

**South East Sector Led Improvement Partnership
Memorandum of Cooperation for Agency Social Workers Update and Action Plan**

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1. Introduction

Work has been underway since the start of 2021 to review and update the MoC. The consensus at the original DCS discussion was that the MoC arrangement is imperfect, but represents the best hope of both improving quality in the agency workforce and reducing costs. Consequently this review was commissioned and the purpose of this report is to present the revised MoC and a plan for implementing it.

The updated MoC developed by the regional MoC task and finish group is attached in Appendix 1 to this report.

The process for updating the MoC has been lengthy and all authorities have had the opportunity to participate its development. Consequently this report is not further consultation, it is to agree the revisions and process for implementing the changes.

2. Methodology for the MoC Review

To develop the revised MoC we have consulted widely, this has included:

- Two surveys of all 19 SE authorities (to canvas views about pay rates and other content of the MOC)
- Multiple discussions at both the DCS regional group and AD Safeguarding Network
- A dedicated task and finish group for the MoC (the group have met 5 times over the course of the review)
- Discussion with neighbouring regions about their MoCs.

3. Proposed Launch Date

The task and finish group suggest that the launch date for all authorities should be the 1st April 2022. An approach where some authorities join in January and others join later in the spring is likely to be problematic (particularly for neighbours of authorities planning to re-join at the latest possible date). This is likely to create a two tier market for agency workers which is liable to create additional unwanted turnover and churn of agency staff (as they seek higher paid assignments before the new caps are imposed).

4. Planned Timetable

- 10 December 2021 – the task and finish group proposal recommended to SESLIP Steering Group (completed and agreed by steering group)
- 17 December 2021 – the text of the revised MoC and details of the action plan shared with all DCSs

- 21 January 2022 – deadline for DCSs to request any final amendments or tweaks to the detail of the revised MoC, noting that all authorities have already had the opportunity to participate in the task and finish group
- 11 February 2022 – signing day: all DCSs to sign the revised MoC
- March 2022 (date to be confirmed) – agency event (virtual event to relaunch MoC)
- 1 April 2022 – new MoC comes into place for all new agency assignments in the region

5. Proposed pay caps

The proposed new pay rates represent a compromise designed to accommodate the very different needs of authorities across the region. They are:

Roles	Proposed New Cap	Current SE Cap
Team Manager	£47.50	£42.00
Assistant Team Manager	£42.00	£40.00
Senior Social Worker	£42.00	£40.00
Social Worker	£38.00	£35.00

N.B – We are awaiting the outcome of the London MoC review. The task and finish group recommended that SE rates must continue to be aligned to London rates, so we may need to adjust if their new rates are higher than our proposals. The DCS group will be consulted if it happens.

6. Neighbouring Regions

As part of the process of reviewing the MoC we have consulted with neighbouring regions. Those spoken to (London, South West and West Midlands) are all in the process of reviewing their MoCs. London and the West Midlands have been receptive to discussion and would welcome any opportunities to align MoCs and to promote better working together between regions. To date we have not been able to get this commitment from the East Midlands or South West.

7. Other Proposed Changes

Other proposed changes to the MoC are limited, much of the original wording is still appropriate. The changes are designed to simplify the document and clarify scope. This includes identifying that project and specialist roles are in scope of the MoC and that accommodation costs should usually be considered as part of an agency worker's pay.

The main recommendation of the task and finish group is that more effort and commitment are needed to re-energise the regional commitment to the MoC. To this end the following actions are recommended to be included in the action plan:

- A programme of work to improve referencing and the exchange of information between authorities about agency workers used (including a review of the regional reference template)
- Improved reporting on agency numbers and rates (if agreed there will be a further consultation on MoC reporting requirements and the development of a regional agency worker scorecard early in the new year)
- Updated governance arrangements to monitor the effectiveness of the MoC and to respond quickly to requests for exemptions
- Creation of new materials to share with social workers, team managers etc to publicise the updated MoC
- Set up a virtual launch event for agencies in March 2022 to highlight the revisions to the MoC.

More detail on the proposed action plan can be found in Appendix 2.

8. Resolutions as agreed by the SESLIP Steering Group at its meeting on 10 December

- i) The SESLIP steering group endorsed the revised MoC (Appendix 1) for distribution to all 19 SE authorities
- ii) The SESLIP steering group endorsed the proposed action plan (Appendix 2)
- iii) All SE DCSs requested to sign the new MoC on 11th February 2022 (or before if this date is not convenient)
- iv) Mark Evans to circulate this document with the revised MoC and action plan by 17th December 2021
- v) The deadline for DCSs to submit any final detailed corrections or amendments to mark@markevansconsulting.co.uk is 21st January 2022

Mark Evans
Updated following agreement by SESLIP Steering Group

Appendix 1 – Revised MOC

South East Region Memorandum of Cooperation for Agency Children’s Social Workers 2022
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South East Region Memorandum of Cooperation for Agency/Temporary Children’s Social Workers

Context

This Memorandum (MoC) was originally set up in 2015, it has been reviewed and updated by a representative task and finish group in 2021.

It was set up in response to an increasing number of agency social workers being used both regionally and nationally. In the first 3 years of operation it helped reduce this trend, more recently this has reversed and use of agency staff is increasing. This varies across the region with some authorities using little or no agency staff whilst others are approaching 50% agency workers. Across the region the agency worker rate has increased from an average of 15% in 2018 to 17.3% in 2020, this represents an increase of 204 agency social workers (from 767 to 971).

To manage agency worker supply and demand, and the costs associated with this, there is a need for a more collaborative and strategic approach. This Memorandum of Cooperation (MoC) is designed to promote better cooperation across the South East region.

Scope

The scope of the MoC covers all agency children’s social workers, assistant team manager and team manager roles (and their equivalents e.g. CP Chairs/IROs).

This includes project teams and specialist roles. The local authorities will not use these descriptions or other similar terms to create roles that are deemed to fall outside the terms of the MoC.

Memorandum of Cooperation

The parties (“the local authorities”) 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 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 local authorities 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 local authorities agree that they will promote the Memorandum in interactions with providers of agency staff.

Effective Date of Implementation

The effective date for this revised MoC is 1st April 2022.

Governance and Reporting

The MoC will be overseen by a dedicated virtual governance group comprised of Directors of Children's Services, Assistant Directors of Children's Services and Senior HR representatives from across the region.

This group will deal with the oversight of the MoC and set up a mechanism for dealing with exemption requests.

N.B. The proposed membership and terms of reference for this group will be finalised before 1st April 2022; by the same deadline we will set out reporting requirements for all local authorities who are signatories to the MoC (these will be quarterly and not too onerous).

All Local Authority signatories to the Memorandum of Cooperation (MoC) agree to adopt the following protocols as agreed in principle by the South East Regional DCS Group:

1. Adopt a common minimum standard for referencing to help prevent 'recycling' of poor quality permanent and agency workers.
2. Use end of placement reviews with adequate information passed back to the agency workers and the agency supplier to determine any development requirements or to cease placing the worker to help to address quality issues.
3. To work towards fully implementing the terms of this MoC via all their suppliers, i.e. main contractor and any 2nd tier suppliers.
4. Ensure that permanent and agency workers are clear from the outset of the MoC and how it is being adopted by all signatory local authorities. Local Authorities will provide standardised information on the MoC during recruitment and at induction.
5. Local authorities will refrain from aggressive 'headhunting' from within those LAs that have adopted the MoC.
6. Pay rates for new agency staff (inclusive of on costs, 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 the maximum hourly rates. These rates have been arrived at by analysis, including benchmarking rates already paid in the region.

Agency Role	PAYE Rates	Paid to Employing Agency (amount in respect of Employers NI and holiday pay)	MoC Cap Inclusive of Employers NI and holiday pay (for Ltd Company and Umbrella Rates)
Team Manager	£38.12	£9.38	£47.50
Assistant Team Manager	£33.71	£8.29	£42.00
Senior Social Worker	£33.71	£8.29	£42.00
Social Worker	£30.50	£7.50	£38.00

The table shows pay caps for both agency employment options. The right hand column is for agency workers employed via umbrella companies or limited company arrangements (this is the most prevalent amongst agency staff). The left hand columns show the breakdown for employed agency workers (this is now a relatively unusual way of employing agency staff).

The above rates exclude agency mark-up (which may be a fixed pence price, or percentage addition, dependent on local agreements). All agency workers must also take at least 4 weeks (20 working days on pro-rata basis) leave over each calendar year

The rates set out above should not be supplemented with significant additional allowances without an exemption being agreed. This includes additional payments for accommodation or excessive travel allowances. Exemptions can be requested on a permanent basis where circumstances require (e.g. travel costs to Isle of Wight) or time limited when operational challenges make them necessary.

7. Any children's social worker leaving a permanent contract will not be employed on an agency contract by another authority in the region within 6 months. This would not apply to permanent staff moving to permanent roles in other authorities within the region. Social workers who are made redundant from a permanent post will be exempt from this requirement.

List of Local Authorities

	Local Authority	Signatory to MoC (Y/N)	Date
1.	Bracknell Forest Council		
2.	Brighton and Hove City Council		
3.	Buckinghamshire Council		
4.	East Sussex County Council		
5.	Hampshire County Council		
6.	Isle of Wight Council		
7.	Kent County Council		
8.	Medway Council		
9.	Milton Keynes Council		
10.	Oxfordshire County Council		
11.	Portsmouth City Council		
12.	Slough Borough Council (Slough Children First)		
13.	Southampton City Council		
14.	Surrey County Council		
15.	Reading Borough Council (Brighter Futures for Children)		
16.	West Berkshire Council		
17.	West Sussex County Council		
18.	The Royal Borough of Windsor and Maidenhead (Achieving for Children)		
19.	Wokingham Borough Council		

Appendix 2 MoC Action Plan

	Action	By	Outcome	By
1	Improved references for agency staff - A programme of work to improve referencing and the exchange of information between authorities about agency workers (including a review of the regional reference template)	MoC T&F Group	Improved exchange of information between authorities about agency social workers facilitated by: <ul style="list-style-type: none"> • Agreed referencing standards, processes and timescales between SE authorities • Increased commitment to detailed, direct and factual references • Production of materials to support better referencing for HR staff and SW managers 	01.04.22
2	Improved regional intelligence about agency staff numbers and pay rates	MoC T&F Group	A regional scorecard presenting quarterly data about the number of agency staff and pay rates across the 19 SE authorities. The draft scorecard and data requirements will be developed and DCSs will be consulted on the proposal before it is finalised.	01.04.22
3	Developed updated governance arrangements for the MoC	MoC T&F Group	New governance arrangements in place to ensure exemptions and other MoC issues are dealt with promptly <ul style="list-style-type: none"> • Draft terms of reference will be developed by the T&F group for sign off by DCSs • Volunteer DCSs and Assistant Directors will be needed to participate in the governance group (via MS Teams and email discussions) 	11.03.22
4	Develop materials to publicise the MoC to staff and managers	MoC T&F Group	A suite of materials to publicise the MoC to employed staff and agency staff will be made available to all authorities to increase awareness of the SE MoC. This will include text for intranets, leaflets and slide decks	04.03.22
5	Set up a virtual launch event for agencies in March 2022 to highlight the updated MoC	MoC T&F Group	Virtual event open to all Social Work Agencies providing staff to SE authorities	01.04.22