

Reforming Zero-Hours Contracts in the Private Adult Social Care Sector in England & Wales



December 2025

“Due to the growth of the population aged 65 and above, the sector may need 440,000 extra roles by 2035.

It is therefore vitally important for adult social care to have a long-term workforce plan.” [1]

Zero-hours contracts ('ZHCs') are flexible contracts where:

- “[workers] are on call to work when [employers] need them;
- [employers] do not have to give them work;
- [workers] do not have to do work when asked”. [2]

**By Angela Mattoo,
Maria-Christina Loumba,
and Stefania Golumbeanu**

**UNIVERSITY
OF WARWICK**

[1] Skills for Care, *The state of the adult social care sector and workforce in England* (2024)

[2] GOV.UK, 'Contract types and employer responsibilities' (GOV.UK) <<https://www.gov.uk/contract-types-and-employer-responsibilities/zero-hour-contracts>> accessed 3 December 2025.

Executive Summary

96% of residential services are now outsourced, an increase of over 20% since 2001. [6]

ZHCs are examined within the private adult social care sector ('PASCS') due to **staggering gender inequality** within the workforce and the **crisis within care**, raising the question of how safeguards can secure better rights for workers. [3]

The PASCS refers to healthcare services that are paid for by individuals or through local authorities' commissioning, and run by companies, charities, or other non-profit organisations. ZHCs are seen more in the PASCS, with **public provision 'virtually disappearing'** due to outsourcing. [4]

Four issues are discussed: 1) ZHCs weakening working time protections; 2) lack of worker representation; 3) ZHCs' role in reinforcing gender inequality; and 4) enforcement.

While the ERB 2024 has proposed reform to ZHCs and even the ASCS, the changes fall short. [5]

To add to ongoing debate, we propose further **safeguards** that effectively address each issue.



[7]

[3] TUC, 'Women are "bearing the brunt" of exploitative zero-hours contracts' (TUC, 6 March 2025) <<https://www.tuc.org.uk/news/women-are-bearing-brunt-exploitative-zero-hours-contracts>> accessed 3 December 2025; Benjamin Goodair, Adrienne McManus, Michelle Degli Esposti, and Anders Bach-Mortensen, 'How outsourcing has contributed to England's social care crisis' (2024) 387 *British Medical Journal* <<https://doi.org/10.1136/bmj-2024-080380>> accessed 3 December 2025.

[4] Private Healthcare Information Network, 'FAQs: A comprehensive guide to private healthcare in the UK' (PHIN, 22 October 2025) <<https://www.phin.org.uk/help/10-things-you-should-know-about-private-healthcare-in-the-UK>> accessed 3 December 2025.

[5] Employment Rights Bill 2024.

[6] Benjamin Goodair, Adrienne McManus, Michelle Degli Esposti, and Anders Bach-Mortensen, 'How outsourcing has contributed to England's social care crisis' (2024) 387 *British Medical Journal* <<https://doi.org/10.1136/bmj-2024-080380>> accessed 3 December 2025.

[7] Richard Partington, 'Zero-hours contracts: peers accused of "trying to block stronger UK workers' rights"' (*The Guardian*, 28 Jul 2025) <<https://www.theguardian.com/uk-news/2025/jul/28/zero-hours-contracts-peers-accused-of-trying-to-block-stronger-uk-workers-rights>> accessed 9 December 2025.

Issues: 1) Lack of Working Time Protections

Issue

Alongside chronic underfunding, the PASCS' crisis is partially due to a lack of effective working time protections. [8] The WTR 1998 assumes shifts are predictable, yet work on ZHCs in the PASCS is fragmented, with unpaid travel time between clients. 75% of domiciliary care workers are affected. [9] Turnover is consequently found to be higher for staff within private care, reported at 30.4% in 2023. [10]

"The hour to act is now. Without decisive intervention, we risk leaving the most vulnerable adrift in a system that can no longer stay afloat." [14]

Limits of ERB Proposals

Measures that aim to secure better working time protections can be summarised as: 1) duty to offer guaranteed hours for regular workers; 2) right to reasonable notice of shifts; 3) compensation for cancelled or changed shifts. [11] While these provide a strong basis for improvement, key aspects need to be clarified. The ERB proposes averaging hours to guarantee regular workers' hours, but the reference period remains undecided. Eligibility for the improved rights also depend on satisfying the s230 ERA definition of a worker, but irregular hours and visit-based hours often fail to satisfy the mutuality of obligation required (Pulse Healthcare [2012]). [12]

Reform

- 1) A model 'Flexible Care Contract' should guarantee minimum and maximum weekly hours after a short qualifying period of 10 weeks, with employment terms explicitly accounting for paid travel time between clients. The start and end times for each shift should be clearly defined in writing, as well as how these will be set, following the model set by New Zealand. [13]
- 2) The reference period should begin automatically on day one.
- 3) A presumption of continuous employment should apply where workers are regularly engaged by one provider.
- 4) Key terms ('reasonable notice', 'short notice', 'cancellation', and 'detriment') should be defined within the ERA.

[8] Manchester Metropolitan University and National Institute for Health and Care Research, *Investigating Variation in Pay in Adult Social Care* (2024); Care England and Hft, *Sector Pulse Check 2024* (2024).

[9] Working Time Regulations 1998; UNISON, 'Majority of homecare staff are unpaid for travel between visits' (UNISON, 15 June 2023) <<https://www.unison.org.uk/news/2023/06/majority-of-homecare-staff-are-unpaid-for-travel-between-visits-says-unison/>> accessed 9 December 2025.

[10] Saoirse Mallorie, 'The adult social care workforce in a nutshell' (*The King's Fund*, 2 May 2024) <<https://www.kingsfund.org.uk/insight-and-analysis/data-and-charts/social-care-workforce-nutshell#turnover>> accessed 9 December 2025.

[11] Employment Rights Bill 2024; Department for Business & Trade, 'Factsheet: Employment Rights Bill - Overview' (2024) <<https://assets.publishing.service.gov.uk/media/67f6711f555773bbf109e21a/employment-rights-bill-overview.pdf>> accessed 9 December 2025.

[12] Employment Rights Act 1996 s230; *Pulse Healthcare Ltd v Carewatch Care Services Ltd & 6 Others* [2012] UKEAT/0123/12/BA.

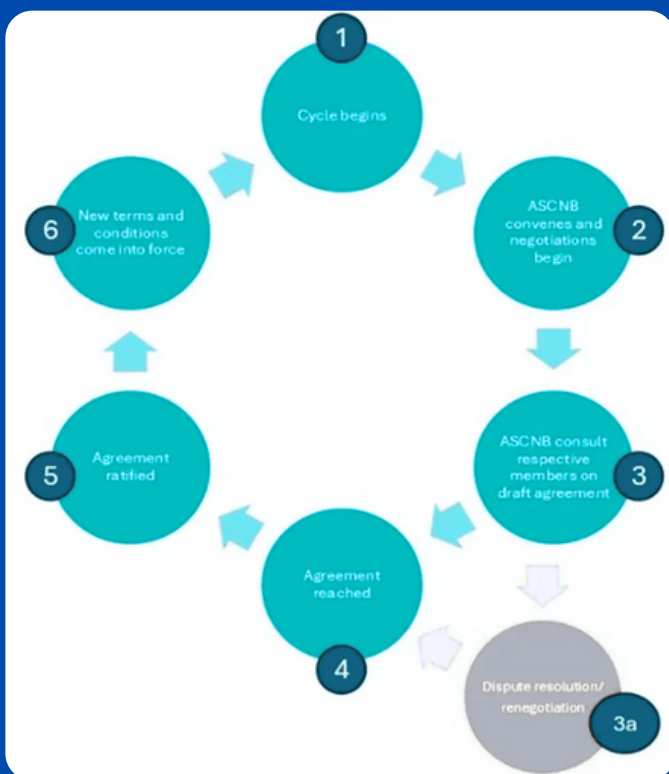
[13] Jessica McLean, 'Contracted hours, availability clauses and shift cancellations' (*PaySauce*, 5 June 2025) <<https://www.paysauce.com/nz/blog-post/contracted-hours-availability-clauses-and-shift-cancellations>> accessed 9 December 2025.

[14] Care England and Hft, *Sector Pulse Check 2024* (2024).

Issues: 2) Lack of Representation

Issue

Workers are underrepresented in trade unions ('TUs'), leaving most without a voice to affect employers' decisions. Although the sector is made up of around 19,000 organisations, only 36% are members of a trade union. [15] Even with this representation, employers demonstrate hostility towards TUs, often refusing access to the workforce. [16]



Limits of ERB Proposals

The ERB aims to establish an 'Adult Social Care Negotiating Body' as a means to 'negotiate constructively with employers'. [17] With over 1.5 million paid workers in the sector and nearly 6 million people in the UK providing unpaid care, there needs to be more meaningful change that avoids further entrenchment of the power asymmetry between worker and employer. [18]

A flow diagram to represent the negotiating process of the proposed Body. [19]

Reform

- 1) Amend the Body's membership criteria to require involvement from at least five trade unions representing adult social care workers.
- 2) Assess worker participation in trade unions across employers, with action plans issued where participation is particularly low.
- 3) Publish guidance for private-sector employers on incorporating worker views, for example through quarterly anonymised surveys.

[15] TUC, 'Adult Social Care Reform: The Cost of Inaction Inquiry' (TUC, 18 December 2024) <<https://www.tuc.org.uk/research-analysis/reports/adult-social-care-reform-cost-inaction-inquiry>> accessed 9 December 2025.

[16] Focus on Labour Exploitation, *Joint Position Paper Preventing Exploitation in the Adult Social Care Sector* (FLEX, 2023).

[17] Employment Rights Bill 2024.

[18] Sara Treneman, Jess Elmore, Lovedeep Vaid, and Naomi Clayton, *Balancing work and care: Approaches to improving support* (Learning and Work Institute, 2025).

[19] 'Fair Pay Negotiating Body for adult social care' (Citation, 2025) <<https://www.citation.co.uk/fair-pay-negotiating-body-for-adult-social-care/>> accessed 10 December 2025.

Issues

3) Gender Inequality

Issue

Gender inequality is most prevalent in care, where 83,114 women are on ZHCs, compared to 18,607 men. [20] Women are statistically more likely to face economic hardship and poverty, yet more likely to have flexible working needs due to caregiving responsibilities. [21] Rather than offering flexibility, utilising ZHCs within an inherently profit-driven sector relies on women's willingness to absorb unpredictability by changing work at short notice, limiting their ability to plan ahead or progress into stable roles.

Limits of ERB Proposals

The ERB does not explicitly address the gendered impact of ZHCs within the PASCS, neither in its general reform section nor in the chapter dedicated to adult social care. [22]

Reform

- 1) Introduce a right to request fixed "core" hours alongside flexible scheduling options.
- 2) Require providers to publish gender impact assessments on their scheduling practices, along with training for managers on non-discriminatory scheduling.
- 3) Make intermediaries jointly responsible for scheduling protections, guaranteed hours, and cancellation pay.

4) Enforcement

Issue

Enforcing employment rights depends on individual workers detecting and pursuing breaches. With 61% of ZHC workers being unaware of rights, most violations go unchallenged, and non-compliance with employment law is rife within the PASCS. [23]

Limits of ERB Proposals

The Fair Work Agency ('FWA') is introduced to consolidate enforcement functions and eventually cover a wider range of employment rights. [24] While it aims to 'take tough action against rogue employers', there is little explanation for what form this will take. [25] The FWA may enforce remuneration under a fair pay agreement using a 'Notice of Underpayment', yet this method already struggles to protect vulnerable workers. [26]

Reform

- 1) Increase the time limit within which employees are able to make an Employment Tribunal claim from 3 months to 1 year.
- 2) Establish a PASCS-specific monitoring body that brings together worker representatives and enforcement functions to monitor trends across businesses and publish guidance.
- 3) Empower the FWA to investigate employers causing income instability through repeated last-minute cancellations and review relevant records, imposing mandatory action plans where breaches persist.

[20] TUC, 'Women are "bearing the brunt" of exploitative zero-hours contracts' (TUC, 6 March 2025) <<https://www.tuc.org.uk/news/women-are-bearing-brunt-exploitative-zero-hours-contracts>> accessed 3 December 2025.

[21] Skills for Care, *The state of the adult social care sector and workforce in England* (2024)

[22] Employment Rights Bill 2024.

[23] Acas, '3 in 5 workers are unaware of zero-hours contracts rights' (Acas, 24 November 2023) <<https://www.acas.org.uk/3-in-5-workers-are-unaware-of-zero-hours-contracts-rights>> accessed 9 December 2025.

[24] Employment Rights Bill 2024.

[25] GOV.UK, 'Employment Rights Bill to boost productivity for British workers and grow the economy' (GOV.UK, 4 March 2025)

<<https://www.gov.uk/government/news/employment-rights-bill-to-boost-productivity-for-british-workers-and-grow-the-economy>> accessed 9 December 2025.

[26] Low Pay Commission, *Non-compliance and enforcement of the National Minimum Wage* (2020).

Comparing Countries

Model	Countries	Features	Relevance
Abolition	New Zealand, Norway, Spain [27]	• Guaranteed minimum hours • Employers must offer contracts reflecting actual hours worked	Demonstrates that abolishing ZHCs would not collapse flexible sectors.
Strict Regulation	Netherlands and Finland [28]	• Predictable-hours requirements • Notice periods • Ability to refuse shifts • Collective bargaining covers on-call work	Shows how tighter regulation effectively prevents income insecurity.
Deregulated	UK, Australia, US [29]	• Lower protections • Unpaid waiting time • High insecurity	Despite its over-reliance on public-sector care, the UK is grouped with the least protective systems.

Recommendations

- 1) Introduce a model **'Flexible Care Contract'** guaranteeing minimum and maximum weekly hours after **10 weeks**, with paid travel time and clearly defined written shift times.
- 2) Establish a **sector-specific monitoring body** with worker representation to track trends and issue guidance.
- 3) Empower the FWA to **proactively investigate** income instability from last-minute cancellations and **mandate action plans** where breaches persist.
- 4) **Make intermediaries jointly responsible** for scheduling protections, guaranteed hours, and cancellation pay.
- 5) Introduce a **right to request fixed "core" hours** alongside flexible scheduling.

[27] Eleanor Ainge Roy, 'Zero-Hour Contracts Banned in New Zealand' (*The Guardian*, 11 March 2016) <<https://www.theguardian.com/world/2016/mar/11/zero-hour-contracts-banned-in-new-zealand>> accessed 9 December 2025.

[28] Ministry of Social Affairs and Employment, 'Step-by-step plan: Hiring on-call employees with a zero-hours contract' (*Business.gov.nl*) <<https://business.gov.nl/staff/employing-staff/hiring-on-call-employees-with-a-zero-hours-contract/>> accessed 9 December 2025.

[29] Alice Martin, George Williams, Asli Atay, and Rebecca Florisson, *Zero Choices: Swapping Zero-Hour Contracts for Secure, Flexible Working* (Work Foundation, 2024).

Sources

Primary

Cases

- *Pulse Healthcare Ltd v Carewatch Care Services Ltd & 6 Others* [2012] UKEAT/0123/12/BA

Legislation

- Employment Rights Bill 2024
- Working Time Regulations 1998
- Employment Rights Act 1996

Secondary

Journal Articles

- Benjamin Goodair, Adrienne McManus, Michelle Degli Esposti, and Anders Bach-Mortensen, 'How outsourcing has contributed to England's social care crisis' (2024) 387 *British Medical Journal* <<https://doi.org/10.1136/bmj-2024-080380>> accessed 3 December 2025

Reports

- Care England and Hft, *Sector Pulse Check 2024* (2024)
- Focus on Labour Exploitation, Joint Position Paper Preventing Exploitation in the Adult Social Care Sector (FLEX, 2023)
- Low Pay Commission, Non-compliance and enforcement of the National Minimum Wage (2020)
- Manchester Metropolitan University and National Institute for Health and Care Research, Investigating Variation in Pay in Adult Social Care (2024)
- Sara Treneman, Jess Elmore, Lovedeep Vaid, and Naomi Clayton, *Balancing work and care: Approaches to improving support* (Learning and Work Institute, 2025)
- Skills for Care, *The state of the adult social care sector and workforce in England* (2024)

Websites

- Acas, '3 in 5 workers are unaware of zero-hours contracts rights' (Acas, 24 November 2023) <<https://www.acas.org.uk/3-in-5-workers-are-unaware-of-zero-hours-contracts-rights>> accessed 9 December 2025
- Eleanor Ainge Roy, 'Zero-Hour Contracts Banned in New Zealand' (The Guardian, 11 March 2016) <<https://www.theguardian.com/world/2016/mar/11/zero-hour-contracts-banned-in-new-zealand>> accessed 9 December 2025
- 'Fair Pay Negotiating Body for adult social care' (Citation, 2025) <<https://www.citation.co.uk/fair-pay-negotiating-body-for-adult-social-care/>> accessed 10 December 2025
- GOV.UK, 'Contract types and employer responsibilities' (GOV.UK) <<https://www.gov.uk/contract-types-and-employer-responsibilities/zero-hour-contracts>> accessed 3 December 2025
- GOV.UK, 'Employment Rights Bill to boost productivity for British workers and grow the economy' (GOV.UK, 4 March 2025) <<https://www.gov.uk/government/news/employment-rights-bill-to-boost-productivity-for-british-workers-and-grow-the-economy>> accessed 9 December 2025
- Jessica McLean, 'Contracted hours, availability clauses and shift cancellations' (PaySauce, 5 June 2025) <<https://www.paysauce.com/nz/blog-post/contracted-hours-availability-clauses-and-shift-cancellations>> accessed 9 December 2025
- Ministry of Social Affairs and Employment, 'Step-by-step plan: Hiring on-call employees with a zero-hours contract' (Business.gov.nl) <<https://business.gov.nl/staff/employing-staff/hiring-on-call-employees-with-a-zero-hours-contract/>> accessed 9 December 2025
- Private Healthcare Information Network, 'FAQs: A comprehensive guide to private healthcare in the UK' (PHIN, 22 October 2025) <<https://www.phin.org.uk/help/10-things-you-should-know-about-private-healthcare-in-the-UK>> accessed 3 December 2025
- Richard Partington, 'Zero-hours contracts: peers accused of 'trying to block stronger UK workers' rights'' (The Guardian, 28 Jul 2025) <<https://www.theguardian.com/uk-news/2025/jul/28/zero-hours-contracts-peers-accused-of-trying-to-block-stronger-uk-workers-rights>> accessed 9 December 2025.
- Saoirse Mallorie, 'The adult social care workforce in a nutshell' (The King's Fund, 2 May 2024) <<https://www.kingsfund.org.uk/insight-and-analysis/data-and-charts/social-care-workforce-nutshell#turnover>> accessed 9 December 2025
- TUC, 'Adult Social Care Reform: The Cost of Inaction Inquiry' (TUC, 18 December 2024) <<https://www.tuc.org.uk/research-analysis/reports/adult-social-care-reform-cost-inaction-inquiry>> accessed 9 December 2025
- TUC, 'Women are "bearing the brunt" of exploitative zero-hours contracts' (TUC, 6 March 2025) <<https://www.tuc.org.uk/news/women-are-bearing-brunt-exploitative-zero-hours-contracts>> accessed 3 December 2025
- UNISON, 'Majority of homecare staff are unpaid for travel between visits' (UNISON, 15 June 2023) <<https://www.unison.org.uk/news/2023/06/majority-of-homecare-staff-are-unpaid-for-travel-between-visits-says-unison/>> accessed 9 December 2025

Other

- Department for Business & Trade, 'Factsheet: Employment Rights Bill - Overview' (2024) <<https://assets.publishing.service.gov.uk/media/67f6711f555773bbf109e21a/employment-rights-bill-overview.pdf>> accessed 9 December 2025