

MEMORANDUM OF CO-OPERATION BETWEEN LONDON BOROUGHs

Working together to improve the workforce of
Children's Social Work Professionals

1. Introduction

This Memorandum has been devised by London Boroughs as one aspect of a strategy to address challenges related to the workforce of Children's Social Work Professionals. It refreshes and replaces the Memorandum that has been in effect since 1st April 2015.

London boroughs have recognised that a more collaborative and forward-thinking approach is required to address the issues in the workforce for children's social work, combining both short-term actions with a commitment to a more strategic approach.

This Memorandum of Co-operation is intended to provide a framework for collaboration between Boroughs to address the key issues. The signatories to this Memorandum have committed to work with other boroughs with a strengthened approach to address shared challenges.

2. Scope

This Memorandum covers the Children's Social Work Professional Workforce for both permanent and temporary/agency staff.

3. Effective Date

The effective date of this Memorandum is 1st September 2019.

Where provisions of the Memorandum require further development or phasing, an appropriate timescale and implementation plan will be developed and agreed, in consultation with signatories.

4. Governance

The Memorandum is one aspect of work undertaken between the Association of London Directors of Children's Services, the London Assistant Directors of Children's Services Group, the Heads of HR Network of London Councils and the Children's Workforce Lead for the Local Government Association.

The Heads of HR Network will lead on the implementation of the Memorandum as it relates to agency staff and references. The implementation programme and responsibility for other aspects of the Memorandum will be agreed in discussion between all stakeholders.

Directors of Children's Services in each borough will be responsible and accountable for ensuring that their service managers, HR and other support services and agency suppliers implement in a timely manner the terms of the Memorandum. Directors of Children's Services will nominate a sponsoring officer for the Memorandum who will assist Boroughs in discussions about any breach alleged.

Regular reports and updates will be provided to the Chief Executives' London Committee.

5. Memorandum of Co-operation

The parties ("the Boroughs") to this Memorandum agree that they will abide by the terms and spirit of this Memorandum in relation to the Children's Social Work Professional Workforce for both permanent and temporary/agency staff.

Directors of Children's Services and Assistant Directors commit to implementing the Memorandum in their own service, and to holding their peers to account through honest and direct discussion of any issues arising.

The Boroughs will include such reference to this Memorandum in the terms of contracts and other documents as support the delivery of its objectives, and as far as is possible require third party providers to comply with its terms.

The Boroughs agree that they will promote the Memorandum with partner agencies, providers and neighbouring authorities who are not signatories.

6. Management of Agency staffing

The Boroughs agree that they will:

- 6.1. Not engage agency staff at rates that exceed the capped rate for each category of worker set out in Schedule 2, as varied on notice from the Heads of HR network from time to time;
- 6.2. Work in collaboration with agencies to ensure that rates and charges for agency staff appropriately reflect the skills and experience of workers provided for engagements and that rates for agency staff are broadly comparable to those for permanent staff taking into account all relevant factors;
- 6.3. Provide accurate and complete data to the London Council's HR Metrics Service on a quarterly basis to allow the early identification and discussion of any breaches. Note, the deadline for the return of data may be as short as two weeks;
- 6.4. Work with its agency managed service provider to ensure that ICT systems are able to provide accurate and timely information against each of the Memorandum categories;
- 6.5. Ensure that data is produced and shared each month with the Head of HR, Director of Children's Services and Assistant Director with responsibility for Children's Social Workers and that any breaches of the Memorandum are reviewed and addressed;

- 6.6. Work collaboratively with agency managed services to establish appropriate contractual arrangements that support the implementation of the Memorandum and compliance with its terms including the effective management of panel suppliers and the provision of timely data;
- 6.7. Instruct their agency managed service providers that the capped rates are not to be exceeded for any new engagement without the express authority of the Head of HR and Director of Children's Services; further that any agency that persistently seeks to encourage breach of the capped rates or provide inaccurate information about the rates paid by other Boroughs should be removed or demoted from the panel of suppliers.
- 6.8. Work with agencies to implement capped rates as daily rates so that each Borough will multiply the capped rate by its standard daily hours so that agency staff are paid for the same number of days as permanent staff, regardless of actual hours worked.
- 6.9. Ensure that agencies providing staff are required to comply with the required standard for the completion of pre-employment checks and referencing of workers and specifically to use the template set out in Schedule 1;
- 6.10. Ensure that references are provided for agency staff in a timely manner that are complete and accurate and provide all the information set out on the template set out in Schedule 1 to ensure that workers of low quality or in need of development are identified;
- 6.11. Ensure that agencies receive complete and accurate feedback about the capabilities and performance of workers during and at the end of placements so that agencies can provide any development required or cease or suspend placing the worker as appropriate;
- 6.12. Include appropriate provisions in future contracts for the supply of information to allow the appropriate sharing with other boroughs of information about rates and charge;
- 6.13. To consider the development of protocols between Boroughs that support good and ethical practices in relation to staffing which encourage workers to remain as permanent staff in preference to working for an agency;
- 6.14. Investigate options for establishing a bank of suitably skilled and experienced social work professionals employed directly by the boroughs;
- 6.15. Ensure that all agencies and agency workers are made aware of the Memorandum of Co-operation and that the preferred option for Boroughs is to employ permanent staff.

7. Management of permanent staffing

The Boroughs agree that they will:

- 7.1. Work in co-operation to avoid competitive increases in pay and benefits that create an inflationary pressure by developing broadly comparable pay rates across the region for permanent staff to minimise the impact of pay as an incentive to move between Boroughs;
- 7.2. Participate in surveys and data gathering by providing a timely, accurate and comprehensive response to requests so that accurate and reliable information is available about the workforce in London;
- 7.3. Refrain from proactive headhunting of staff below chief officer level (whether temporary or permanent) directly or through third parties from other Boroughs who are party to this Memorandum;
- 7.4. Ensure that agencies providing permanent staff are required to comply with an agreed standard for the completion of pre-employment checks and referencing of workers;
- 7.5. Complete accurately and in its entirety the required template for references immediately a decision is taken to end an engagement of a worker. Boroughs should agree local arrangements for the template to be agreed and discussed with the worker and for the completed template to be available to meet all future requests in a timely manner.
- 7.6. Work together to promote positive images of children's social work and to promote careers in social care through press, social and other media and advertising.

8. Improving the supply of high-quality permanent staff

The Boroughs agree that they will:

- 8.1. Support the development of children's social work professional workforce by providing opportunities for newly qualified social workers in their Assessed and Supported Year of Employment or as trainees on other schemes (e.g. Frontline) and to ensure that they contribute to the future pipeline of qualified staff;
- 8.2. Contribute to the development of sub-regional and London-wide approaches to supporting ASYE and other professional development to ensure consistent pathways and share costs;
- 8.3. Participate in surveys and data gathering by providing a timely, accurate and comprehensive response to requests so that accurate and reliable information is available as to turnover and reasons for turnover in the workforce in London

to assist Boroughs to improve their retention of staff;

- 8.4. Contribute to the development of sub-regional and London-wide approaches to supporting staff under the Employers Standard including participating in audits of practice, sharing good practice and resources.

9. General Requirements

- 9.1. Ensure that all stakeholders in each Borough involved in the appointment of social work staff are regularly briefed and reminded about the requirements of the Memorandum and its implementation and that suitable processes are established that support the effective and consistent delivery and management of the requirements set out in the Memorandum;
- 9.2. Where specific, time limited tasks or projects are required to be completed by an authority, authorities will seek to enter into contracts for services for the completion of specified tasks within an agreed time frame, rather than agreeing hourly or daily rates for staff that exceed the capped rates in the Memorandum.

10. Review and extension of this Memorandum

The effectiveness of this Memorandum will be regularly reviewed.

We, the undersigned, support and commit to the terms of this Memorandum of Co-operation

Chief Executive

Director of Children's Services

Head of HR

Reference Request / End of Assignment Template Agency Social Workers Children’s Services

The post for which the person has applied involves working closely with, having contact with or having responsibility for the safeguarding and welfare of children, young or vulnerable people. To comply with Safeguarding Guidance, you need to ensure the reference is accurate and does not contain any material misstatement or omission. Relevant factual reference content should be discussed with the worker.

Section 1 – Basic Information

Referee Details – *Note the reference needs to be completed by a manager directly responsible for the worker*

Referee Name:	
Referee Job Title:	
Name of your organisation:	
Contact information: Email and phone number	
How long have you known the worker and in what capacity are you providing this reference:	

Worker Details

Worker’s Name:	
Worker’s Job title and summary of key duties and responsibilities:	

Engaged/ Assignment from:		Engaged/Assignment to:	
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Section 2 - Competency Assessment

Please assess the worker’s competency – Mark the relevant box:

	Excellent	Good	Competent	*Requires development	Unproven
Oral communication					
Written communication including Report writing					
Court work (if applicable)					
Quality of work					
IT skills and data entry reporting					
Able to distinguish between confidentiality and disclosure					
Able to set and maintain appropriate professional boundaries					
Colleague interaction					
Client interaction					
Knowledge of legislation					

Protocol between London Boroughs – Pay rates for agency workers in Children’s Services

This Protocol is intended to give effect to the terms of the Memorandum of Cooperation dated 1st September 2019. The Memorandum is an agreement between London Boroughs to adopt a collaborative and forward-thinking approach to address key workforce issues. Paragraph 6 of the Memorandum of Cooperation contains a number of provisions relating to the management of agency staffing.

This protocol sets out the maximum rates that Boroughs should pay for agency workers who have appropriate qualification, skills and experiences to effectively fulfil the relevant role. The rate to be paid to each worker will be a matter for individual negotiation and agreement by boroughs according to the context of the role, and the skills and experience required to effectively fulfil the relevant role and in recognition of each Council’s remuneration levels (in accordance with the Agency Worker regulations).

Consultation has taken place with managed service providers, key agencies and London Authorities on the level and application of this protocol.

1. Pay rates for new agency staff (inclusive of oncosts, exclusive of agency mark-up)

In order to disincentivise agency work and control costs, all new assignments are to have a pay ceiling. The rates set out below are maxima. The rates have been arrived at by analysis of data collected and reflect the most common rates applied at present. The rates are as follows:

Agency CSW Job-types	PAYE rates that equate to the MoC caps (Category 2 in notes below)	24.6% (amount in respect of Employers' NI and holiday pay)	CSW MoC Caps. These are rates inclusive of Employers' NI and holiday pay IE: equivalent to Ltd Co/Umbrella rates (Category 1 in the notes below)
CSW Newly Qualified Social Worker (post ASYE < 2 years' experience)	20.06	4.94	25.00
CSW Social Worker (with 2 years+ PQE)	24.08	5.92	30.00
CSW Experienced SW (5 years +)	25.68	6.32	32.00
CSW Senior SW (Senior Practitioner)	28.09	6.91	35.00
CSW Specialist / Advanced SW	28.09	6.91	35.00
CSW Assistant Team Manager (Practice Manager)	30.50	7.50	38.00
CSW Team Manager	33.71	8.29	42.00
Important Notes:			
Agency pay-rates fall into two main categories in respect of Employers' NI and holiday pay. Category 1 = Ltd Co/Umbrella. Category 2 = PAYE			

This is because the Employers' NI and holiday pay need to be included in the pay rate to Ltd Co/Umbrella SWs (so the Employers' NI and holiday pay can be paid out of the pay rates). Whereas for PAYE SWs, the pay-rates are exclusive of Employers' NI and holiday pay (because the agency pays these amounts out of additional sums charged in the charge-rate).

PAYE pay-rate + 24.6% = Ltd Co/Umbrella rate = MoC capped rates

All of the above rates reflect charges paid to the agency excluding agency mark-up (which may be a fixed pence price, or percentage addition, dependent on local agreements). The rates are pay rates not charge rates.

Where length of experience is referred to in years (eg: 2 yrs + PQE) above – this is only a guide to a typical level of seniority/experience. It is not necessary to collect/count/monitor the length of individuals' experience.

2. Pay rates for existing agency staff (inclusive of oncosts, exclusive of agency mark-up)

Where the rate for existing agency staff exceed the maxima above, steps should be taken to comply at assignment renewal or as early as possible.

3. Monitoring and reporting arrangements

Monitoring and reporting of the implementation of these rates will be conducted through the provision of data to the London Councils HR Metrics Service on a quarterly basis at the end of June, September December and March. Due to the need to provide data quickly to Heads of HR, the deadline for the return of data may be as short as two weeks.

4. Review

The rates will be reviewed periodically by the Heads of HR network.

Date of Protocol: 1 September 2019