noted that GMB issued statements sharing their concerns about 'Forced Social Care vaccinations' in March 2021 following leaks from the office of the HMG Health minister Matt Hancock:

Kelly Andrews, GMB's Lead Social Care Officer said: "GMB has encouraged members to get vaccinated against covid as soon as they can. We have repeatedly told Ministers we expect the Government to act so that no workers suffer a financial detriment as a result of getting the vaccine - especially those priority workers in social care and elsewhere... The least they could do through the vaccine rollout is try to gain the confidence of the workforce and work with us to remove the barriers to getting vaccinated. A voluntary line of action which ensures care workers get full sick pay for potential vaccination side effects, support services to talk through workers concerns. This heavy handed, we-know-best approach will cause unnecessary anxiety and discontent when our care workers are still fighting the pandemic. We need our care workers valued, recognised and rewarded - not strong armed or bullied with threats of the law." [**Exhibit GM2/ 27 INQ000532685**].

TUSIHCP Follow up communication to RQIA-PHA Briege – Letter is not dated so unclear when sent by Independent Health & Care Providers (IHCP). The letter was on behalf of IHCP, UNISON, GMB and RCN. It highlighted that collectively we have been strongly supportive of the vaccination programme and have encouraged the workforce to get vaccinated. It highlighted that we had sought to share accurate information on the benefits of being vaccinated and to engage constructively with those workers that have concerns.

It highlighted concern at suggestions that vaccinations for care home workers would be made legally mandatory, that such an approach would be counter-productive and only compound staffing challenges that exist. The letter highlighted our view that more should be done to engage with and persuade the workforce to get vaccinated and that this work should be taken forwards on a partnership basis between employers, trade unions and the PHA, RQIA and wider HSC system. It highlighted need to access and understand data held by PHA, RQIA and other HSC bodies on vaccination rates across care homes, so we could engage with those care homes that have the lowest rates of vaccination, explore the specific

reasons why that is the case, and work together on the interventions necessary to increase vaccination rates. Sought to engage on this basis as soon as possible.

*TUSIHCP Follow-up Communication to RQIA-PHA Patricia – Letter from UNISON, GMB, RCN and the IHCP to Patricia Donnelly (23rd September 2021). The letter referred to letter of 2nd September 2021 to Public Health Agency and Regulation and Quality Improvement Authority (RQIA) outlining our collective and strong support for the vaccination programme, and our collective desire to see levels of vaccination increase across the workforce. [**Exhibit GM2/ 28 INQ000532686**].*

The letter further outlined our concern at any potential move to make vaccination for the workforce legally mandatory and that instead a partnership approach between employers, trade unions and HSC bodies was required to effectively engage with the workforce and promote greater levels of vaccination.

We sought an urgent meeting to discuss potential partnership working. The letter stated that we were advised that such a meeting would require authorization from Patricia Donnelly as the Department of Health lead for the wider vaccination programme.

As trade unions representing the workforce across care homes and the body representing care home employers, the letter indicated we stood ready to engage constructively with Patricia Donnelly and the relevant HSC bodies to achieve our shared objectives.

Press releases/public statements (Summarised):

‘Unison calls for immediate action on community care’ 26th March 2020 – comments from Patricia McKeown on need for guidance and PPE for health workers in community.

‘Test!, Test!, Test! – We are running out of time’ 2nd April 2020 – highlighting concerns around testing.

UNISON PRESS RELEASE 080420 (‘Unison calls for immediate action on care homes affected by Covid-19’) – Patricia McKeown comments on need for testing, guidance and PPE. Highlighted the need for immediate testing, isolation and tracking. Called for a dedicated testing programme and revised guidance for health care workers in homes and in the community with additional PPE as standard.

UNISON PRESS RELEASE 090420 – ('Unison asks public to clap for blue light services') – Dawn Emerson and John Creaney (UNISON Craigavon Hospital) comments encouraging public to join mass round of applause at 8pm.

UNISON PRESS RELEASE ('Unison demands immediate action on Covid-19 in social care') – 16th April 2020, comments from Patricia McKeown. Called on health and social care authorities in Northern Ireland to take immediate action to address alarming issues and prevent the spread of Covid-19 across care homes, residential homes and when care is provided to people in their own homes. The press release referred to letter to Department of Health (23rd March) seeking special attention on care homes and social care in the community, the resumption of community testing, tracking and isolation and for PPE for all residential care and social care workers.

The press release refers to the instruction to RQIA to stop routine inspection in care homes and UNISON concerns about absence of inspection. It raised concern at reports from UNISON members that residents discharged from hospital into care homes and into the community were not being tested across all Trusts. The statement raised concern at UNISON members reporting inadequate supplies of PPE and stated that updated guidance on use of PPE must be published. It stated that more needed to be done to increase the level of testing and called for action to be taken to:

- *temporarily relocate care home residents to safe, infection-free accommodation;*
- *to provide Covid-19 only facilities with extra staff support for those who do not need hospital admission;*
- *to ensure adequate levels of trained staff in all facilities, with the necessary levels of protective equipment in place;*
- *to implement comprehensive contact tracing and testing of suspected cases in staff and residents.*

UNISON PRESS RELEASE 180420 ('Unison demands immediate testing of all residents and all staff in care homes') – Comments from Patricia McKeown calling for a programme of testing to be implemented for staff and residents across care homes. It referred to announcement by Irish Government of plan to test all residents and staff in care homes over the following 10 days. The release called for similar action in Northern Ireland, activating a Joint Memorandum agreed by both Governments and commencing parallel programme of testing.

UNISON PRESS RELEASE 200420 – ('Unison calls for PPE shortages guidance to be rejected') – Comments from Anne Speed on Public Health England guidance regarding PPE shortages and reuse, health unions were calling for this not to be applied in NI.

'Unison asks public to clap for healthcare workers' (23rd April 2020) – statement from Conor McCarthy asking public to show support for healthcare workers.

PRESS RELEASE – MINUTES SILENCE – (23th April 2020) ('Call for minute's silence to honour all workers who have died from coronavirus') – Joint UNISON, RCN and RCM press release calling for a minute's silence on 28th April to remember all health, care and other key workers who lost their lives to coronavirus.

'Unison calls on Government to ensure that private care homes in receipt of £6.5m public money play fair with workers' (27th April 2020) – statement from Patricia McKeown that additional funding for sector should have conditions attached. Refers to need for a bargaining forum. The statement highlighted UNISON calls for:

- *testing and contact tracing for all residents and staff*
- *testing of all admissions from hospital and the community*
- *revised guidance to ensure the protection of both*
- *proper provision of the right PPE*
- *stability in the workforce*

UNISON PRESS RELEASE 140520 – ('UNISON welcomes Minister Swann's recognition of our members' concerns') – Comments from Patricia McKeown further to Health Minister's comments on low pay and sick pay in care homes. Called for Forum to be convened on these issues.

UNISON PRESS RELEASE 180520 – ('UNISON welcomes Minister Swann's announcement on testing for all care home residents and staff') – Comments from Patricia McKeown welcoming introduction of testing programme, urging universal testing as soon as possible.

UNISON PRESS RELEASE 220520 ('UNISON extremely concerned by need for action at Clifton Nursing Home') – Comments from Patricia McKeown following

announcement from Health Minister that residents at Clifton Nursing Home were being relocated.

UNISON PRESS RELEASE 030620 ('UNISON welcomes sick pay announcement as step in the right direction, but further action required') – Comments from Patricia McKeown on Health Minister announcement that Department of Health would provide care homes funding to pay staff 80% of salary when self-isolating. The statement highlighted that UNISON had been calling for full pay for workers who become sick or have to self-isolate from the beginning of the Covid-19 pandemic. The release stated that the Minister's announcement was a step in the right direction for care home staff, but that the Department must ensure that this funding genuinely benefited workers in care homes and enabled them to stay away from work where needed to help prevent the spread of Covid-19.

The statement highlighted UNISON's expectation that all employers will guarantee 100% of their workers' wages when they have to take sick leave or self-isolate. The statement referred to the Minister's wider commitment to improve pay and terms and conditions and urged the Minister to convene a Forum to discuss the wider reforms that are required.

Health - UNISON says Minister has right idea to rebuild services but we are concerned he is using the wrong tools – 10th June 2020 – Comments from Patricia McKeown on publication of Strategic Framework for rebuilding services and creation of Management Board.

Health – PPE Testing 190620 – ('UNISON demands answers on PPE fit testing concerns') – Patricia McKeown comments on alert on PPE fit testing.

UNISON/GMB Press release 12th October 2020 – joint press release regarding sale of Four Seasons homes in NI from Marianne Buick (UNISON) and Alan Perry (GMB).

UNISON Press release 201020 FINAL ('UNISON welcomes extension of sick pay in care homes but assurances required') – Comments from Anne Speed regarding continuation of sick pay scheme by the Department of Health, further to UNISON calls that it be extended.

The press release highlights that this support for sick pay was previously in place from 1st June to 31st August. It highlighted that payment would be backdated to 1st September.

The statement highlighted our concern that the Department was reporting that funding previously advanced for this purpose was not taken up by employers, which matches concerns UNISON members raised about not receiving 80% of their pay when the scheme was previously in operation. It stated that employers must be required to access the support on offer and the Department must ensure that this funding genuinely benefits workers and enables them to stay away from work where needed to help prevent the spread of Covid-19. It repeated call that employers guarantee 100% of their workers' wages when they have to take sick leave or self-isolate.

UNISON Press release 29th October ('UNISON acknowledges gesture and stresses more to do') – Comments from Anne Speed regarding re-instatement of exemption from car parking charges for health staff.

UNISON Press release 5th November 2020 ('UNISON calls on NI Executive to listen to public health advice and suppress the spread of Covid-19') – Comments from Patricia McKeown regarding Executive decisions on Covid-19 restrictions.

UNISON Press release 12th November 2020 ('UNISON says NI Executive must listen to public health advice and not put further lives at risk') – Comments from Patricia McKeown regarding Executive decisions on continuing with Covid restrictions.

UNISON Press release 26th November 2020 ('UNISON calls on the public to continue to support their health service') – Patricia McKeown comments on beginning of restrictions on 27th November 2020, calling on public to follow restrictions and support the health service and those who work in it.

UNISON Press release 10th December 2020 – ('Care Home owners failing to maintain pay for their ill and shielding staff') – Comments from Marianne Buick regarding employers not accessing the sick pay scheme for staff self-isolating. Highlighted that in October 2020 UNISON had welcomed the extension of the Department of Health's scheme, providing publicly funded financial support to care home owners to subsidise statutory sick pay up to 80% of average salary. It stated that UNISON concerns around implementation and that our concerns

regarding employers accessing the funding had increased. It highlighted that UNISON had successfully challenged and ensured payment for our members in many care homes, but that there were still some employers not accessing the scheme.

The statement raised concern that our members had been told by growing numbers of employers that the scheme 'doesn't apply' and that they should take annual leave instead if they wanted paid for their period of absence. The statement called on the Department of Health to ensure all Care Home providers make use of the scheme and implement the 80% immediately. The statement contained anonymous quotations from members.

2021

UNISON Press release 040521 ('UNISON welcomes Minister Swann's creation of a social care Fair Work Forum') – comments from Patricia McKeown on Health Minister's announcement that he intends to create a Social Care Fair Work Forum.

UNISON Press release 25th November 2021 ('Additional funding for social care a step in the right direction, but assurances needed that it will benefit the workforce') – Comments from Anne Speed further to Health Minister announcement that £23 million being offered in funding for domiciliary care and wider social care sector to improve rates of pay. Sought engagement on this via Fair Work Forum.

2022

UNISON Press release 1st March 2022 ('Audit Report on PPE highlights efforts by health unions to protect workers and patients') – Comments from Anne Speed on NI Audit Office report on PPE. The press release highlights that during the early days of the pandemic many hours were spent in discussions with RQIA, PHA and Health Trusts to secure supply of PPE. It highlights that UNISON very quickly became aware of the shortfall in supplies and our members' anxiety on their own safety and the safety of patients and clients needing care in the independent sector. It highlights that through negotiations we secured formal agreement which not only guaranteed supplies of PPE but also released staff volunteering to assist when independent sector staff fell ill.

e. Impact of the pandemic on the workforce.

24. Surveys of the workforce were conducted on a limited and self-selecting basis by affiliates, monitoring wellbeing and mental health, but response rates were relatively low. However, the Inquiry will be aware of the substantial rolling study of the HSC workforce conducted by both NI universities, alongside King's College London and Bath Spa University, and funded by the HSC R&D Division of PHA NI, the NI Social Care Council and the Southern (NI) HSC Trust. The study commenced in May 2020 and has recently issued its report on Phase 6, with surveys conducted from November 2022 – January 2023. The study focuses specifically on the experiences of nurses, midwives, allied health professionals (AHPs), social care workers and social workers, and most of the 1.395 responses were from women workers. The findings are a stark reflection of the stresses of working in the HSC since early 2020 not least the pressure on staff and impact upon recruitment and retention. The following are quotes from respondents:

“58.1% reporting feeling overwhelmed by increased pressures”

“Nearly one-half of the respondents UK-wide (43.0%) had considered changing their employer, with the highest proportion of these being from England (51.5% within England) and followed closely by Northern Ireland (43.3% within Northern Ireland). Within social work, 48.9% of respondents considered changing their employer”

“Within social care workers, 44.2% considered changing their occupation during the pandemic. Respondents indicated that a pay increase (61.2%), manager support (46.2%), well-being support (41.0%), and safer working conditions (38.6%), would change their minds about wanting to leave their employer or current occupation”

“We found that both mental well-being and quality of working life deteriorated from Phase 1 to Phase 6 of the study”

“During the COVID-19 pandemic from November 2022-January 2023, 3.5% were able to work from home all the time, while 34.3% could work from home some of the time. Social workers were most likely to work from home all the time (8.6% of social workers) or some of the time (70.9% of social workers), while most social care workers (84.8% of social care workers), nurses (77.1% of nurses) and midwives (75.9% of midwives) were not able to work from home at all”

The Phase 6 report concludes with a series of ‘Good Practice Recommendations’ reflective of what unions sought to negotiate during the pandemic. Also, the report firmly links pressures external to the pandemic having a large and negative impact on HSE workers and especially affecting recruitment and retention:

“Indeed, there seems to be a “vicious cycle” developing whereby the effects of staff attrition on colleagues lead to further staff departures. At the same time, it is also noted that changing economic conditions are currently impacting retention and recruitment, especially the cost-of-living increases which can precipitate staff departures. These are the “push” factors. At the same time, there are “pull factors”. As the economy opens, post-pandemic, there is greater availability of alternative employment, some offering greater flexibility and higher remuneration. Furthermore, and not unrelated to economic change, the education sector reports significant decreases in students taking up places in many areas of health and social care which will impact recruitment soon. Therefore, the need for action on retention and recruitment has developed greater urgency.”

And

“In our first survey report we called for research on patient and service user outcomes to see whether organisational structure changes involving reductions in hierarchy permitting greater autonomy, which operated by necessity during the height of the pandemic, can make a positive difference to service quality on an ongoing basis. We also suggest that local forums and national planning consider the right balance between clinical or professional judgment and guidelines using the experience of the pandemic to inform these deliberations. We are hopeful that the national inquiry into the management of the pandemic will consider these questions and will forward our reports to the inquiry.”

And

“We noted in our first report that employers in the health and social care sector should address the adequacy and coverage of Statutory Sick Pay for their staff. This Recommendation stands.”

SSP

25. The issues around Statutory Sick Pay and uncertainty over the furlough scheme were raised by NIC-ICTU with minister and officials, and were publicised in press statements in 2020 and 2021. For instance, in November 2020 ICTU General Secretary Owen Reidy stated that the second lockdown avoid earlier mistakes:

“Lockdowns and circuit breakers can be crude and blunt devices which can have other unwanted consequences particularly for low paid workers and the most vulnerable in our society. That is why we need action and not words to significantly improve the infrastructure developed in recent months for Test, Trace and Isolate.

“Workers need to know that if they are exposed to infection then they must take time off and isolate from their work colleagues and receive adequate sick pay and not the

paltry statutory sick pay of £94.25 per week. Employers must be clear on the regulations and requirements around the isolate rules and ensure compliance to halt the risk of cross infection.

"The trade union movement has repeatedly called for the furlough scheme to be reinstated in full. We welcome the fact that the Chancellor has reinstated the scheme but we believe that the NI Executive must have access to such a scheme which it deems necessary and such funding must not be conditional on whether there are restrictions applying in England or not. In the event the NI Executive endorse the call of public health specialists and continue with the current restrictions for a longer time, it is essential that workers, such as those in the hospitality sector and other low-paid affected sectors, receive their full salary and not 80% of their pay in this instance. For example, over 80% of hospitality workers earn less than the real living wage. Therefore for many of these workers, their income from furlough will be less than the national minimum wage. This is unacceptable and wrong. The lowest paid must not pay this price."

26. The trade union movement's position on the inadequacy of statutory sick pay was articulated throughout this period. However, as raised in our evidence to modules 1 and 2 of the inquiry, had we had a formal process of engagement, through for example, social dialogue with the Northern Ireland Executive, this could have been made much more forcefully and had a more strategic impact.

f. Other concerns or issues

27. Matters raised by NIC-ICTU with the Health minister by letter dated 28 October 2020 included a request for ethnicity and occupation to be recorded in the Covid-19 data collection systems for Health and Social Care in NI, following reports *"that BAME and migrant worker communities have been heavily affected by the disease in certain geographical areas and particularly amongst those working in the food processing sector here"* [Exhibit GM2/29-INQ000187971].

28. The letter went on to say *"Further to this, as you are no doubt aware, some employers in the food processing sector only put measures in place to protect their workers from the spread of Covid19 once pressure was put upon them. From our work on the project we understand that there are still employers in this sector that appear not to be adequately protecting workers from BAME and migrant communities. The situation is compounded by the fact that many of these workers are vulnerable and need to continue to work to support their families, as the Statutory Sick Pay is insufficient to cover their basic cost of living."* The Minister responded on 18 November 2020 [Exhibit GM2/30 -INQ000187972].

29. A similar request had been delivered from CBBB to the Public Health Agency in July 2020 [Exhibit GM2/31 – INQ000187973]. Two meetings with the PHA followed in August and September 2020.

30. In addition, Unison Regional Secretary Patricia McKeown held regular meetings with NI Executive Ministers, in particular Health Minister Robin Swann, either leading a Unison delegation or alongside a joint delegation of Health unions, such as the RCN. Unison have prepared a timeline of meetings from 2 April 2020 to 28 March 2022, showing meetings taking place with ministers, senior officials or various boards inside the NHS [Exhibit GM2/32 – INQ000187977]. Unison also made a substantial amount of submissions, briefing notes, press releases and letters over the two year period, all of which are archived and available to the Inquiry. A list of the documents is provided [Exhibit GM2/33 -INQ000187978].

31. Alongside those interventions on behalf of its members working in the NHS, C&V and education sectors, Unison also raised human rights and equality issues relevant to the wider community, issues such as those raised in the ICTU's briefing paper that was sent to the Ad Hoc Committee on the Bill of Rights in advance of a NI Assembly evidence session in March 2021 [Exhibit GM2/24 – INQ000187979]. Unison's Patricia McKeown participated in briefings hosted by the Equality Coalition, an umbrella grouping of human rights NGOs it co-convenes with the Committee on the Administration of Justice (CAJ). These briefings addressed many of the wider human rights and equality issues raised by the circumstances of the pandemic and the response of the authorities.

CONCLUSION

32. In the two-year timeframe of the Covid-19 pandemic, the social care sector across the UK experienced, in the words of a Parliamentary inquiry, '*intense stress, with some decisions made which caused the experience of residents and their carers to be more difficult and which, sadly, are likely to have resulted in more deaths than was inevitable*'. The same report tried to evaluate the scale of death in care homes and among those receiving and delivering domiciliary care in England:

33. Between 16 March 2020 and 30 April 2021, 41,675 care home residents died of covid-19—nearly a quarter of deaths from all causes among care home residents. This amounts to over a quarter of all covid deaths in England over the same period of the pandemic. This is likely to be an underestimate given the lack of testing of care home residents during the early weeks of the pandemic. The number of deaths of people receiving domiciliary care between 10 April and 19 June 2020, meanwhile,

was over 120% higher than the three-year average over the same period between 2017 and 2019, with 12.6% of the total involving a confirmed case of covid-19.

34. The impact of the pandemic on the social care workforce has also been acute. Between March 2020 and August 2020 7.5% of workdays were lost to sickness absence compared to 2.7% before the pandemic. During the first peak of the pandemic, between March and May 2020, the Office for National Statistics recorded 760 deaths of people working in care, nearly twice the average during the same period from 2014 to 2019. During the course of the pandemic 74% of deaths recorded for social care workers had covid-19 recorded as a cause of death.

35. While those figures relate to the situation in England, we can in the absence of available statistics from Northern Ireland, appreciate the scale of the crisis which unfolded for workers in adult social care, the vulnerable people they strived to serve and protect, and their families whose loss and pain we all must appreciate and who hopefully will find some sense of justice from the outcome and findings of the Covid-19 Inquiry and in particular this Module.

36. As outlined above, the trade unions which represented those workers in the adult social care sector who had access to union membership (not enough of the workforce, in our view) made serious and regular interventions on their behalf at all levels. They lobbied political leaders in the NI Executive, they briefed MLAs on the NI Assembly's Health Committee, they engaged in the NI Engagement Forum with social partners from all sectors, they worked with health trusts and the independent care sector, they informed the media so that there would be clear and unspun information in the public domain for workers, service users and their families.

37. Those unions were, for the most part, Unison and GMB. Other specialist medical unions serve the adult social care sector, from the GMB and RCN, to SoR and CSP, but the majority of the more than 36,000 workers in the sector are 'ordinary' workers, overwhelmingly female and underpaid for the service they provide on behalf of society. Within months of the official end of the pandemic, many of those workers were being denied increases in their Living Wage salaries which matched inflation by the same Westminster government which was floating the notion of 'imposing a blanket legal change forcing care workers to get vaccinated.'

38. The adult social care sector has been under-resourced and its staff and service users unappreciated for many years. It is beyond time that those workers and the unions who represent them were thanked and rewarded for their sacrifice and service.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

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Gerry Murphy

Dated: 17 January 2025