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ADCS response to the Child and Family Social Worker Workforce consultation

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to the Department for Education's (DfE) consultation on the child and family social work workforce.

Introduction

2. ADCS welcomes proposals from the DfE to tackle the rising costs of child and family agency social workers and efforts to improve quality assurance. We have long raised the need for government to provide coordinated, national action to help manage this market so that it works for local authorities and, crucially, for children, young people and families. Local authorities up and down the country face significant barriers to recruiting and retaining social workers. More specifically, retaining enough experienced social workers to meet the needs of the children and young people we support is increasingly becoming a bigger challenge nationally.
3. Children and young people benefit from developing strong, consistent relationships with social workers, yet the short-term nature of agency social work does not allow for this to happen. The DfE findings from some of the most effective projects, funded through the Children's Social Care Innovation Programme, cited relationship-centred ways of working as a key enabler for change ([DfE, 2022](#)). ADCS is concerned that the growing use of agency social workers is entirely inconsistent with this practice. The needs of children and young people, particularly the most vulnerable, must be paramount.
4. Local authorities are experiencing an increase in the number of their permanently employed social workers who leave their role to join an agency, leading to far higher rates of staff turnover at an inflated cost. This does not benefit the children and families who rely on a consistency of worker who knows their story and has built a strong, lasting relationship. Increasingly commonly, local authorities are reporting high numbers of newly qualified social workers leaving permanent social work to join an agency without first establishing a solid grounding in good social work practice. Agency staff will not typically receive the same offer of CPD or training opportunities that permanently employed social workers will be expected to undertake, which can lead to poor practice in some instances. It is vital that newly qualified social workers take the time to develop their knowledge and skills in permanent, local authority employment before they undertake agency work.

5. ADCS Safeguarding Pressures research (ADCS, 2022) shows that as at 30 June 2022, 16.7% of the local authority child and family social work workforce were agency workers compared to 15.6% the previous year. However, the average masks significant variations across local authorities. Ten local authorities reported that over a third of their social work workforce were agency workers, with one LA reporting almost two thirds (63%) of its social workers were agency staff. DfE data (2023) also illustrates the significant rise in vacancies over the past year which have risen by 21% between 2021 – 2022. There is a clear and urgent need for central government to take action to help stabilise the workforce, curb the excesses of agencies and assist local government to recruit and retain more substantive social workers.
6. ADCS believes that the proposals outlined in this consultation will help create the conditions for local authorities to reduce the exponential rise in the cost of agency social workers and the use of project teams. Not only is the short term nature of agency social work not good for children, it often leads to increased and more complex caseloads for permanently employed staff due to some agency staff stipulating a 'protected caseload' i.e. a cap on the number of cases allocated to them. A more equitable distribution of workload across all social workers will reduce the overall risk of burnout across the workforce and contribute towards making permanently employed social workers, who do have greater scope to form lasting, meaningful relationships with children and young people, feel more valued. Current practice is driving a 'vicious cycle' which these proposals rightly seek to reverse, allowing local authorities to maintain greater control over how they allocate resources.
7. ADCS is clear that there is a future role for a 'traditional' model of agency social workers to enable those, who for a range of reasons, value the more flexible opportunities that agency work can bring. However, engagement of such should be within the parameters set out in the consultation, rather than by maintaining the current status quo.
8. Local authorities are facing real recruitment and retention challenges now which, in the short term, are leading to an increasing reliance upon agency staff in order to meet the growing levels of need seen across our communities. These proposals must be implemented speedily and accompanied by a national workforce strategy that includes a recruitment and retention campaign for child and family social workers which promotes the value of social work. We must promote the rewards of this transformative profession and the lasting impact it can have on children and families.

National rules on the engagement of agency social work resource

9. ADCS welcomes the proposed national rules for the engagement of agency social workers. These should apply to all organisations that employ child and family social workers, including government departments, and not just local authorities. DfE must be clear which parts of the workforce the national rules apply to, for example, whether they solely apply to case-holding child and family social workers and their managers, which is what ADCS would recommend. Whilst regions have adopted memoranda of understanding on the use of agency social workers, these have not always had the desired impact where local authorities have had to step outside of their local agreement, often following a negative Ofsted inspection outcome or where they border

a region that pays higher rates to agency social workers. The implementation of national rules for all local authorities will help drive consistency and therefore reduce cost and improve quality assurance of agency social workers.

10. The introduction of a 'cool off' period before a social worker can join an agency after leaving substantive local authority employment within a region is positive. However, ADCS believes this should be extended to a period of at least six months. This practice has already been adopted across some regions, as reflected in their memoranda of understanding, and has been effective in removing incentives for permanently employed social workers to join agencies. ADCS therefore see no reason to reduce this to a three month period in a national scheme.
11. ADCS would recommend that further consideration be given to 'cool off' arrangements for staff who work in local authorities that border a different region, particularly where that region includes a high number of local authorities within a small geographical area and good transport links e.g. Greater London or Greater Manchester. These local authorities will likely see less benefit to the current proposal. ADCS would welcome an expansion of this proposal to include all staff working in local authorities which border a region, as well as all local authorities within the same region. This will make the proposal much tighter and resolve this issue for local authorities on a regional border. Consideration must also be given to the increased use of remote working in recent years. If a social worker is able to work remotely then the mandatory 'cool off' period will have little impact. To mitigate this potential issue, DfE should be clear that case holding agency child and family social workers are always expected to deliver face to face work with children and families.
12. ADCS agrees with the proposal for a standardised approach to references for all agency social workers to ensure quality of practice in the system, this should stipulate the minimum number of references required and be developed alongside the sector. ADCS would welcome the introduction of a minimum six week notice period to allow for a period of transition for children and families before they are supported by a new social worker. The current system allows for agency staff to leave a local authority without providing notice which can be destabilising for the children and families they support. It is essential that the new national rules support a child centred approach here.
13. Whilst ADCS supports these proposals, the timescale of Spring 2024 for compliance with the national rules should be brought forward. The cost pressure on local authorities and the instability for children is growing quickly and significantly and ADCS urges the DfE to consider more timely action.

Procurement of social workers

14. ADCS agrees with the proposal that all procurement routes used by local authorities to engage agency social workers should adhere to the national rules. It is important that there is national consistency in how the market is managed and that local authorities have a level of control over a market that is currently driving inflated costs through competition between local authorities. Whilst those local authorities that have a greater proportion of agency social workers must be considered as we transition to

such arrangements, it is vital that the sector is able to move swiftly and uniformly in adopting the new national rules.

Price caps

15. ADCS supports the introduction of price caps for the use of agency social workers to achieve greater equity of pay and workload across permanent and agency social workers, supported by a cap on framework fees. This will need to reflect local circumstances where the cost of living is higher, however, pay caps must be proportionate to the level pay received by a permanently employed social worker. This would help substantive employees feel more valued for the relationship-based work they do with children and families and reflect the importance of this work. The price cap must include the entire package that an individual can earn, including market supplements. This should leave no grey areas that an agency can exploit and ensure that agency social worker pay does not exceed that of an equivalent permanently employed social worker.
16. ADCS believes that the price cap should not be broken in any circumstances in order to avoid undermining the national rules and to ensure that staff pay cannot exceed the maximum amount a substantive social work employee can earn.

Post-qualified experience

17. ADCS agrees with the proposal that to qualify for an agency appointment, social workers who graduated in or after April 2024 must demonstrate a minimum of five years post-qualified experience working within local authority children's social care and have completed the ASYE. It is also right that overseas social workers should abide by the same rules. Local authorities are reporting an increase in the number of newly qualified social workers turning to agency social work before gaining the necessary experience and confidence to practice that would be obtained following a substantive period of time in local authority employment. Agency staff will not typically receive training during their employment. This is a particular concern where newly qualified or ASYE workers choose to immediately turn to agency work and therefore risk never receiving vital access to the professional development needed to maintain quality of practice. If this is not addressed, it risks becoming a significant issue for the future of the profession.

Project teams

18. The use of agency project teams, where an agency provides a team of social workers, sometimes with their own manager and administrative staff, is a rapidly growing phenomenon. ADCS agrees that project teams should not be engaged for case-holding child and family social work. Social work is not a short-term project, yet local authorities are reporting using more project teams that do not engage with the kind of long-term, relationship-based practice that children and families benefit from, often because agencies refuse to supply social workers under any other arrangement. In many instances, project teams are able to leave a local authority with no notice in order to move to a different authority for a higher level of pay. The recent rise in the use of project teams is drawing workers away from traditional agency roles as well as

permanent social worker roles. These workers operate outside of IR35, allowing them to earn significantly higher rates.

19. A recent ADCS data collection has shown that across 108 local authority responses, 68 agency project teams (530 workers) had been used between January and June 2022 compared to 16 (110 workers) in the same period the previous year (ADCS, 2022). Many local authorities reported being unable to get a single social worker to cover a vacancy, instead agencies routinely only offered the use of project teams. It is not uncommon for these project teams to stipulate they have protected caseloads which, as a direct consequence, places additional workload pressures on permanently employed local authority social workers. This practice is costing local authorities substantially more money at a time when budgets are already stretched and is likely to drive more permanent social workers into the agency market. These practices are entirely unacceptable and have skewed the market to such an extent it is extremely damaging to local authorities and more importantly, children and families. ADCS is clear that profiteering through the use of public money is unacceptable.

Data and monitoring

20. ADCS broadly agrees with the proposed core data set. The monitoring and enforcement process must be linked and will be key to ensure agency social worker providers are unable to exploit any loopholes. However, the DfE must be transparent about how this data is used whilst also allowing local authorities time to set-up the data collection. Different authorities will have further to go here and they must be afforded the time and resource where necessary.
21. The proposed core data collection appears appropriate, however, there are not insubstantial challenges in extracting this information from local corporate or HR systems and where data on agency staff employed via a framework sits elsewhere. For example, collecting pay rates is a particular challenge due to how much variation there is across different local authorities in worker terms and conditions and pay supplements. Further, this will likely rely on HR services to provide this data and may have funding implications, particularly where the HR service is shared or outsourced. These data must be clearly defined to ensure that the DfE is collecting reliable and consistent data across local authorities. The DfE must also be clear on what different local authority capabilities are to collect such granular data and what additional resource will be needed to ensure consistency across the system. An incremental or phased approach may be required.
22. If there are any questions regarding the points raised in this consultation, please contact ADCS Policy Officer Matt Cunningham via matt.cunningham@ADCS.org.uk in the first instance.