



## Enforcement of the National Minimum Wage in the social care sector: “sleep-in” shifts

The government is committed to creating an economy that works for everyone, and ensuring workers are paid fairly according to the law, including the National Minimum Wage.

The government has been working with representatives of the social care sector over the summer to understand how liabilities of back pay for “sleep-in” shifts impact the provision of care for vulnerable people. The organisations that were able to participate have allowed the government to form a clearer picture of the likely impact on the social care sector, recognising that the timescales involved meant that many were not able to contribute. Government recognises the pressures these liabilities are placing on providers of social care, and the government is exploring options to minimise any impact on the sector.

Any support that government provides directly to external organisations may be subject to the approval of the European Commission under EU State aid rules. The conditions for offering any government support to private organisations will always need to be made on the basis of a strong understanding of the market and a clear justification for action, based on need and value for money considerations. This means any intervention will need to be proportionate and necessary. The government intends to continue to strengthen the evidence base, engaging more widely with the social care sector to build on the work begun over the summer, and have discussions with the European Commission as required.

While this work is conducted, HMRC will follow an interim enforcement approach for employers in the social care sector. The approach will include HMRC providing additional time and support, where appropriate, to providers to enable employers to review their own compliance in relation to “sleep-in” shifts and ensure workers receive arrears owed.

Guidelines on this new approach will be published in the next month. The measures announced on 26 July will remain in place for up to another month until the new enforcement approach is launched.

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