

West Midlands Region

**Memorandum of Understanding for Suppliers of
Agency Social Work Professionals into Children's
Services**

Between:

West Midlands Childrens Services

&

Signatories as listed in Appendix A

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Introduction

The Memorandum of Understanding for Managing the Demand and Supply of Children's Social Workers was first implemented in January 2015 under the title 'Protocol for the engagement of Social Work Agency Staff'. It was signed by all 14 local authorities within the region. Since its implementation, there have been several documents providing updates on activity and usage of the protocol.

All 14 Councils and 2 Childrens Trusts within the West Midlands Region are signatories to a new a Memorandum introduced in April 2019. New Childrens Trusts will be added at the appropriate point in their functioning.

The active operation of the Memorandum of Understanding has seen an increasing amount of activity move from the compliance of Councils and Trusts to the compliance of suppliers of temporary social workers.

This separate and new Memorandum of Understanding brings together elements of the original document and its updates. It also recognises the requirements and responsibilities of both purchasing councils and trusts as well as those of suppliers and managed service providers in delivering a suitable environment for the operation of a Memorandum of Understanding.

Context – a timeline of the West Midlands MoU

The situation in the WM prior to the MoU – a churn of agency social workers across the region as LAs competed to fill their vacancies by offering higher and higher pay rates. This led to a 30% increase in agency worker pay rates in the 18 months prior to the MoU. LAs had unstable workforces that caused instability for children accessing the service.

January 2015: Implementation of 'protocol for the engagement of social work agency' which introduced a regional pay cap for agency social workers along with other terms of collaborative regional approaches to workforce-related problems

April 2017: £10m savings to date. Update included updated pay scales, collaborative approaches to data collection and auditing, guidance on LA exemption

Update 2018/19: £46m savings to date. New MoU introduced in 2019. New MoU included exemption request procedure, agency suspension procedures.

Creation of MoU for Agencies of MSPs aligned to regional MoU.

Scope

The scope for this Memorandum of Understanding covers children's social worker roles for agency supply, from NQSWs to Team Managers and IROs.

The scope of this Memorandum of Understanding refers to all temporary workers that are placed at or working on cases for West Midlands Councils / Childrens Trusts. This includes those working for Providers of a Social Work Managed Service or Project teams.

Governance

The Signatories will be responsible for ensuring the MoU is distributed within their corporate bodies.

West Midlands Children's Services will be responsible for document updates and issuing both local authority exemptions and agency suspensions.

West Midlands Childrens Services will primarily engage with supplying agencies via the Managed Service Providers active within the region.

Signatories who become aware of potential non-compliances be they with councils or trusts, Managed Service providers, other supplying agencies or internally should raise these with West Midlands Childrens Services directly and as soon as practical.

Options appraisals

Options appraisals for the review of terms or pay rates will be presented to local authorities by January each year. Decisions from these options appraisals will be implemented in the following April.

This agreement may be appended outside the above to allow for the reflection of new policies and priorities with the agreement of all signatories.

Agreed terms

1. Regional Pay Cap

- 1.1 We understand that the rates listed in the MoU are the maximum payable against each position.
- 1.2 We understand no bonuses may be offered which takes payments over the cap.
- 1.3 We understand that margins may not be reduced to increase pay.
- 1.4 We understand that engagements should be at the relevant job title for the work to be undertaken and not inflated to reflect the expectations of the candidates pay.

2. Ensuring a high quality workforce

2.1 We understand that West Midlands Childrens Services will work towards implementing systems across the region which will embed a quality mechanism for agency social workers which is best in class for councils and trusts as end users; as well as agencies and MSPs.

2.2 We understand that we will be consulted on any proposals and seek to positively engage in any process.

2.3 We will support agency workers by ensuring we follow our safer recruitment processes and offering induction.

2.4 We will, if requested, assist in the regional development of standardised information for use during recruitment and at induction.

3. A collaborative approach

3.1 We understand the basis of the regional Memorandum of Understanding.

3.2 We understand that as well as the operational aspects of the cap that the cap embodies a spirit of collaboration that we should seek to assist and support.

3.3 We understand the open sharing of relevant information is critical to the integrity of the Memorandum of Understanding and its operation.

3.4 We understand that West Midlands Childrens Services are committed to providing the conditions for effective agency supply and we understand our role in maintaining a working and effective Memorandum of Understanding.

3.5 We understand that there is a protocol for any Council or Trust seeking an exemption to operate outside of the Memorandum of Understanding.

3.6 We understand that we should not give any advice to any hiring or service managers at a council or trust which suggests that they should unilaterally operate outside of the cap or its spirit.

3.7 We understand the role of Managed Service Providers of Temporary Staff and their role in the corporate provision of a temporary staffing service.

3.8 We understand that where we are not registered with a Managed Service Provider to that council or Trust that the point of contact should only be with the relevant contract manager for that body. We understand that this will not be an operational social work manager and no direct contact should be made by them.

3.9 We understand that there is no obligation of Councils or Trusts or their representatives to provide access to vacancies either directly or via a Managed Service Provider.

- 3.10 We understand that where requests are made to us by a Council, Trust or MSP (of either agency or Social Work services) or Agency that will lead to a non-compliance of any kind these matters need to be highlighted to West Midlands Childrens Services at the earliest practical opportunity.
- 3.11 We understand that all vacancies which are advertised must be done so accurately.
- 3.12 We understand that no agency should seek a competitive advantage over its competitors by placing adverts which are not completely accurate or are not mindful of the conditions in this Memorandum of Understanding. This includes:
- 3.12.1 Pay rates being advertised as “upto” a figure which is over the agreed pay rate.
 - 3.12.2 Advertising rates for higher positions being rolled into the headlines of lower positions.
 - 3.12.3 Advertising rates higher than the rates for the relevant position within the Memorandum of Understanding.
 - 3.12.4 Advertising bonuses which would raise rates over the cap.
- 3.13 We understand that adverts include direct mailings to prospective candidates.
- 3.14 We understand that whilst West Midlands Childrens Services welcomes innovation within the marketplace any new initiatives should be within the spirit as well as the operation of this Memorandum. Any queries as to the compliance of any proposal or activity can be checked with the Regional Workforce Co-Ordinator whose contact details are in Appendix H.
- 3.15 We understand that a failure to inform of any potential non-compliance of another party in itself is a non-compliance on our behalf.
- 3.16 We understand that activities undertaken which are against the spirit or operation of this Memorandum within the West Midlands may result in a suspension from the receipt of vacancies across the entire region.

Local authority exemptions

Councils or Trusts requests for exemptions to the Memorandum of Understanding will be made with as much notice as possible. Exemptions must be designed in partnership with the WMCS programme team. Any exemption will focus on introducing new workers into the region rather than destabilising placements elsewhere in the region.

Exemption design may include the use of outsourced social work providers or social work project teams.

Exemptions should not be used as a retrospective rubberstamping mechanism.

The process for requesting an exemption is outlined in Appendix D.

Agency non-compliance

If an agency seeks to circumvent the arrangements of the MoU, the WMCS will follow the procedure for agency non-compliance which may see offending agencies being restricted from accessing new vacancies. The procedure is outlined in Appendix F.

Appendix A – List of signatories – Last updated 06/03/19

Original Signatories				
Corporate Body	Date Signed	Signature	Name	Position
West Midlands Childrens Services			Helen Riley	DCS Network Chair - WMCS
West Midlands Childrens Services			John Gregg	DCS Workforce Sponsor - WMCS

Later Signatories				
Corporate Body	Date Signed	Signature	Name	Position

Appendix B – Standardised Pay Rates

Agency supply maximum pay rates

Grade	Rate	Grade	Rate	Grade	Rate	Grade	Rate
SW001	£23.19	SW010	£27.53	SW019	£31.86	SW028	£36.19
SW002	£23.68	SW011	£28.01	SW020	£32.34	SW029	£36.67
SW003	£24.16	SW012	£28.49	SW021	£32.82	SW030	£37.15
SW004	£24.64	SW013	£28.97	SW022	£33.30	SW031	£37.63
SW005	£25.12	SW014	£29.45	SW023	£33.78	SW032	£38.11
SW006	£25.60	SW015	£29.93	SW024	£34.26	SW033	£38.59
SW007	£26.08	SW016	£30.41	SW025	£34.74	SW034	£39.07
SW008	£26.56	SW017	£30.89	SW026	£35.22	SW035	£39.55
SW009	£27.04	SW018	£31.37	SW027	£35.70	SW036	£40.04

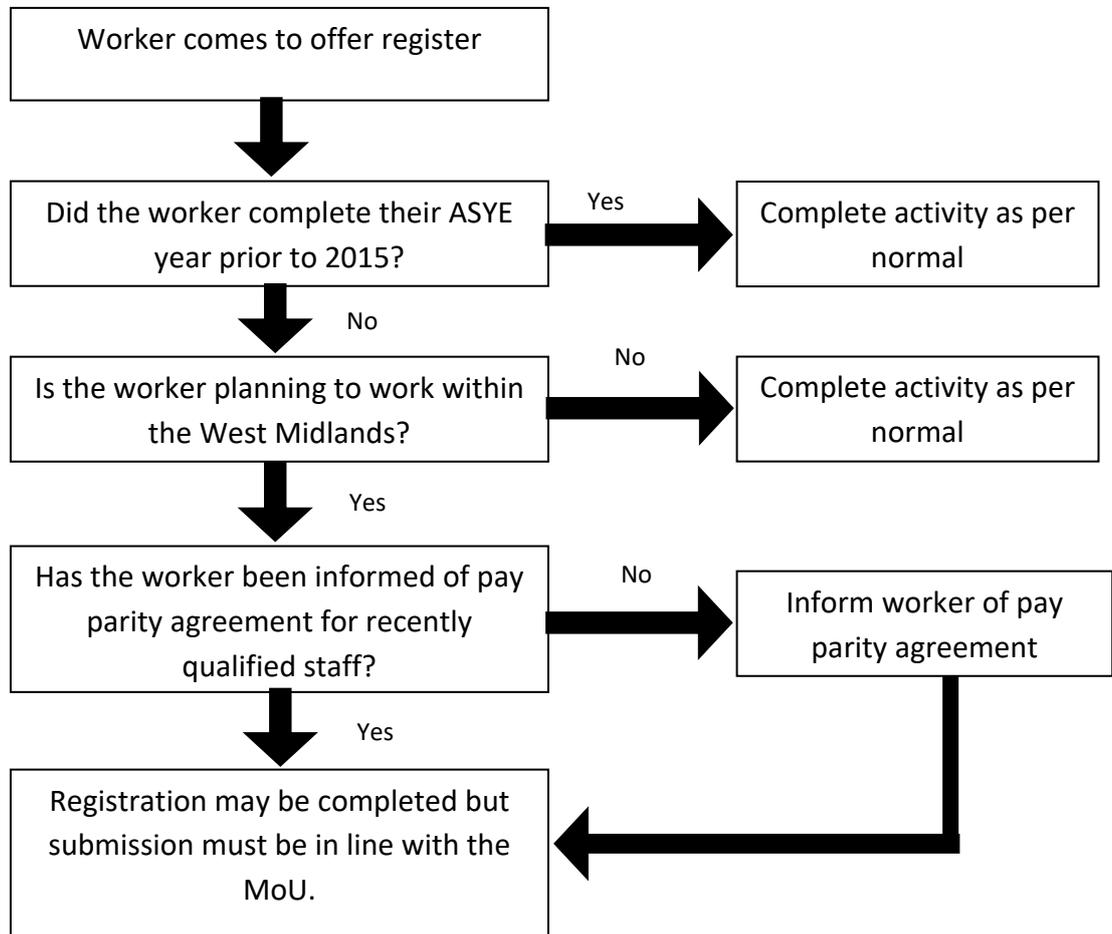
Limited / Umbrella company worker pay caps

Position	Grade	Cap
Social worker	SW010	£27.53
Senior Social worker	SW015	£29.93
Senior Practitioner	SW020	£32.34
Team Manager/IRO	SW034	£39.07

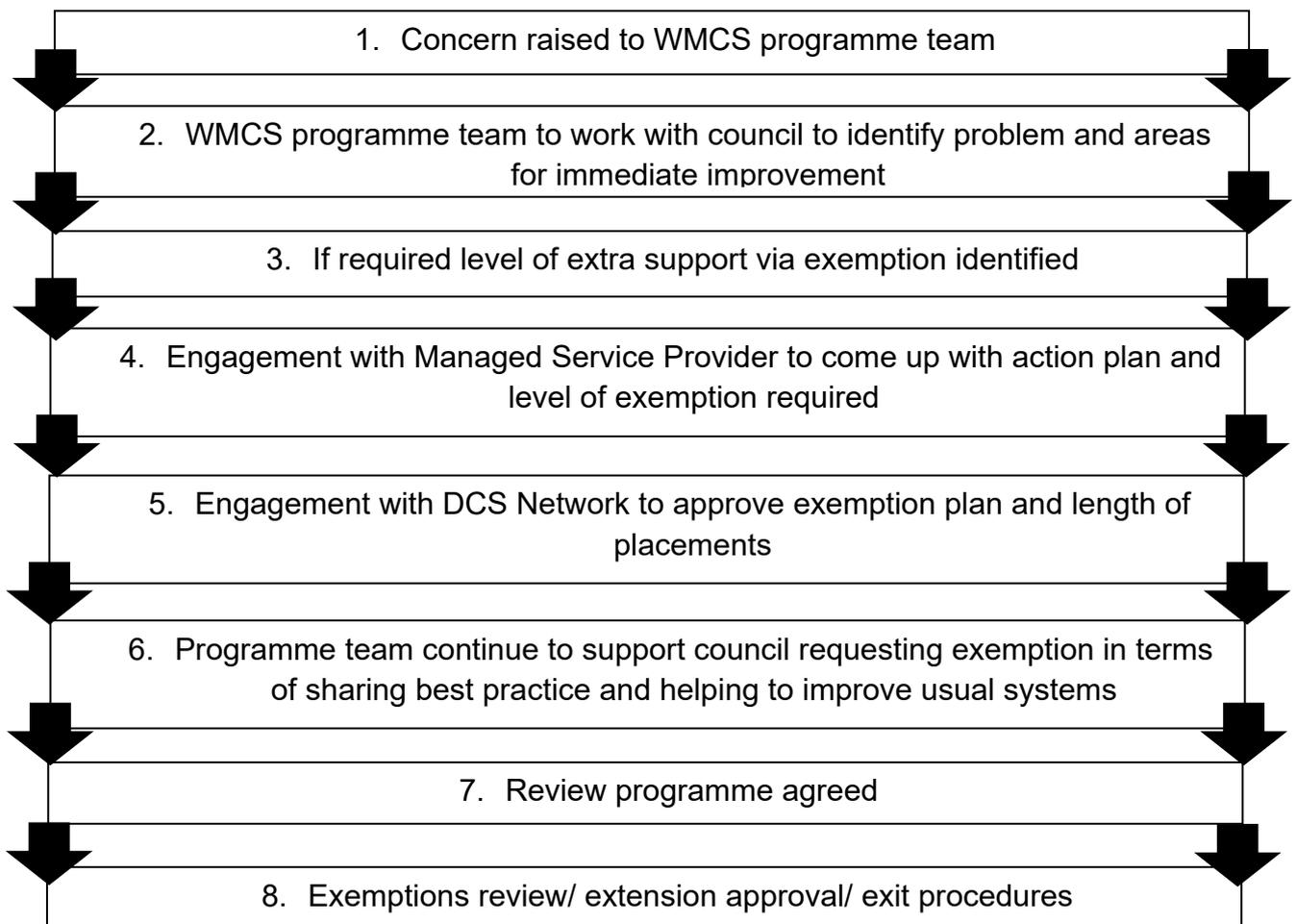
PAYE worker pay caps

Role	Rate
Social workers in ASYE year	Pay parity with equivalent permanent staff appointment/ whether they are PAYE or Ltd Company
Social workers who completed their ASYE after 01/01/2015	Pay parity with equivalent permanent staff appointment/ whether they are PAYE or Ltd Company
Social worker	£20.31
Senior Social worker	£21.55
Senior Practitioner	£21.75
Team Manager	£27.56
IRO	£27.56
Holiday Cap (pre-qualifying)	12.08%
Holiday Cap (post-qualifying)	17.12%

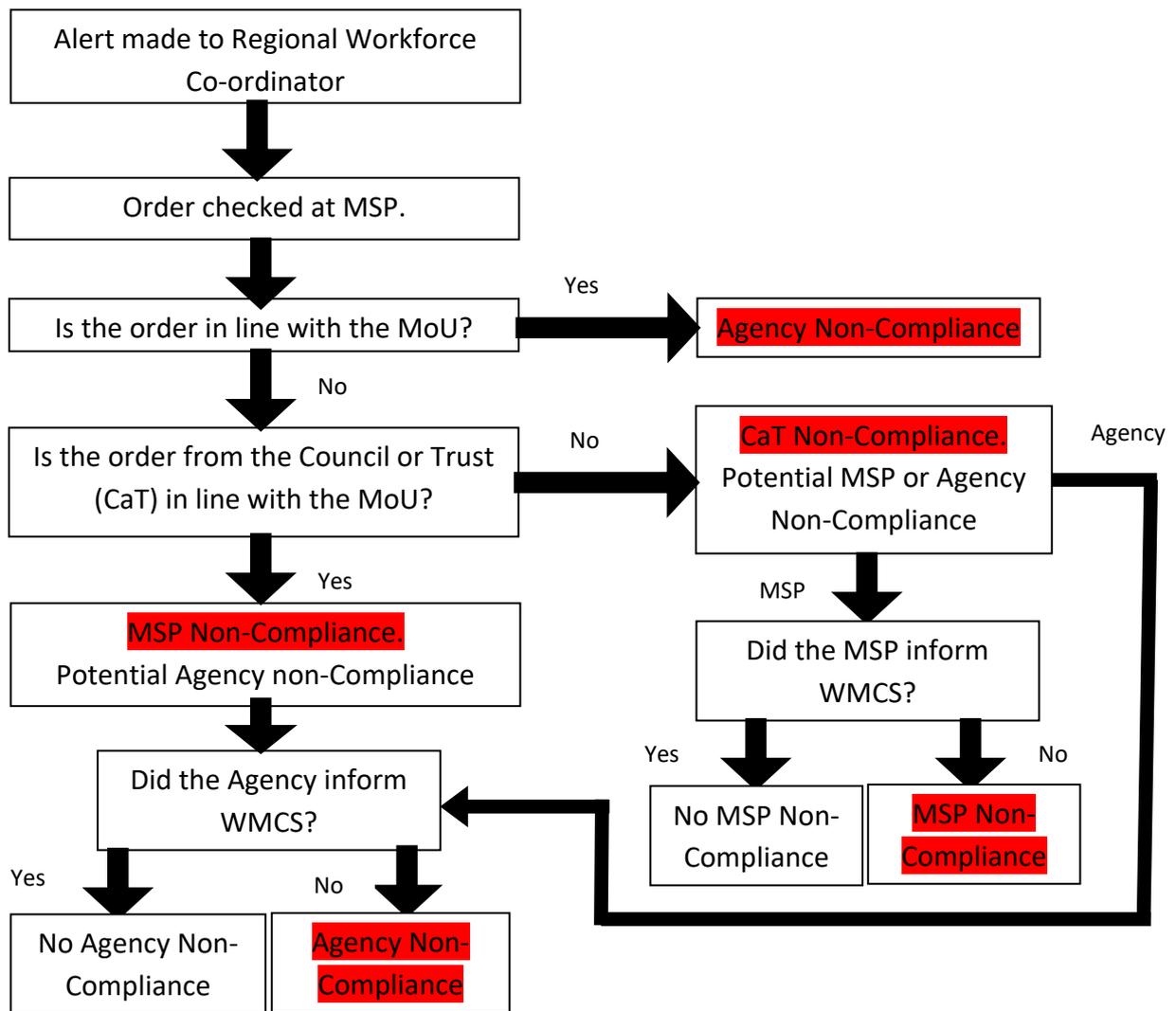
Appendix C – Guidance for the classification of recently qualified social workers



Appendix D – Local authority exemption procedure



Appendix E – Initial Classification of Non-Compliance



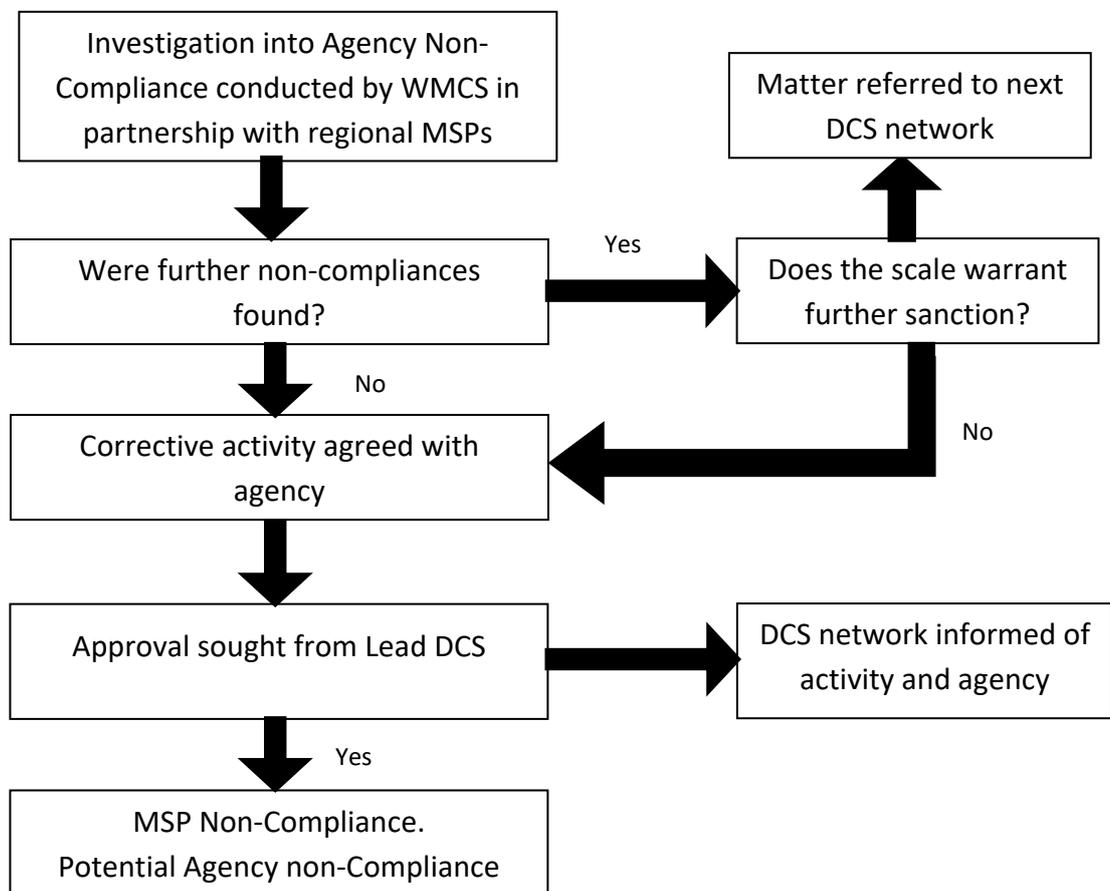
Appendix F - Procedure for agency suspension

In the event of an agency non-compliance being suspected, the following procedure will be used:

- 1) An investigation will be undertaken by the WMCS programme team in partnership with the relevant MSP (where appropriate).
- 2) Where an agency non-compliance is confirmed this will be notified to DCS with responsibility for Workforce strand
- 3) The Workforce strand lead has the ability to instruct the WMCS programme team to put into a place a temporary suspension on the agency in question from receiving any new vacancy from any West Midlands council whilst a full investigation to all relevant placements made by that agency across the West Midlands
- 4) The suspension will be scheduled to be ratified/extended/considered at the next available meeting of the DCS network where appropriate.

NB: Should the agency at risk of suspension act as a Master Vendor for any local authority within the region then discussions would be undertaken with the DCS of these authorities to agree actions. This will not impact on any suspension at authorities where this agency is not a Master Vendor.

Appendix G – Procedure for lifting agency suspension



Appendix H – Contacts for West Midlands Childrens Services.

Regional Workforce Co-Ordinator:

Steve Stuart

Steve.stuart@solihull.gov.uk

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075 841 555 06

Strategic Support Manager:

Hugh Disley

Hugh.Disley@solihull.gov.uk

0121 704 8299

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Appendix I – Memorandum of Understanding for the Provision of Agency Social Work Professionals into Children’s Services