



Department
for Education

Child and Family Social Worker Workforce

Government consultation

Launch date: 2 February 2023

Respond by: 11 May 2023

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Introduction

On Monday 23 May 2022, the independent review of children’s social care published its final report ‘*The independent review of children’s social care: final report*’.¹ This reviewed the needs, experiences and outcomes of the children supported by social care. The review made a number of recommendations related to the child and family social worker workforce. These included recommendations around the engagement of agency social work resource which the review described as “costly and works against providing stable professional relationships for children and families”.² On 2 February 2023, Government published *Stable Homes, Built on Love*, setting out the response to the review.

This consultation has been published alongside *Stable Homes, Built on Love*.³ It asks for your views on proposals to improve quality and reduce costs and enable better use of resources by local authorities (LAs), so more resources are available for developing and stabilising the workforce and improving outcomes for children and families.

The employment of agency workers can be helpful in allowing an authority to manage fluctuations in demand, fill in for staff temporarily absent and manage crises. There are agencies who are committed both to effective workforce planning across the sector and to supporting the needs of social workers and employers. There are also many excellent social workers working for a local authority via an agency who are delivering for vulnerable children and families as part of the workforce.

However, overreliance on agency social work resource has led to workforce instability, churn and high costs. This makes it more difficult for social workers to consolidate learning, build expertise and develop quality relationships with children and families.⁴ Certain conditions imposed by some agencies, such as capped caseloads and fully remote working, continue to increase pressures on social workers who are permanently

¹ MacAlister, J. (2022). *The independent review of children’s social care: final report*.
<https://childrensocialcare.independent-review.uk/final-report/>

² MacAlister, J. (2022). *The independent review of children’s social care: executive summary*.
<https://childrensocialcare.independent-review.uk/wp-content/uploads/2022/05/Executive-summary.pdf>

³ Department for Education. (2023). *Stable Homes, Built on Love*. Published on 2 February 2023.

⁴ ADCS. (2022). *Safeguarding Pressures Phase 8: Final Report*. (p. 105).
https://adcs.org.uk/assets/documentation/ADCS_Safeguarding_Pressures_Phase_8_Full_Report_FINAL.pdf

Ofsted. (2022). *Ofsted: Concerns over damaging impact of staff shortages on children’s social care*.
<https://www.gov.uk/government/news/ofsted-concerns-over-damaging-impact-of-staff-shortages-on-childrens-social-care>

Ofsted. (2022). *Children’s social care 2022: recovering from the COVID-19 pandemic*.
<https://www.gov.uk/government/publications/childrens-social-care-2022-recovering-from-the-covid-19-pandemic/childrens-social-care-2022-recovering-from-the-covid-19-pandemic#workforce-challenges>

employed within local authorities. Such practices embed disparities into the workforce and put at risk stable and sustained relationships with families and colleagues.

We know, in addition to some higher levels of pay, that some agencies may offer or negotiate greater flexibility in working patterns. Some social workers with additional responsibilities outside of work or whose circumstances change may feel working for a local authority via an agency is better able to provide the right flexibility and balance for them. Social workers tell us that the main reasons they work via agencies is because of better pay and more flexible working conditions.⁵

We recognise that the proposals in this consultation will not, in isolation, respond to the concerns of all social workers or address all the factors contributing to current workforce pressures. And while there are some excellent local authority employers and leaders, there are also those who must do more to be better employers for their permanently employed social workers.

This is why, in addition to the proposals in this consultation, *Stable Homes, Built on Love* sets out how we will be working with the sector to improve working conditions and create environments that embrace diversity and inclusion, so that all social workers are happy at work and are able to thrive. This includes efforts to reduce workload so that social workers can spend more time in direct practice with children and families. We will also develop and disseminate tools, guidance and best practice in improving retention including on flexible working.

Subject to the outcome of this consultation, we would expect social workers who are currently working for a local authority via an agency to be offered the opportunity to transition to permanent or fixed-term employment. We will be working the sector to ensure that there is a simple and effective means to complete this transition.

This consultation should be read alongside chapter 6 of *Stable Homes, Built on Love*.

Who this is for

- Local government (local authorities, Children's Trusts and Alternative Delivery Models for children's social care, Directors of Children's Services, Chief Executives, Finance Directors, Heads of Service, Heads of People/HR, workforce leads, Principal Social Workers and Practice Leaders).
- Child and family social workers who are local authority employees.
- Child and family social workers who are agency workers or contractors.

⁵ Department for Education. (2022). *Longitudinal study of child and family social workers*. <https://www.gov.uk/government/publications/longitudinal-study-of-local-authority-social-workers>

- Employers of social workers, recruitment agencies and intermediaries, and central purchasing bodies.

Issue date

The consultation was issued on 2 February 2023.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

01325 340479 for Social Worker Agency Consultation and ask for Louise Haymer or Dan Styles.

or email:

SWagency.CONULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the department's response will be [published on GOV.UK](#) in September 2023.

About this consultation

This consultation seeks views on the introduction of a set of national rules on the engagement of agency social work resource in local authority children's social care. The national rules include eight proposals:

- 1) A requirement that all procurement routes used by LAs to engage agency social workers must adhere to the national rules.
- 2) The introduction of national price caps on what local authorities may pay per hour for an agency social worker.
- 3) A requirement for social workers who graduated in or after April 2024 to demonstrate a minimum of five years post-qualified experience working within LA children's social care and completion of the Assessed and Supported Year in Employment (ASYE) in order to qualify for an agency appointment.
- 4) No longer using "managed service" / "project" teams for child and family social work.
- 5) A requirement for employers to request and provide references for all agency social worker candidates.
- 6) Not engaging agency workers for a period of three months after they have left a substantive role within the same region (excluding certain exceptions).
- 7) A requirement for a minimum of a six-week notice period for agency social workers via a reciprocal arrangement between agency workers and LAs. To minimise immediate or quick departures and the associated impact on children and families and the wider workforce.
- 8) The collection and sharing of core agency and pay data, to support better workforce planning and the ability to monitor, enforce and assess the impact of the proposals.

It is important to note that:

- The proposals set out in this consultation document relate to all registered child and family social workers working within/for/commissioned by local authority children's social care.
- "Agency social workers" includes those introduced or supplied by recruitment agencies or working as part of teams of social workers (sometimes described as: "managed service teams", "project teams", "contractors" or "consultants").
- "Local Authority" (LA) is used throughout and should be read to include Children's Service Trust / Alternative Delivery Models.

We would like to hear your views on our proposals.

If you would like part of your response (instead of, or as well as, your identity) to be confidential, please indicate the relevant sections or mark those parts we should keep confidential.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit [DfE consultations on GOV.UK](#) to submit your response.

Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request and complete a word document version of the form.

By email

SWagency.CONULTATION@education.gov.uk

By post

Child and Family Social Worker Workforce Consultation
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes on 11 May 2023.

National rules on the engagement of agency social work resource

Background

A high quality and stable workforce is at the heart of enabling better relationship building with children and families, development of expertise, and quality supervision. Some challenges associated with overreliance on agency workers, such as higher turnover and frequent moves at short notice, are in direct conflict with core social work standards and values. In some cases, high usage of agency workers can lead to poor engagement in face-to-face interactions with the community they are practising within, or with the local authority's social work practice models.⁶

The independent review of children's social care recommended a number of national rules⁷ aimed at reducing agency social work resource overreliance to enable a higher quality and more stable workforce and to reduce costs. By improving workforce stability and quality assurance of agency workers, and reducing spend on agency workers, local authorities (LAs) could free up resource to invest in supporting children and families and enhance the offer to permanent employees.

Children's social care provides "high stakes" statutory functions that are reliant on having sufficient social workers. In this context, Directors of Children's Services and Chief Executives of individual LAs will compete to secure social workers, particularly where demand is high.⁸ We are proposing that the rules set out in this consultation are applied at a national level because we want to help LAs move to a more collaborative model of agency staffing arrangements and away from some of the more competitive behaviour that can negatively impact children's social care. Currently, excessive competition both between LAs and with the recruitment sector to attract the same pool of social workers can lead to artificially high rates and increase churn.

We recognise that greater collaborative working, improving workforce supply, and reducing demands on social workers cannot be achieved by these proposals alone.

⁶ ADCS. (2022). *Safeguarding Pressures Phase 8: Final Report*. https://adcs.org.uk/assets/documentation/ADCS_Safeguarding_Pressures_Phase_8_Full_Report_FINAL.pdf

⁷ MacAlister, J. (2022). *The independent review of children's social care: Recommendations annexes*. (p. 158). <https://childrensocialcare.independent-review.uk/wp-content/uploads/2022/05/Recommendation-annexes.pdf>

⁸ Department for Education. (2020). *Children's Services Omnibus: Wave 5 Research Report*. (pp. 25-26). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905002/Children_s_Services_Omnibus_Wave_5_Report_v5.pdf

This is why *Stable Homes, Built on Love*⁹ outlines what we are doing on recruitment and retention of social workers.

In addition to the rules recommended in the independent review of children's social care, we are keen to understand the impact on workforce quality and stability of some emerging market trends in supply of agency workers. These include newly qualified social workers (NQSW) moving to agency earlier in their career and the growing use of commissioned services and "managed service" or "project team" solutions.¹⁰

Proposal and rationale

We have looked at existing regional Memoranda of Understanding (MoU) and spoken to local authorities about the rules and process many already have in place as part of these voluntary arrangements.¹¹ A key issue raised is that the regional MoUs can be challenging in a context where the rules and procedures are different to a neighbouring region. As described above, the national rules are intended to support greater collaboration between LAs and regions and reduce some of the competitive behaviour at organisation level.

We propose building on the rules recommended within the independent review of children's social care¹² and taking learning from the regional MoUs to create a consistent set of national rules on the engagement of agency social work resource. This should make it easier for LAs, regions, social workers and agencies to understand both what is expected around the engagement of agency workers and what they can expect from LAs.

Subject to consultation responses, we intend to set out the national rules alongside the government response to this consultation in **September 2023**. This would allow sufficient time to fully analyse responses to this consultation and to design the national rules in partnership with key stakeholders across the sector.

We intend, subject to consultation as necessary, that from **spring 2024** local authorities, and all procurement routes used by LAs to engage agency social workers, should comply with the national rules. We plan to work with LAs, recruitment agencies, central

⁹ Department for Education. (2023). *Stable Homes, Built on Love*. Published on 2 February 2023.

¹⁰ ADCS. (2022). *Safeguarding Pressures Phase 8: Final Report*. (pp. 103-105). https://adcs.org.uk/assets/documentation/ADCS_Safeguarding_Pressures_Phase_8_Full_Report_FINAL.pdf

Ofsted (2022). *The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22*. (p. 102). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1122628/31357_ofsted_annual_report_2021-22_web.pdf

¹¹ ADCS. (2022). *Agency Social Work MoUs*. <https://adcs.org.uk/workforce/article/agency-social-work-mous>

¹² MacAlister, J. (2022). *The independent review of children's social care: final report*. (pp. 188-189). <https://childrensocialcare.independent-review.uk/final-report/>

purchasing bodies, and others to embed compliance across procurement routes in time for the start of the 2024-25 financial year.

We will also work with the sector to produce guidance, materials and reference templates that can be used, including during recruitment of social workers and engagement with NQSWs, so social workers and agencies are clear how the rules apply.

The following table outlines the national rules at a high level. Later sections of this consultation look at some of the rules in more detail.

Proposed national rules

The following national rules apply to all engagement of agency social work resource carrying out local authority children's social care functions in England.

Local authorities must:

- **Engage agency workers only via [commercial compliant procurement routes](#) that comply with/include adherence to these national rules.**
- **Only engage agency workers within the [nationally agreed price caps](#).**
- **Require that social workers who graduated in or after April 2024 demonstrate a [minimum of five years post-qualified experience](#) working within LA children's social care and have completed their ASYE in order to qualify for an agency appointment** (irrespective of their pathway to the profession).
- **Not engage [project teams](#) for social work.**
- **Require and provide references for all candidates, including a fully comprehensive reference that relates to the standard of practice of any agency worker** at the end of assignments that are three months or longer, using a standard template.
- **Not engage agency workers for a period of three months after they have left a substantive role within the same region.**¹ Exemptions include: staff moving to substantive roles in other authorities within the region; workers who have been made redundant by their last LA employer; or workers who may choose to take up an agency assignment in a different region.
- **Make provision for a minimum six-week notice period for agency social workers via a reciprocal arrangement between agency workers and LAs.** This is to minimise immediate or quick departures and the associated impact on children and families and the wider workforce.
- **Provide accurate and complete [data](#) on a quarterly basis.**

Questions

1. Our aim is to move to a more stable and sustainable workforce model by reducing local authority spend on, and improving the quality assurance of, agency social workers. Do you agree in principle that the introduction of a set of national rules on the engagement of agency social work resource will support these aims?

- Agree
- Disagree
- Don't know

2. Do you agree that we should set out the national rules in September 2023?

- Agree
- Disagree
- Don't know

Would you like to make any other comments? (250 words max)

3. Do you agree that local authorities, and all procurement routes used by LAs to engage agency social work resource, should comply with the national rules from spring 2024?

- Agree
- Disagree
- Don't know

Would you like to make any other comments? (250 words max)

4. Which of the following measures at a national level would support LAs to comply with the national rules and reduce overreliance on agency social work resource and spend?

Please select all that apply:

- Commercial and HR support
- Toolkits
- Best practice materials and case studies on agency usage
- Forum to discuss agency workforce issues and market concerns with other local authorities/regions and seek commercial/HR specialist advice?
- Recruitment materials
- Best practice materials and case studies on effective retention strategies

Other please specify (250 words max)

5. Do you agree with the proposal that LAs must require and provide references for all candidates, including a fully comprehensive reference that relates to

the standard of practice of any agency worker for assignments that are three months or longer, using a standard template?

- Agree
- Disagree
- Don't know

Would you like to make any other comments? (250 words max)

6. Do you agree with the proposal that LAs must not engage agency workers for a period of three months after they have left a substantive role within the same region?¹³ Exemptions include: staff moving to substantive roles in other authorities within the region; workers who have been made redundant by their last LA employer; or workers who may choose to take up an agency assignment in a different region.

- Agree
- Agree, but with a shorter time period
- Agree, but with a longer time period
- Disagree
- Don't know

Please specify length of "cool-off" period and/or suggested exemptions or any other comments (250 words max)

7. Do you agree with the proposal that LAs must make provision for a minimum six-week notice period for agency social workers via a reciprocal arrangement between agency workers and LAs?

- Agree
- Agree, but with a shorter time period
- Agree, but with a longer time period
- Disagree
- Don't know

Please specify length of notice period and/or suggested exemptions or any other comments (250 words max)

¹³ ADCS. (2022). *Regions*. <https://adcs.org.uk/regions/>

Procurement of social workers

Background

LAs engage temporary staff (including agency social workers) via a range of procurement routes. These include (but are not limited to):

- *Managed Service Provider (MSP)*: takes responsibility for delivering agency workers on behalf of the LA, often via a tiered structure of agencies.
- *Neutral Vendor*: forms partnerships with agencies and goes to market via partner agencies on behalf of the LA.
- *Master Vendor*: has its own supply of agency workers, with additional tiers of agency suppliers. The LA will work with the Master Vendor only, who will in turn manage its own supply and other tier suppliers.
- *Framework agreements*: the LA procures agency social workers formally via a compliant tender process or pre-tendered framework agreement which is managed by a central purchasing body.
- *LA Trading Company (LATC) MSP*: MSP arrangement delivered by a LA trading company rather than a contracted provider.

The independent review of children's social care recommended including within the national rules an expectation that LAs only use commercial frameworks approved by DfE to recruit any agency social workers.¹⁴

We want to facilitate a system in which all procurement routes used by LAs to engage agency social work resource comply with the national rules proposed within this consultation, thereby supporting LAs to move towards a more sustainable model of recruitment. We are keen to understand the impact of different approaches to delivering this.

We also want to encourage LAs to proactively use their agency supply chain as a pipeline for the supply of permanent workers, in addition to direct recruitment.

Proposal and rationale

We intend, subject to consultation as necessary, that from **spring 2024** all procurement routes used by local authorities to engage agency social workers should comply with the national rules. We plan to work with LAs, recruitment agencies, central purchasing

¹⁴ MacAlister, J. (2022). *The independent review of children's social care: Recommendations annexes*. (p. 158). <https://childrensocialcare.independent-review.uk/wp-content/uploads/2022/05/Recommendation-annexes.pdf>

bodies, and others to embed compliance across procurement routes in time for the start of the 2024-25 financial year. All arrangements should use agreed social worker categories.

This will require collective agreement and action across LAs, central purchasing bodies and agency supply chains to embed the national rules within all existing and new commercial procurement routes and to support compliance.

We propose that compliance would be monitored via regular data collection set out in the *Data and Monitoring* section below, and local and regional spot checks. Proposed compliance measures would include:

- Agencies/recruiters that seek to circumvent the national rules being restricted by LAs from accessing new vacancies and excluded from LAs' preferred supplier lists.
- DfE working with central purchasing bodies and others to support embedding compliance within framework agreements.

Questions

8. Do you agree that all procurement routes used by LAs to engage agency social work resource should adhere to the proposed national rules?

- Agree
- Disagree
- Don't know

Would you like to make any other comments (250 words max)

9. What would be the most effective approach to ensuring procurement routes adhere to the national rules?

Please select all that apply:

- A new national framework agreement
- New regional framework agreements
- Working with existing framework operators to embed the national rules
- Standard clauses for local authorities to use in procurement contracts

Other, please specify (250 words)

10. What, if any, challenges and opportunities do you anticipate may arise from procurement routes being required to adhere to the national rules?

(250 words)

Price Caps

Background

The National Joint Council (NJC) negotiates the pay, terms and conditions of staff in LAs. It agrees an annual uplift to the national pay spine, on which each individual LA decides where to place its employees.

The NJC's National Agreement includes a pay spine, core conditions and joint advice on employment issues. Key employment decisions, including setting the pay line at a level that reflects local labour market conditions, are taken at a local level.

A range of different advisory role profile models for social workers (for example NQSW, senior social worker, assistant team manager, advanced practitioner etc) have been developed by the NJC, along with job statements and job evaluation assessment criteria, to support consistency in assessing social worker roles.¹⁵ However, there is still variation in substantive employee pay for the same role dependent on the decisions made by each LA and the use of discretionary supplements such as market supplements and retention payments.

Common agreed price caps feature in all of the regional Memoranda of Understanding on engagement of agency social work resource. These have shown some success in reducing costs, though they can be fragile. This is due to a range of factors, including: inconsistency in the price determined by neighbouring regions, high demand for the same pool of staff, lack of transparency and enforcement in market management, and local variation in supply and demand and desirability of role/location.¹⁶

The independent review of children's social care recommended the introduction of national price caps to address some of these challenges. Price caps are also used in the NHS and at a local level in children's social care as part of regional approaches to market management (as above).

There is significant learning from environments such as the NHS¹⁷ around the introductions of price caps which we will build on as well as the experience of LAs and

¹⁵ UNISON. (2018). *Job Evaluation Model Role Profiles*.

<https://www.unison.org.uk/content/uploads/2018/06/Job-Evaluation-Model-Role-Profiles.pdf>

¹⁶ Department for Education. (2020). *Children's Services Omnibus: Wave 5 Research Report*. (pp. 25-26).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905002/Children s Services Omnibus Wave 5 Report v5.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905002/Children_s_Services_Omnibus_Wave_5_Report_v5.pdf)

¹⁷ NHS England. (2022). *Reducing expenditure on NHS agency staff: rules and price caps*.

<https://www.england.nhs.uk/reducing-expenditure-on-nhs-agency-staff-rules-and-price-caps/>

NHS England. (2022). *NHS providers: trust accounts consolidation (TAC) data publications*.

<https://www.england.nhs.uk/financial-accounting-and-reporting/nhs-providers-tac-data-publications/>

regions who have introduced price caps. We recognise the significant challenges given the importance of, and demand for, high quality social workers.

The current situation is leading to price inflation, increasingly unsustainable costs for LAs and the public purse, and workforce churn and instability. We are clear that action is needed and that is why we are proposing price caps as part of a wider package of measures to support the workforce. These include working with the sector on recruitment and retention of social workers and pathfinding a new approach to Family Help to provide the right support at the right time to families.

Proposal and rationale

We are consulting on capping the rate that LAs may pay for an agency social worker. This is in order to reduce costs which take away from the resources LAs have available to invest in improving outcomes for vulnerable children and families, their employment offer for substantive staff and, to reduce churn and workforce instability.

The objectives are to:

- a) bring agency workers' pay more fairly in line with substantive workers' pay (taking into consideration a degree of uplift to acknowledge contract differences e.g. holiday pay); and
- b) create greater national consistency and fairness around pay for social workers (whether they are employed substantively or working for a LA via an agency) who are carrying out the same role in different LAs or regions.

Technical detail of our proposal

Designing a price cap

We want to bring agency workers' pay more fairly in line with substantive workers' pay. We also want greater consistency and collaboration between LAs and regions in terms of pay for the same role. In order to do this we need to know what a substantive social worker is paid for different social worker roles for example team manager. We then need to also work out the additional amount an agency worker would need for example for non-pay benefits and contractual differences that fall within scope of Agency Worker Regulations 2010.

We also want to know what an appropriate amount may be to cover the agency fee component, for example any framework fees and the fees for supplying the worker.

The following table describes the components a price cap might include.

Table 1. Price cap components and definitions

Price cap component	Definition
Holiday pay allowance	All agency workers are entitled to the same holiday benefits as substantive LA staff after 12 weeks.
Pay to Worker	After 12 weeks an agency worker is entitled to 'equal pay': the same pay as a permanent colleague doing the same job. The pay to the worker element of the price cap should be no more than the average a substantive employee earns under the relevant job evaluation specification used to determine grading against the local government pay spine.
Agency Fee	The fee an agency charges to supply a worker.
Framework fee	Some commercial frameworks charge a fee for each worker.
Employer's pension contribution	As per all employees, agency workers are entitled to a workplace pension after 12 weeks in a job. The price cap includes the employer's contribution.
Employer's NI contribution	The price cap includes an employer's National Insurance contribution.

The definitions above are subject to any changes to employment legislation.

We propose no financial or non-financial bonuses may be offered which takes the *Pay to worker* component over the cap. Engagements should be at the relevant job title for the work to be undertaken and should not, for example, be inflated to reflect the expectations of the candidate's pay.

No agency should seek a competitive advantage over its competitors by placing adverts which are not completely accurate or are not mindful of the national rules and price caps. This includes:

- Worker rates being advertised as "up to" a figure which is over the agreed cap.
- Advertising rates for higher positions being rolled into the headlines of lower positions.
- Advertising bonuses which would raise rates over the price cap.

If an agency seeks to circumvent the cap, including through engaging in the behaviours above, it may lead to that agency being restricted from accessing new vacancies among other sanctions.

The price cap will be kept under annual review. For example, pay awards agreed by the NJC for local government services' employees would need to be reflected if they resulted in agency workers' pay falling below substantive pay for an employee doing the same role.

The questions below seek your views on a number of factors to help us make sure that any national caps are designed and introduced in a fair and sustainable way.

Questions

11. Do you agree that there should be greater consistency between LAs in terms of basic pay to substantive employees for the same role profile type (for example: ‘team manager’, ‘senior / specialist social worker’) etc?

- Agree
- Disagree
- Don't know

Would you like to make any other comments? (250 words max)

12. Do you agree that agency workers' pay should be brought more fairly in line with the average substantive employee pay for the same role profiles?

- Agree
- Disagree
- Don't know

13. Do you agree with the proposal to introduce a cap on agency and framework fees in addition to a cap on the “pay to worker” component?

Cap on agency fees:

- Agree
- Disagree
- Don't know

Cap on framework fees:

- Agree
- Disagree
- Don't know

14. Do you agree there should be different price caps between LAs or regions for the same social worker agency role profile?

- Agree
- Disagree
- Don't know

If you agree, please select the reasons why:

- Different costs associated with LA*
- Different costs associated with region*

- *Different local/regional labour markets*
 - *Different challenges associated with particular circumstances of the LA (for example: high caseloads, poor inspection results)*
- Other, please specify (250 words max)*

If you disagree, please select the reasons why:

- *Price cap variation in regional Memoranda of Understanding has undermined compliance*
 - *Area location adjustments are already accounted for in the local government pay spine, against which the agency price cap would be linked*
- Other, please specify (250 words max)*

15. Do you agree there are reasons why LAs should be allowed to exceed the national price cap when engaging agency social workers?

- Agree. Please specify (250 words max)
- Disagree
- Don't know

Post-qualified experience

Background

Whilst there is a requirement that a newly qualified social worker (NQSW) will have done one placement in a statutory setting prior to becoming a registered social worker, this can be either be in an adult or child and family setting. Social workers new to statutory children's social care roles need time to consolidate their learning and understanding of the local practice model and local community in order to practice effectively. This is why access to the support, supervision and reflection that is critical to all social workers is particularly important in allowing NQSWs to build a strong foundation of practice.

The Assessed and Supported Year in Employment (ASYE) programme currently supports social workers on entry to the workplace post qualification. In recognition of the importance of early career support and development, *Stable Homes, Built on Love* sets out our plans to build on this and develop a new five-year Early Career Framework.

Proposal and rationale

The use of agency staff who do not have sufficient grounding and experience in statutory child and family social work and frequently move roles (so they do not have the opportunity to develop and consolidate practice) has the potential to compromise quality and can make it harder for LAs to reap the benefits of investing in workforce early career development. It also means that staff may move on before managers can help them to develop. For these reasons, a number of regional Memoranda of Understanding already require a minimum number of years post-qualified experience for a candidate to qualify for an agency appointment.

We propose that, in order 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 LA children's social care and have completed their ASYE. We also propose that DfE funding is not used to support agency social workers in the attainment of their ASYE.

International recruitment

International recruitment refers to the direct recruitment from an overseas country of social workers that also trained and qualified in that country.

We are interested in whether we should specify a similar requirement for social workers recruited overseas to demonstrate post-qualified experience within LA children's social care prior to being qualified to be engaged via an agency in England.

Questions

16. Do you agree 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 Assessed and Support Year in Employment (ASYE)?

- Agree
- Agree, but with a different minimum level of post-qualified experience. Please specify (50 words max)
- Disagree
- Don't know

17. Do you agree with the proposal that in order to qualify for an agency appointment in England, international recruits must demonstrate a minimum level of post-qualified experience working within local authority children's social care?

- Agree
- Agree, with the following variations. Please specify (250 words max)
- Disagree
- Don't know

Project teams

Background

Local authorities are reporting that a contributing factor to the rise in agency costs and reduction in quality and workforce stability is the emerging model of managed service project teams delivered by agencies.¹⁸ These teams are increasingly being used not to deliver “projects” but on core statutory social work.

These teams typically comprise six or seven social workers alongside an assistant and team manager, contracted to deliver specific project outcomes or “solutions”. Some models also require a commitment from the LA to sign up to additional support services around the team such as admin support.

Proposal and rationale

The increasing prevalence of managed service project teams can restrict LAs’ access to individual social workers, for example to cover maternity leave or provide temporary cover for an individual vacancy. This is because, as the project team model has gained market traction, agency workers are increasingly offered only as part of a managed service project team. “Solution” focused approaches, such as offering a project team to close a number of cases within a specific timeframe, can also conflict with relationship-based practice. The approach can also increase workforce instability given an entire team can leave together at short notice.

Fragmenting or outsourcing aspects of the social worker role can lead to unclear accountability, decision making and reduced quality assurance. In the case of statutory children’s social care and the role of the social worker, accountability remains with the LA regardless of any project outcomes or activity managed by the supplier.

LAs report that these teams cost on average more than what it would cost to secure the same number of individual workers.¹⁹ They can also be bundled with additional services that are not required or restrictions that do not apply to the substantive workforce, such as capped caseloads. This can increase pressure on substantive LA employees and individual agency workers in cases where such teams and “consultant” social workers only undertake certain preferred elements of the social worker role for higher pay. It also

¹⁸ ADCS. (2022). *Safeguarding Pressures Phase 8: Final Report*. (p. 103-105).
https://adcs.org.uk/assets/documentation/ADCS_Safeguarding_Pressures_Phase_8_Full_Report_FINAL.pdf

Ofsted. (2022). *The Annual Report of His Majesty’s Chief Inspector of Education, Children’s Services and Skills 2021/22*. (p. 102).
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1122628/31357_Ofsted_Annual_Report_2021-22_WEB.pdf

¹⁹ Children & Young People Now. (2022). *Recruitment agency practices compound workforce pressures*.
<https://www.cypnow.co.uk/analysis/article/recruitment-agency-practices-compound-workforce-powers>

means less resource is available to spend on improving outcomes for children and families.

We propose that these teams are no longer engaged for child and family social work as this is a core LA function.

While a LA may engage multiple social worker/s from the same agency, each should contract individually with the LA to ensure clear accountability is maintained.

Questions

18. Do you agree with the proposal that LAs must not use project teams for child and family social work?

- Agree
- Disagree. If you disagree, when do you think it is appropriate to use project teams for child and family social work? (250 words max)
- Don't know

Data and Monitoring

Background

Although LAs make an annual children's social work workforce data return to the DfE,²⁰ this does not include data on pay. Unlike adult social care, there is no current statutory data collection on substantive or agency child and family social worker pay that is timely and would enable effective market management or monitoring of the impact of the proposals set out in this consultation.

We have engaged LAs who are clear that timely, comparable, core social worker data linked to pay data are warranted. We will continue to work with the sector including agencies, suppliers and central purchasing bodies to make sure that any data is as useful as possible and will look at opportunities to align existing data collections.

Data is important because it can help to:

- provide market insights;
- support workforce planning;
- identify opportunities to reduce over reliance on temporary workers;
- support collaborative working at a system and regional level;
- enable monitoring and compliance with price caps and other national rules proposed in this consultation; and
- encourage greater transparency.

Proposal and rationale

We propose that the following data are collected and shared quarterly, with the core data list reviewed annually to check it is still relevant and proportionate.

A data sharing agreement would be put in place to provide consent for the below data to be shared with the DfE and between local authorities and regional leads, for the primary purpose of monitoring and supporting the demand for and supply of temporary staffing and workforce modelling.

These data will not include personal data.

²⁰ Department for Education. (2022). *Statistics: children's social work workforce*.
<https://www.gov.uk/government/collections/statistics-childrens-social-care-workforce>

Proposed core data

Row per worker for the following data:

- agency worker job type and pay rate;
- substantive worker job type and pay rate;
- vacancies by job type;
- use of market and other supplements;
- substantive worker full time equivalent (FTE);
- leavers FTE; and
- agency worker FTE.

Data sharing will not include personal data.

Questions

19. Do you agree that these are the right data to monitor the impacts of the national rules on child and family social workers and to support workforce planning?

- Please select all that you agree with.
 - These are the right data to collect on agency social workers*
 - These are the right data to collect on substantive social workers*
 - These are the right data to support workforce planning*
- Other please specify, for example specific data items listed that should not be collected and/or additional data items that should be collected (250 words max)*
- Don't know

Final section

Equalities

We are interested in the potential equalities impact of the proposals described in this consultation.

1. Are you aware of any equality issues or of any particular group for whom the proposals could have either a detrimental or differential impact?

- Yes
- No
- Don't know

If yes, please specify what these issues are and for which groups. (250 words max)

2. Please provide any further comments on these proposals, including particular challenges and opportunities arising from the proposed national rules.

(500 words max)

Confidentiality

3. What is your name?

(50 words max)

4. What is your email address?

Please note: It is helpful to have your email address if we want to contact you about your answers to the questions in this consultation. You do not have to give your email address, and your views will be considered whether or not you give your email address.

(50 words max)

5. Are you responding as an individual or on behalf of an organisation?

- Individual
- Organisation

6. If you are responding as an individual, how would you describe yourself?

- Academic
- Care Leaver
- Child in care
- Parent / carer
- Substantive child and family social worker (local authority-employed)
- Agency child and family social worker
- Substantive social worker (non-child and family)
- Agency social worker (non-child and family)
- Local authority employee (non-social worker)
- Recruitment agency employee (non-social worker)
- Independent reviewing officer

Other, please specify (50 words max)

7. If you are responding on behalf of an organisation, what type of organisation is this?

- Local authority / children's service trust
- Recruitment agency
- Managed service provider
- Central purchasing organisation
- Regulator
- Charity
- Trade union
- Social worker representative body
- Recruitment agency representative body

Other, please specify (50 words max)

8. What is the name of your organisation?

(50 words max)

9. What is your role within the organisation?

(50 words max)

Please let us know if your response is confidential. Your name and/or that of your organisation would then not be included in any published summary of responses.

10. Would you like us to keep your name and/or organisation confidential?

Name:

- Yes
- No

Organisation:

- Yes
- No

If you would like part of your response (instead of, or as well as, your identity) to be confidential, please indicate the relevant sections below or mark those parts we should keep confidential.

11. Would you like us to treat all, or any part, of your response as confidential?

- Yes
- No

If yes, please specify and explain why you consider it to be confidential (250 words max)

Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004.

If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and any other identifying material) in accordance with the Data Protection Act 2018 and your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it.

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Department
for Education

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