

Fair Pay Agreement ASC Negotiating Body Employer Representation

What providers need to know

Wednesday 21st October 2026



Care Provider Alliance



Policy Context



- The Employment Rights Act 2025 gives the government the power to establish an Adult Social Care Negotiating Body (**ASCNB**) to negotiate a Fair Pay Agreement (**FPA**) for Adult Social Care in England.
- A FPA is a legally binding agreement that sets minimum standards for pay, terms and/or conditions across the adult social care sector, rather than leaving each employer to decide these individually.
- The ASCNB will be established in 2027 and the first agreement will apply to fiscal year 2028/29.
- This is the first time adult social care workers in England will have this kind of sector-wide collective bargaining.
- When implemented, the FPA will apply to more than 20,000 different employers and 1.7 million workers where the median rate of pay is currently marginally above the NMW

FPA Overview



- For adult social care in England, the FPA will be negotiated by a new body called **the Adult Social Care Negotiating Body (ASCNB)**, bringing trade unions and employer representatives together.
 - The LGA will have non-voting representation on the Negotiating Body.
 - The Government is recruiting an Independent Chair which will be a public appointment
- The Government has committed £500m for the first year of the FPA. The Negotiating Body will recommend how this money should be spent. The Secretary of State for Health and Social Care gets the final say.
- Once an agreement is reached, the agreed pay, terms and/or conditions are added to every covered worker's contract. If an employee's existing contract already provides more favourable terms, those terms will remain in place.

- The FPA will apply to all adult social care workers as defined by the Employment Rights Act 2025:
“a person employed wholly or mainly in providing social care or related support to adults aged 18 or over.”
- Although the scope is regulated services, some provision and contracts cross the boundary so there is a lot of grey area
- This includes Local Authority, NHS and privately funded care. However, Local Authority and NHS employees are excluded from the policy for the first few years, due to existing collective bargaining arrangements and higher rates / terms and conditions.
- While there is a statutory duty for providers to pay the agreed FPA, there is not a similar duty for commissioners to fund it.

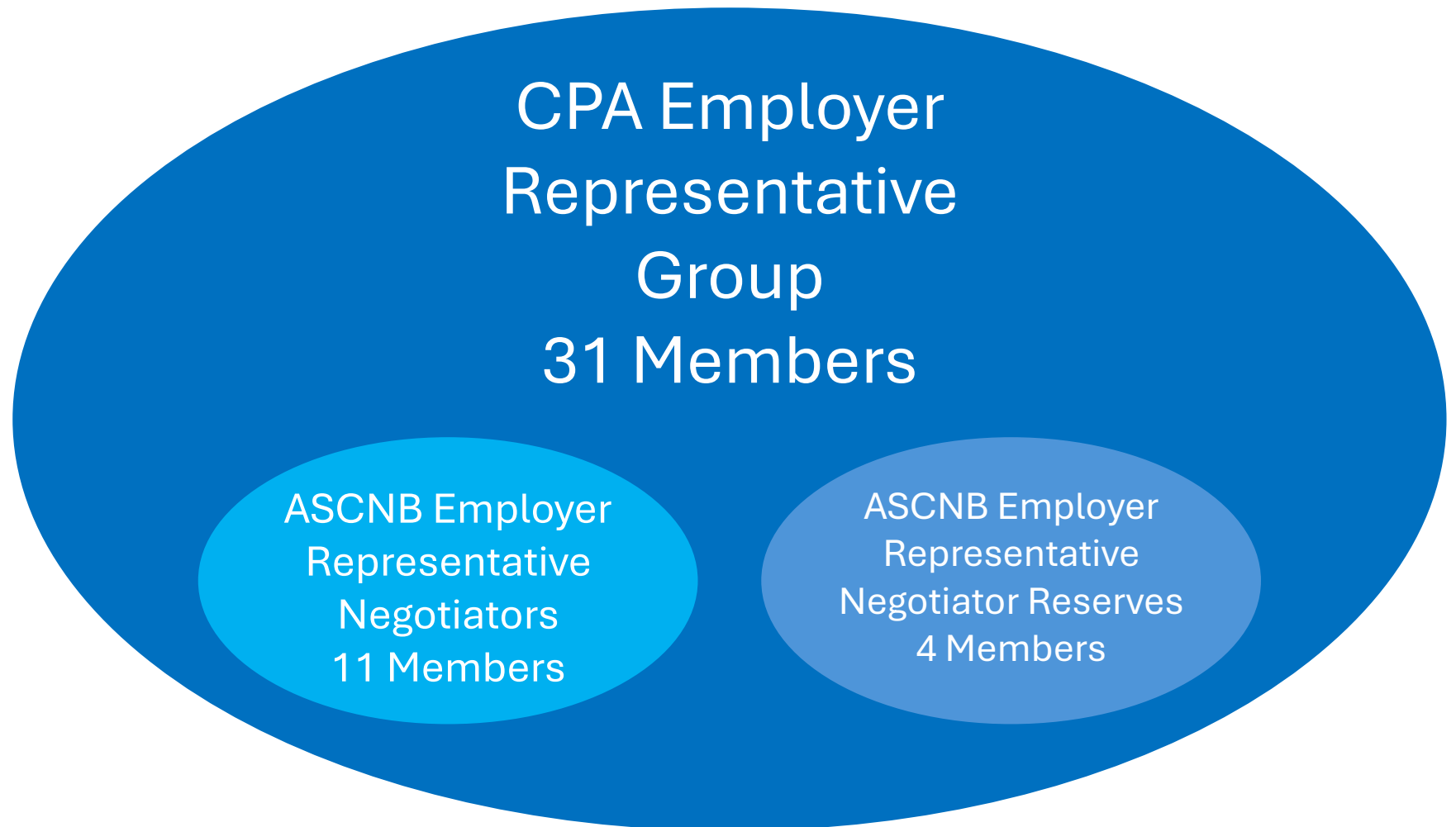
- The Department of Health and Social Care (DHSC) has appointed the Care Provider Alliance (CPA) to act as the **employer-side convenor** for the new Adult Social Care Negotiating Body. The TUC will act as the employee-side convenor.
- The CPA comprises 10 national infrastructure organisations.
- 95% of ASC employers belong to one or more of the CPA members or a local care association
- As convenor, we will select suitable people to sit on the ASC Negotiating Body to represent social care employers.
- It is essential that we get the right mix of people to represent the diversity and breadth of the sector. To do this, we have developed a representation model which includes and supports the people who will act as the negotiators.

Representation Model



The CPA Employer Representative Group.

- Comprises 31 people
- Made up across a range of criteria reflecting the make up of the sector
- Self-Selected chair
- Acts as the advisory group for the Employer Representative Negotiators
- Supports Negotiators to agree finalise negotiating positions, red lines, etc.



Sector Representation



Service / perspective	Workforce baseline	CPA Representative Group Members	ASCNB Negotiators
CQC residential	602,000	9	3
Non-CQC residential	98,000	2	1
CQC non-residential	563,000	9	3
Non-CQC non-residential	78,000	1	1 shared with direct payments
Direct payments / individual employers	129,000	2	
Mental health - protected	c.102,000 overlapping	3	1 protected
Community support and enablement - protected	47,000 overlapping	2	2 shared across these three categories
Unregulated / community-based - protected	78,000 overlapping	2	
Day services - protected	17,000 overlapping	1	
Total places	Workforce overlaps are not additive	31	11

Principles of the Representation Model



The core principles of the model:

- **Sector legitimacy:** employer-side positions must be rooted in adult social care employer evidence and engagement, not personal or organisational preference.
- **The CPA is the recognised employer-side route for convening:** evidence gathering, mandate development, sector feedback and employer-side coordination.
- **Two-layer representation:** the 31-seat Social Care Employers Group provides breadth, mandate and scrutiny; the 11-voting employer-side members participate in the ASCNB and carry the formal employer-side vote.
- **Evidence-led negotiation:** positions must be supported by data, modelling and provider intelligence, including differential impact across service types and funding models.
- **Confidentiality and discipline:** negotiation material must be handled through agreed channels and not briefed externally without authority.

Recruitment Principles



- The CPA will seek expressions of interest from people with the **credibility, experience** and **judgement** to contribute to the employer-side.
- Applicants may come from provider organisations, representative bodies, or other roles with relevant employer-side insight.
- We particularly want people who understand how proposals may land differently across different parts of the sector.
- For both the Advisory Group of 31 and 11 negotiators, members are appointed as an individual to work within the team they are appointed to following agreed mandates and red lines
- MEMBERS ARE NOT SUBJECT TO DIRECTION BY THEIR EMPLOYER.
- Initial training will be ~2 days and the Advisory Group commitment ~6 half days in person
- Members will not be remunerated but reasonable expenses will be covered.

Applying and Assessment of Applications



To apply use this application form (hosted by Care England on behalf of the CPA)

Following your **application**.

- The CPA will shortlist applicants based on suitability and experience
- Select suitable applicants for the CPA Employer Representative Group
- Interviews for shortlisted applicants for the ASCNB Negotiator roles
- Complete due diligence on successful candidates

Negotiator Appointment

- The CPA submit a list of names that we recommend for appointment to the DHSC
- The DHSC will undertake their own due diligence process and submit the final list of names to the SoS for approval
- SoS will approve the appointments and invite successful candidates formally to the ASCNB

Anticipated Timeline



- Launch of application process – 16 October 2026
- Briefing webinar delivered by CPA open to all – 21 October
- Application closure – 6 November
- Assessment, screening, interviews, cohort balancing – 9 -23 November
- Checks and sign off by CPA and passed to Secretary of State by end November
- Announcements early January 2027
- Training, onboarding and preparation work – spring 2027