



22 March 2016

Ms Maeve White
Administrative Officer
Low Pay Commission

Dear Ms White,

Please see below our submission in relation to the National Minimum Wage.

Sleepover Duty within Disability Social Care Division in the Irish Health Service

1. Background to service delivery in the disability sector in Ireland

Over 8,000 people with disabilities in Ireland live in over 900 residential settings of various types. These include homes that provide a 24/7, 365 days a year service and community based models which are staffed for certain parts of the evening, night and weekends. Residential services are provided by over 60 agencies.

Residential settings vary in size from large congregated settings defined as 10 or more bedded facilities to community group homes to supported independent living. There are approximately 4,000 staff working in residential and respite services within the disability sectors which represent approximately 40% of the overall staff working in disability services. In community group homes, the model of care is based on providing a family type residence with a house parent who sleeps over in the house but is very rarely required to be active during the night.

In June 2011, the HSE published a report "*Time to Move on from Congregated Settings: A Strategy for Community Inclusion*" which formed part of a wider Value For Money and Policy Review (VFM) of all aspects of the disability sector, involving the Department of Health (DoH), Department of Public Expenditure and Reform (DPER) and the HSE which was adopted by the Government as national policy and which is in the process of being implemented by the DoH and the HSE in line with this Government decision. A comprehensive governance process to oversee implementation has been put in place with a high level national steering group chaired by DoH.

A key recommendation of the Report was that all congregated settings should be closed over a seven year period and all of the residents should move to dispersed accommodation of their choice within the community, be enabled to live ordinary lives in ordinary places and live independently where possible. This will increase the requirement in the future for social care staff to sleepover in these types of community accommodation.

2. Labour Court Recommendation

Prior to September 2014, time spent by employees on sleepover duty had not been considered to be 'working time' and had been paid at a set fee for an 8 hour sleepover. Then, in

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

An Roinn Sláinte/Department of Health
Teach Haicín Baile Átha Cliath 2
Hawkins House Dublin 2

Fón/Tel (01) 635 4000
Facs/Fax (01) 635 4001

R-phost/Email info@health.gov.ie
Suíomh Gréasáin/Web www.health.gov.ie

Recycled Paper/Printed on Recycled Paper

Tús Áite do
Shábháilteacht 1 Othar
Patient Safety First



September 2014, the Labour Court made a recommendation in relation to the employment of social care workers and related grades employed in the childcare and intellectual disability sectors which included, amongst other conditions, the following:


- Time spent on sleepovers should be acknowledged as constituting working time and should be paid at the minimum wage hourly rate in respect of each hour spent on sleepover in excess of 39 hours

The Department of Health and Department of Public Expenditure and Reform approved acceptance of the Labour Court Recommendation and the HSE issued a circular directing agencies to pay the new sleepover rate which is the 'minimum hourly rate'.

3. Conclusion

As outlined above, it is clear that any further increase in the minimum wage will have a significant impact on labour costs for all hours spent on sleepover duty which is essentially inactive working time. As this time is spent sleeping, the Department believes there is merit in the Commission giving consideration to introducing a reduced minimum hourly rate for inactive work of this nature.

Yours sincerely,


Amanda Young
National HR Unit