



Department  
for Education

# **Draft: Agency Rules**

**Statutory guidance for local authorities  
on the use of agency child and family  
social workers**

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## Introduction

Creating the right conditions to allow all social workers to thrive and do the best social work they can relies on a stable, effective, and supported workforce. This guidance describes a set of rules which collectively set out what local authorities should do when using agency child and family social workers. This is part of a wider suite of workforce reforms as set out in *Stable Homes, Built on Love*.<sup>1</sup>

The rules are designed to improve the stability and quality of the child and family social worker workforce to enable social workers to build quality relationships with children and families that support better outcomes for vulnerable children. The rules are also designed to reduce the overreliance on and costs of agency child and family social workers. This is in order to create a more sustainable workforce so more resource is available to develop the workforce and improve outcomes of children and families.

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<sup>1</sup> Department for Education. *Children's social care: stable homes, built on love*. <https://www.gov.uk/government/consultations/childrens-social-care-stable-homes-built-on-love> (Accessed January 2024).

## About this guidance

This is statutory guidance from the Department for Education. This means that all local authorities should comply with it when considering using agency child and family social workers to carry out duties in their children's services departments, unless exceptional circumstances arise.

This guidance uses the word "must" where the provision is a legal requirement. The word "should" is used where the provision should be complied with unless exceptional circumstances arise.

## Review date

This guidance will be kept under review and updated versions will be published if necessary.

## What legislation does this guidance refer to?

- Local Authority Social Services Act 1970
- Employment Agencies Act 1973
- Children Act 1989
- The Conduct of Employment Agencies and Employment Businesses Regulations 2003
- Apprenticeships, Skills, Children and Learning Act 2009
- Agency Workers Regulations 2010
- Public Contracts Regulations 2015

## What is the status of this guidance?

The [data collection](#) on the agency child and family social work workforce set out in this guidance is collected under section 83 of the Children Act 1989 and section 251(1)(b) of the Apprenticeships, Skills, Children and Learning Act 2009.

The rest of this guidance is issued under section 7 of the Local Authority Social Services Act 1970, which requires local authorities to act under the general guidance of the Secretary of State in the exercise of their social services functions. This includes the

exercise of any discretion conferred on the local authority by any other relevant legislation.

The [data collection section](#) of this guidance is a legal requirement for local authorities. The rest of the statutory guidance should be complied with unless exceptional circumstances arise.

## Who is this guidance for?

This guidance is written for those who work in and with local authority children's social care. It contains information that may also be useful to those, like recruitment businesses, who supply child and family social workers to local authorities.

## Local authorities

Successful implementation of this guidance will need strong corporate leadership and effective collaboration within children's services, across the local authority, and between regions. Therefore, the following individuals within local authorities should read and follow this guidance (this list is in alphabetical order and not exhaustive):

- Chief Finance Officer (CFO) / Section 151 Officer, and monitoring officer
- Children's Trusts Chief Executives
- Councillors, including Leaders of Councils and Lead Members for Children's Services
- Directors of Children's Services
- Heads of HR/Commissioning/Commercial/Contracts/Procurement
- Heads of Service and Service Managers
- Local Authority Chief Executives
- Social workers and practice supervisors in children's social care

## Suppliers

Those who support the recruitment, procurement, and supply of child and family social worker resource in local authority children's social care may also find it helpful to read this guidance as it impacts on how local authorities should engage and contract with them.

## Social workers and settings in scope

The agency rules apply to all agency child and family social workers (as defined below) and child and family social workers looking to move from local authority employment into agency.

The agency rules do not apply to agency social workers only assigned to work for a local authority's adult or mental health services.

This guidance does not apply to the use of agency social workers outside of local authority children's services.

It is important to note that:

- "Agency child and family social worker" is used throughout this guidance and refers to a child and family social worker (up to and including team manager or equivalent (see [core job type mapping](#) section of this guidance)) registered with Social Work England who is assigned to work for a local authority but is not in direct employment with that local authority.
- "Local authority" is used throughout and should be read to include Alternative Delivery Models for children's social care (where the delivery of children's services is outsourced to a Trust or not-for-profit organisation that is separate from, but accountable to, the local authority) and Partnership based models (where a single leadership team oversees delivery of children's services across two or more local authorities).

Throughout this guidance, the term "children's social care" refers to the local authority services that exist to:

- safeguard and promote the welfare of children in their area who, without the provision of services, are unlikely to achieve or maintain a reasonable standard of health or development, or their health or development will be significantly or further impaired, or is disabled (section 17, Children Act 1989).
- assess the needs of young carers, and whether they require support (section 17ZA, Children Act 1989).
- provide accommodation to any child in need who requires it (section 20, Children Act 1989).
- promote welfare and safeguard looked after children and to ascertain wishes and feelings of children, parents and carers and give them due consideration in decision making (section 22, Children Act 1989).



- provide a range of support to a child who has left care (section 23A, 23B, 23C, Children Act 1989).
- undertake enquiries when there are concerns a child may suffer significant harm and take action to keep them safe, including taking the child into care (section 47, section 31, Children Act 1989).
- deliver services and support to looked-after children and care leavers, local authorities must have regard to the corporate parenting principles (section 1, Children and Social Work Act 2017).

## Main points

Local authorities may continue to use agency child and family social workers where it is the most appropriate resourcing option and their use is in line with this guidance.

Local authorities should:

- provide the Department for Education with quarterly survey data on the use and cost of agency child and family social workers (including where supplied via project team or other packaged model).
- work within their region to agree and implement agency child and family social worker price caps that all local authorities within the region should comply with.
- ensure all contractual arrangements to supply agency child and family social workers via a project team or other packaged model comply with the following requirements:
  - prior identification and local authority approval of all constituent child and family social workers;
  - disaggregation of costs related to the provision of each child and family social worker and any other service provided; and
  - governance arrangements that allow the local authority to maintain complete oversight and control of social work practice delivered via the arrangement.
- align the length of notice period for agency child and family social work assignments with that of the local authority's contractual notice period for substantive staff in the same or an equivalent job role.
- not engage agency child and family social workers for a minimum period of three months after the worker has left a substantive role in their children's services department or that of a local authority within the same region.
- not engage agency child and family social workers with less than three years post-qualifying experience (PQE).
- ensure that they:
  - provide a detailed practice-based reference using the agency rules standard reference template for all agency child and family social workers on assignment irrespective of length of assignment; and

- require detailed practice-based references for agency child and family social workers before offering an assignment.

## Implementation and transition

This guidance will come into effect summer 2024.<sup>2</sup> The data and price caps rules will be effective from autumn 2024. We will publish a separate data and price caps user guide to support implementation.

From the effective date of the statutory guidance, all new contractual arrangements to supply child and family social workers to local authority children's services should comply with the agency rules.

Where contracts for the supply of agency child and family social workers are already in force prior to guidance coming into effect, we do not expect local authorities to change or terminate them solely to comply with these rules and, if they do so, they must in any event comply with their contractual obligations and applicable Procurement Rules.

However, we do expect all local authorities in that position to ensure that they work towards full implementation of these rules as soon as reasonably possible. Such plans may involve changing existing contract terms or exercising rights of termination and entering into new contracts.

Local authorities in that position should as a matter of course seek to agree the necessary changes to their existing contracts to comply with these rules at the point of exercising any extension options or on receiving a request for a change from the agency.

Local authorities should work closely with their supply chains, including central purchasing organisations, managed service providers, and agencies, to agree and implement processes that facilitate compliance with this guidance through the supply chain, subject to complying with the law.

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<sup>2</sup> The coming into effect date will be made known to local authorities in due course and communicated via the Government response to the consultation on this draft guidance.

## Data collection

**Local authorities must provide the Department for Education with quarterly survey data on the use and cost of agency child and family social workers (including where supplied via a project team or other packaged model).**

Local authorities must provide quarterly data returns to the Department for Education. The data and price caps rules will be effective from autumn 2024. We will publish a separate data and price caps user guide to support implementation.

The quarterly collection of data will provide a consistent evidence base of agency usage and costs to support local authorities with workforce planning and bolster the development of regional and national workforce strategies. It will allow for greater transparency and collaborative working at a local, regional, and national level and will enable the development and/or adjustment of regionally determined price caps. It will also allow the Department for Education to monitor compliance with the rules to enable the development and implementation of support and/or enforcement measures.

## Job mapping

For consistency, data should be reported against the following child and family social work core job types:

- **Social Worker:** This is an experienced practitioner role. The postholder has at least three years' experience in direct employment in local authority children social care. They are expected to undertake cases independently and demonstrate an ability to adapt their approach from first principles to deal with more complex or unusual cases, assessing and managing risks appropriately.
- **Senior Social Worker:** This is an experienced practitioner role with specific responsibilities for dealing with more complex cases, including assessment and appropriate management of risks. The postholder may supervise students, trainees, less experienced professional team members, support staff or volunteers, and is expected to develop and share with others specialist knowledge in a particular area of practice and contribute to practice development.
- **Advanced Practitioner:** This role is that of technical authority with acknowledged depth of expertise, including the assessment and appropriate management of risk. The role focuses on driving practice improvement across the service through direct development of others and by actively participating in process mapping,

procedure specification, and strategy development. The role may involve dealing with the most complex cases, partly to maintain credibility and experience in the field. Assistant Team Manager and Principal Social Worker roles should be aligned to the Advance Practitioner core job type.

- **Team Manager:** This role has accountability for managing the direction, delivery, and performance across a specialised field (e.g. fostering or family support) and/or geographical area. This is delivered in accordance with legislative requirements, relevant policies and procedures, and agreed performance targets including assessment and appropriate management of risk. The postholder is expected to lead a team of staff. Responsibilities include: recruitment, induction, training, supervision, and personal development; absence, capability, discipline, and grievance management; workforce planning, including succession planning and retention. They are also expected to lead on budget management and contribute to strategic planning.
- **Independent Reviewing Officers (IRO)/Conference Chair:** The IRO role has responsibility for providing an independent review of practice, including the assessment and appropriate management of risk and feedback, to ensure that the local authority provides a quality service that meets the individual needs of children and families. The Conference Chair role leads initial and review child protection conferences. Neither role has any operational or line management responsibilities for social workers, which means they are independent from any decisions made by the local authority's children's services.

To that effect, local authorities should complete a mapping exercise to align every agency job role on their system to one of the above core job types. The mapping exercise should be done in collaboration with the local authority's suppliers and should be submitted to the DfE once the data rule comes into effect to facilitate work towards greater national consistency. More details on job mapping can be found in the data and price caps user guide that will be published separately to this guidance.

## Required data items

The first list of data items relates to information that must be provided for each agency child and family social worker assignment with a starting date in the reporting quarter, including assignments that are part of a project team or other packaged model.

- Core job type (Social Worker, Senior Social Worker, Advanced Practitioner, Team Manager, IRO / Conference Chair) and corresponding price cap
- Price rate per hour

- Assignment start date
- Assignment end date
- Hours per week contracted for
- Worker's Social Work England registration number
- Worker's Social Work England registered names
- Market engagement route (MSP (on-framework), MSP (off-framework), local authority trading company (LATC, e.g., Connect2Kent), direct agency (off-framework), other)
- Supplier name
- Assignment type (individual, packaged team model (project team, managed service team, other), other)
- Worker references (none, one, two)
- Days the vacancy was open for (from job advert going live to contract signing)

The second list of data items is information to be provided at local authority level.

- Total agency FTE per core job type
- Total substantive FTE
- Total cost of agency workforce supply per month
- Overall cost of each packaged model contract (if relevant)
- Non-child and family social worker cost of each packaged model contract (if relevant)
- Packaged model contract start date (if relevant)
- Packaged model contract end date (if relevant)
- Extent of local authority's compliance with the rules (fully, partially, not at all)
- Reasons for price cap circumvention (if relevant)
- Other reasons for local authority not achieving full compliance with the rules (if applicable)
- Suppliers' behaviour as a contributing factor of local authority not achieving full compliance with the rules (if applicable)

## Price caps

**Local authorities should work within their region to agree and implement agency child and family social worker price caps that all local authorities within the region should comply with.**

For the purposes of this guidance, price caps determine the maximum hourly price a local authority can pay for an agency child and family social worker and should include:

- worker's hourly pay rate
- employer national insurance contributions
- apprenticeship levy (if applicable)
- holiday pay
- employer workplace pension contribution (if applicable)
- administration fees, including agency, managed service providers, and framework fees
- any other fixed or variable fees or payments to the worker or agency (e.g. travel, accommodation, finder's fee, bonuses).

This maximum hourly price stands irrespective of whether the worker is engaged as PAYE or through an intermediary such as an Umbrella or Limited Company. The price caps represent the absolute maximum that local authorities should pay per hour for an agency child and family social worker and should not be interpreted as standard or default prices.

The price caps should:

- be set against the core [job types](#) described in the data section;
- be applied to all contractual arrangements to supply agency child and family social workers to a local authority, including via a [project team](#) or other packaged model; and
- take into account data and market insight including data outputs from the [quarterly data submission](#).

More details on price caps can be found in the data and price caps user guide that will be published separately to this guidance.



## Price cap implementation

Local authorities should ensure that any advert placed on their behalf reflects the national rules. Financial or non-financial bonuses that take the cost of the worker to the local authority over the cap should not be offered. Engagements should be at the relevant core job type for the work to be undertaken. If a supplier seeks to circumvent the caps, local authorities should consider whether it is appropriate to restrict the supplier/s from accessing new vacancies and/or report them to their respective Regional Improvement and Innovation Alliance.

All assignments at rates above the price caps should be signed off by the relevant local authority's Director of Children's Services (DCS) and Chief Executive prior to the assignment being agreed. Local authorities should work within their region to agree any additional governance processes over and above DCS and Chief Executive sign-off. Price cap breaches should be reported to their respective Regional Improvement and Innovation Alliance and to the DfE (see [data items section](#)).

In implementing their price caps, local authorities need to be aware of their legal obligations under the Agency Workers Regulations 2010. This includes ensuring that an agency worker that has completed their qualifying period (as set out in those Regulations) in the same role with the same hirer receives the same basic working and employment conditions, including aspects of pay and annual leave, as a direct recruit.

## Project teams

**Local authorities should ensure all contractual arrangements to supply agency child and family social workers via a project team or other packaged model comply with the following requirements:**

- **prior identification and local authority approval of all constituent child and family social workers;**
- **disaggregation of costs related to the provision of each child and family social worker and any other service provided; and**
- **governance arrangements that allow the local authority to maintain complete oversight and control of social work practice delivered via the arrangement.**

This rule applies to all contractual arrangements to supply agency child and family social workers to a local authority via a project team or other packaged model. This will include all packaged models or equivalents, including those described as project or managed service teams, irrespective of the precise structure, name, or definition of the model in question.

Local authorities should consider whether the work of such teams is in fact a project/fully contracted service. If it is not, local authorities will need to consider their tax obligations, having regard to the labour supply chain through which the social workers are being supplied. If a social worker is providing their services through their own intermediary (for example, a personal service company or 'PSC'), the off-payroll working rules (commonly referred to as IR35) apply and the local authority will need to decide the employment status of the social worker.<sup>3</sup> Local authorities may find it helpful to use the Check Employment Status for Tax (CEST) tool to help them make employment status decisions.<sup>4</sup>

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<sup>3</sup> HM Revenue & Customs. *Understanding off-payroll working (IR35)*. <https://www.gov.uk/guidance/understanding-off-payroll-working-ir35> (Accessed January 2024).

<sup>4</sup> HM Revenue & Customs. *Check employment status for tax*. <https://www.gov.uk/guidance/check-employment-status-for-tax> (Accessed January 2024).

Local authorities should ensure the engagement of each of the agency child and family social workers of any project team or other packaged model also complies with all the other rules set out in this guidance.

## **Prior approval of constituent child and family social workers**

Local authorities should ensure that all decision-making authority regarding the recruitment and retention of agency child and family social workers, including those deployed via project teams and other packaged models, is held within established local authority line management.

To satisfy this requirement, all contractual arrangements to supply agency child and family social workers via a project team or other packaged model should identify each constituent child and family social worker to the local authority and allow for the local authority to approve or decline each worker for assignment. This includes any changes to the workers of a team after the team is in place.

Local authorities should ensure that, for each contractual arrangement to supply agency child and family social workers via a project team or other packaged model, the supplier provides the following details:

- Number of social workers
- Name of each social worker
- Social Work England registration number for each social worker
- Prior references for each social worker (as per the [references](#) rule)

Local authorities should require these details from the supplier in advance of the assignment start date or, in the case of a change of worker, prior to the start date of each worker. Local authorities should decline to agree work for any project team or other packaged model where the constituent child and family social workers are not so approved in advance.

In line with the [references](#) rule, local authorities should require detailed practice-based references for each child and family social worker of a project team or other packaged model before offering an assignment.

## **Cost disaggregation**

Local authorities should ensure that all contractual arrangements to supply agency child and family social workers via a project team or other packaged model disaggregate the

costs related to the provision of each child and family social worker and any other service provided prior to contract signing.

To satisfy this requirement, local authorities should ensure that all costs relevant to each contractual arrangement are set out transparently and to the satisfaction of the local authority before contract signing. All contractual arrangements to supply agency child and family social workers via a project team or other packaged model should include, as a minimum:

- an overall price;
- a clear breakdown of costs related to the provision of each child and family social worker in the project team or other packaged model;
- a clear breakdown of all other staff costs;
- a breakdown of other charges that have been wrapped into the total price;
- payment schedule; and
- the right for the local authority to request further information on cost transparency throughout the contract term.

Local authorities should also ensure that the overall costs related to the provision of each child and family social worker in a project team or other packaged model comply with regionally determined price caps.

## **Governance**

Local authorities should ensure that all contractual arrangements to supply agency child and family social workers via a project team or other packaged model include governance arrangements that allow the local authority to maintain complete oversight, control, and management of social work practice delivered via the arrangement.

Local authorities are best placed to determine the precise governance arrangements that satisfy this requirement. However, there should be a clear line of accountability from the DCS to all child and family social work practice. This means that as a minimum, local authorities should retain control over:

- The practice model used by the agency child and family social workers of a project team or other packaged model;
- Practice supervision;

- Line management, such that line management of project team workers, or those of other packaged models, sits within the local authority hierarchy;
- Quality assurance; and
- Decision-making in case management, such that the project team or other packaged model operates as an integrated whole with the children's services department.

Local authorities are accountable for social work practice carried out by all social workers discharging local authority functions.

Local authority senior leaders, practice supervisors, and practitioners should be aware of their statutory duties and responsibilities outlined in the Children's Social Care National Framework.<sup>5</sup> In particular, local authority governance arrangements covering project teams or other packaged models should facilitate each of the *expectations for practice* set out under *Enabler: the workforce is equipped and effective*.

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<sup>5</sup> Department for Education. *Children's Social Care National Framework*. <https://www.gov.uk/government/publications/childrens-social-care-national-framework> (Accessed January 2024).

## Notice periods

**Local authorities should align the length of notice period for agency child and family social work assignments with that of the local authority's contractual notice period for substantive staff in the same or an equivalent job role.**

Agencies are required to ensure agency child and family social workers put forward for assignments are told the length of notice they must give and are entitled to receive for termination of the assignment.<sup>6</sup>

Local authorities should inform the agencies and Managed Service Providers (MSPs) they procure agency child and family social workers from of the notice period required for their assignments.

Notice periods for agency assignments should be equal to the contractual notice period required of a substantive member of staff in the same or an equivalent job role. When calculating the correct notice period for agency child and family social workers local authorities should use the minimum notice periods specific for substantive job roles. An illustrative table is included [below](#).

The notice period should be a reciprocal arrangement between agency child and family social workers, agencies and the local authority. There may be circumstances where working the entire notice period is not applicable. These include:

- individuals dismissed due to gross misconduct of local authority rules following a fair and reasonable investigation;
- individuals who have been made redundant, where statutory redundancy notice periods apply; and
- individual circumstances where an individual asks to leave before their notice period and this is agreed with the local authority.

The notice period will run from the start of the day after the agency child and family social worker has handed in their notice. If a local authority is issuing notice, this should be in

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<sup>6</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 18: Information to be obtained from a hirer. Regulation 19: Confirmation to be obtained about a work-seeker. <https://www.legislation.gov.uk/uksi/2003/3319> (Accessed January 2024).

writing and the period starts when the agency child and family social worker has had a reasonable amount of time to read it.

Where an agency child and family social worker has left without working the agreed notice, local authorities may wish to reflect this in the standard reference they provide.

Local authorities should wherever possible decline to accept an agency child and family social worker who has, without agreement, failed to complete their notice period at their previous local authority placement.

Following the publication of this guidance, all local authorities should review their current policies and procedures relating to notice periods and agency child and family social workers to determine if any changes are required. Local authorities are responsible for clarifying the process for:

- reviewing and amending existing policies and procedures to incorporate the above requirements into new contracts; and
- establishing mechanisms for monitoring and enforcing compliance.

## **Alignment with substantive staff**

A local authority should ensure the notice period for agency child and family social work assignments are of equal length to the minimum contractual notice period required of a substantive member of staff in the same or an equivalent job role within that local authority. For example, if a local authority has variable lengths of notice periods for different levels of seniority or different lengths of service, the notice period for particular agency assignments should reflect those variations.

Alignment of the length of the notice period should also take into account the length of the agency assignment. Notice periods should be equal to the minimum contractual notice period for substantive staff relative to the length of assignment.

## **Notice period equivalence examples**

The below examples are non-exhaustive. They should be used as indicative examples to aid calculation of notice periods for agency assignments.

<b>Substantive role and contractual notice</b>	<b>Agency assignment and duration</b>	<b>Agency assignment notice requirement</b>
<b>Senior social worker</b> <b>&lt;12 months service:</b> 2 weeks <b>&gt;12 months service:</b> 6 weeks	<b>Senior social worker</b> 14 months	6 weeks
<b>Social worker</b> <b>&lt;6 months service:</b> 1 week <b>&gt;6 months service:</b> 4 weeks	<b>Social worker</b> 1 month	1 week
<b>Social work team leader</b> <b>&lt;2 years service:</b> 4 weeks <b>&gt;2 years service:</b> 8 weeks	<b>Social work team leader</b> 3 months	4 weeks

## **Making best use of notice periods for agency child and family social workers**

Local authorities should, in conjunction with the agency, ensure agency child and family social workers use the notice period to take all necessary steps to facilitate a smooth transition of all responsibilities and cases to colleagues in line with Social Work England's Professional Standards.<sup>7</sup>

Local authorities should also use the notice period to discuss development and performance with the agency child and family social worker including sharing the completed reference template. More information on references for agency child and family social workers can be found in the [references](#) section of this guidance.

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<sup>7</sup> Social Work England. *Professional Standards*.  
<https://www.socialworkengland.org.uk/standards/professional-standards/> (Accessed January 2024).



## Cool-off periods

**Local authorities should not engage agency child and family social workers for a minimum period of three months after the worker has left a substantive role in their children's services department or that of a local authority within the same region.**

This rule sets a minimum cool-off period of three months. It does not prevent local authorities from declining to engage agency child and family social workers for periods of longer than three months after they have left a substantive role within the same region should they wish to do so.

Local authorities are responsible for reviewing and amending existing policies and procedures to incorporate this requirement.

### What is a cool-off period?

A cool-off period is a set time limit for local authorities to refrain from taking on an agency child and family social worker who has left substantive employment with that local authority or a local authority within that local authority's regional boundaries.

This does not apply to social workers moving to substantive roles in other authorities within the region, or social workers who may choose to take up an agency assignment in a different region.

Regional boundaries for cool-off periods are defined as the nine local authority regions in England. A list of local authorities by region can be found at [Appendix C](#).

Cool-off periods do not require changes to permanent employees' terms and conditions. Instead, local authorities should decline to offer agency assignments to any child and family social worker who has left a permanent role at that local authority or any other local authority in the same region in the previous three months. Cool-off periods should be applied equally to individual agency child and family social workers and agency child and family social workers who are engaged as part of a project team or packaged service assignment.

There may be circumstances where a cool-off period is not applicable, including:

- where a social worker is moving to a permanent role;
- if a social worker has been made redundant from a permanent role;

- when a social worker is seeking an agency assignment in a different region from their previous employment; and
- if a social worker has left a permanent role during their probationary period.

Local authorities may also consider exceptional circumstances on compassionate grounds on a case-by-case basis.

## Post-qualifying experience

**Local authorities should not engage agency child and family social workers with less than three years post-qualifying experience (PQE).**

Local authorities should apply the PQE minimum to all agency child and family social workers irrespective of pathway to the profession.

Local authorities are responsible for clarifying the process for checking whether an agency child and family social worker's employment history meets the PQE minimum.

Agencies are required to ensure that the agency child and family social workers put forward for assignments have the experience that hirers, such as local authorities, consider necessary.<sup>8</sup> Local authorities should notify agencies and managed service providers of the PQE minimum to provide them with sufficient information to select a suitable agency child and family social worker.

### What is PQE?

Post-qualifying experience is time spent in direct employment of an English local authority practising in a child and family context while registered as a social worker with a UK regulator. This can include time spent in direct local authority employment participating in post-qualifying development programmes such as the Assessed and Supported Year in Employment (ASYE) or the Early Career Framework (ECF).

Three years PQE can be obtained from a single period of employment with one local authority or can be gained over several periods of employment with different local authorities. It need not be achieved within a specific three-year period but should total three years to be sufficient. Periods of statutory leave taken as part of continuous employment will count towards PQE though unpaid career breaks should not.

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<sup>8</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 18: Information to be obtained from a hirer. Regulation 19: Confirmation to be obtained about a work-seeker. <https://www.legislation.gov.uk/uksi/2003/3319> (Accessed January 2024).

Time spent in child and family social work practice outside local authority direct employment should not count towards PQE. This includes time spent practising child and family social work outside England.

Voluntary work for a local authority should not count towards PQE.

## References

### Local authorities should:

- **provide a detailed practice-based reference using the agency rules standard reference template for all agency child and family social workers on assignment irrespective of length of assignment; and**
- **require detailed practice-based references for agency child and family social workers before offering an assignment.**

Agencies are required to provide two references to hirers such as local authorities for all assignments where professional qualifications are required or involve work with vulnerable persons.<sup>9</sup> Local authorities should request that agencies and managed service providers provide them with two detailed practice-based references for all agency child and family social workers. For references dated on or after this guidance has taken effect, references should be provided using the standard template.

Using the [standard reference template](#) will facilitate a system that supports local authorities to effectively manage performance and recruitment across the agency workforce by:

- providing agency child and family social workers with clear feedback of strengths and areas for improvement, supporting effective performance management; and
- providing local authorities with details of an agency child and family social worker's knowledge and skills allowing for more informed hiring decisions and selection of candidates who are better aligned with the job requirements.

Local authorities have the responsibility for clarifying the process for:

- providing references using the standard template for agency child and family social workers leaving assignments; and

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<sup>9</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 22: Additional requirements where professional qualifications or authorisation are required or where work-seekers are to work with vulnerable persons. <https://www.legislation.gov.uk/uksi/2003/3319> (Accessed January 2024).

- seeking references for agency child and family social workers put forward for an assignment.

## Standard reference template

The standard reference template is based on the social work professional standards in England.<sup>10</sup> The professional standards are the threshold standards necessary for safe and effective practice set out by Social Work England outlining what every social worker must know, understand and be able to do after qualifying.

### Section 1

This is a factual reference which includes a short summary of the agency child and family social worker's employment including job title and employment dates but does not include details about knowledge and skills.

### Section 2

This is a detailed reference based on the social work professional standards.

It is important this section is an accurate and objective reflection of the agency child and family social worker's practice during their assignment. It should provide an unbiased assessment based on the agency child and family social worker's actual performance and abilities, highlighting both strengths and practise areas in need of development.

## Providing a reference

Local authorities should complete the standard reference template for each agency child and family social worker before their assignment ends.

Local authorities should not delegate responsibility for completing the template to agencies or managed service providers.

Local authorities can determine who is best placed to complete the template but should ensure that a substantive employee of the local authority with sufficient knowledge of the

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<sup>10</sup> Social Work England. *Professional Standards*.  
<https://www.socialworkengland.org.uk/standards/professional-standards/> (Accessed January 2024).

agency child and family social worker's professional practice completes [section 2](#) of the template. Examples of individuals who may be suitable to complete this section are:

- principal social workers
- line managers
- team leaders
- assistant team managers
- advanced practitioners

Local authorities should share and discuss the reference with the agency child and family social worker before the end of their notice period so any development issues can be addressed.

## **Requesting references**

Local authorities should obtain a minimum of two practice-based references for prospective agency child and family social workers.

Local authorities are encouraged to consider the standard reference template as one of several tools when recruiting to assignments in their children's services departments. Supplementing references with other assessment methods, such as interviews, skills tests, and behavioural assessments, can provide a more holistic evaluation of a social worker's practice.

## Appendix A: Glossary

Term	Definition
Agency	An employment business within the meaning of Section 13(3) Employment Agencies Act 1973 and including the supply by the employment business of persons employed by or supplied through a third party or intermediary
Agency child and family social worker	A child and family social worker (up to and including team manager or equivalent) registered with Social Work England who is assigned to work for a local authority but is not in direct employment with that local authority.
Alternative Delivery Models	Where the delivery of children’s services is outsourced to a Trust or not-for-profit organisation that is separate from, but accountable to, the local authority.
Central Purchasing Organisation	A Central Purchasing Body within the meaning of regulation 37 of the Public Contracts Regulations 2015 or, as the case may be, a centralised procurement authority within the meaning of section 1(4) of the Procurement Act 2023 or any other similar public buying organisation.
Cool-off period	A defined period of time during which a local authority may decline to engage an agency child and family social worker if they were previously directly employed by the local authority in their children’s services department or that of local authority in their region.



Term	Definition
Dynamic Purchasing System or Dynamic Markets	Arrangements within the meaning of regulation 33 of the Public Contracts Regulations 2015 or sections 35ff. of the Procurement Act 2023 (as the case may be), between a contracting authority (including a local authority) or a Central Purchasing Organisation on the one hand and suppliers party to those arrangements (members) on the other, setting out in advance the conditions under which the former may from time to time award contracts for works, services and goods to its members in accordance with contract conditions that have been set out in advance. As a procurement tool, it is in many respects similar to a framework agreement or framework, but provides greater flexibility insofar as new suppliers can join at any time, subject to meeting the conditions for membership.
Framework agreement or framework	A type of agreement within the meaning of regulations 33 and 34 of the Public Contracts Regulations 2015 or (as the case may be) sections 45ff. of the Procurement Act 2023, enabling contracting authorities (including local authorities) or Central Purchasing Organisations from time to time to award contracts for the supply of goods or services to pre-selected suppliers who were successful in their application to become parties to the framework agreement or framework following a competitive selection procedure in accordance with contract conditions that have been set out in advance.
Local authority	Any public body that is responsible for providing a range of services to any specified local community. It includes legal entities such as Children’s Service Trusts or other entities created by local authorities under Alternative Delivery Models.
Local authority region	Nine regions in England comprising of multiple local authorities in a geographical area defined by the Association of Directors of Children’s Services (ADCS).

Term	Definition
Managed Service Provider (MSP)	A Managed Service Provider is an organisation that manages the temporary worker recruitment for a local authority. 'Managed Service' does not refer to a specific type of recruitment service but can encompass any recruitment service that can be outsourced.
Notice period	The amount of time an employee or contractor must continue to provide their services for following a resignation, dismissal or redundancy.
Partnership based models	Where a single leadership team oversees delivery of children's services across two or more local authorities.
Post-qualifying experience	Time an individual has been employed as a registered social worker practising entirely or primarily in an English local authority's children's services department or, in local authorities operating joined up services, practising entirely or primarily in a child or family context.
Procurement Rules	Statutory provisions that central government and wider public sector bodies must follow above set financial thresholds, when acquiring goods, services or works. They include, insofar as either are applicable, the Public Contracts Regulations 2015 and the Procurement Act 2023 once in force.
Project team or other packaged model	<p>A specific team of child and family social workers created or organised by an agency, sometimes with its own manager and administrative staff, but not necessarily comprising the same individuals at all times, to provide relevant social care services to local authorities.</p> <p>This includes all packaged models, including those not within the definition of a 'project team', by means of which the services of agency child and family social</p>

Term	Definition
	workers are supplied as part of a packaged team or with additional services.
Regional Improvement and Innovation Alliances (RIAs)	Regional Improvement and Innovation Alliances (RIAs) are a key resource for accessing improvement support. Each RIA will include a lead chief executive and lead Director of Children’s Services as well as a workforce lead.
Substantive child and family social worker	An individual child and family social worker who is registered with Social Work England and directly employed by the local authority. The individual will be practising entirely or primarily in child and family social work.

## Appendix B: Standard reference template

### Section 1 – basic reference

#### Worker details

<b>Name:</b>	
<b>Social Work England registration number:</b>	

#### Assignment detail

<b>Start date:</b>		<b>End date:</b>	
<b>Job title:</b>			
<b>Area of practise:</b>	<input type="checkbox"/> CiN/CP <input type="checkbox"/> LAC <input type="checkbox"/> Fostering <input type="checkbox"/> Adoption <input type="checkbox"/> Other: _____		
<b>Did the assignment include court work:</b>	YES / NO		

### Section 2 – detailed reference

#### Referee details

<b>Name:</b>	
<b>Job title:</b>	
<b>Local authority:</b>	
<b>Email:</b>	

#### Declaration

I confirm that I am authorised to give the assessment detailed outlined in this form.

By supplying this assessment, I understand I am giving the recipient permission to disclose the information contained in this document to third parties.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Competency assessment

**Strong:** very experienced, consistently high performance

**Competent:** meets all basic expectations, consistently effective performance

**Requires development:** inconsistent or not fully effective, may relate to competency or behaviour

		Strong	Competent	Requires development	Unproven
Knowledge and record keeping	Knowledge and understanding of child protection policies, procedures, and legislation				
	Maintenance of accurate and up-to-date records and documentation				
	Writing clear, concise, and comprehensive reports, assessments, and plans				
Assessment and intervention	Ability to assess needs, strengths, and risks to ensure safety and well-being				
	Development and implementation of effective plans utilising evidence-based approaches				
	Ability to prioritise tasks and handle competing demands while maintaining a focus on the best interests of the child				
Working effectively with others	Ability to work collaboratively with multidisciplinary teams and partner agencies				
	Promotion of open and effective communication				
	Sensitivity in working with individuals and families from diverse backgrounds				
Professionalism	Openness to feedback and commitment to continuous learning				
	Engagement in reflective practice and critical analysis of own practice				
	Adherence to professional values, ethics, and conduct				

## Performance and fitness to practise

<b>Is the worker subject to any active disciplinary actions:</b>		<b>YES / NO</b>
<b>Details:</b>		
<b>Are you aware of any open fitness to practise concerns with the regulator:</b>		<b>YES / NO</b>
<b>Details:</b>		
<b>Would you re-employ this worker in a similar role:</b>		<b>YES / NO</b>
<b>Details:</b>		
<b>If you identified a development need in the competency assessment, please give further details:</b>		

## Appendix C: Local authorities by region

These are the geographical regions that group the local authorities based on their proximity and collaboration. There are nine local authority regions in England, each with a different number of local authorities.

- **East of England:** Bedford Borough, Cambridgeshire, Central Bedfordshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend-on-Sea, Suffolk, Thurrock.
- **East Midlands:** Derby, Derbyshire, Leicester, Leicestershire, Lincolnshire, North Northamptonshire, Nottingham City, Nottinghamshire, Rutland, West Northamptonshire.
- **North East:** Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, Northumberland, North Tyneside, Redcar and Cleveland, South Tyneside, Stockton, Sunderland.
- **North West:** Blackburn with Darwen, Blackpool, Bolton, Bury, Cheshire East, Cheshire West and Chester, Cumberland, Halton, Knowsley, Lancashire, Liverpool, Manchester, Oldham, Rochdale, Salford, Sefton, St. Helens, Stockport, Tameside, Trafford, Warrington, Westmorland and Furness, Wigan, Wirral.
- **South East:** Brighton and Hove, Bracknell Forest, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Medway, Milton Keynes, Oxfordshire, Portsmouth, Reading, Slough, Southampton, Surrey, West Berkshire, West Sussex, Windsor and Maidenhead, Wokingham.
- **South West:** Bath and North East Somerset, Bournemouth, Christchurch and Poole, Bristol, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, North Somerset, Plymouth, Somerset, South Gloucestershire, Swindon, Torbay, Wiltshire.
- **West Midlands:** Birmingham, Coventry, Dudley, Herefordshire, Sandwell, Shropshire, Solihull, Staffordshire, Stoke-on-Trent, Telford and Wrekin, Walsall, Warwickshire, Wolverhampton, Worcestershire.
- **Yorkshire and Humber:** Barnsley, Bradford, Calderdale, Doncaster, East Riding of Yorkshire, Kingston upon Hull, Kirklees, Leeds, North East Lincolnshire, North Lincolnshire, North Yorkshire, Rotherham, Sheffield, Wakefield, York.
- **Greater London:** Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, City of London, Croydon, Ealing, Enfield, Greenwich, Hackney,

Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington and Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth, Westminster.



## Appendix D: Further information

### Useful resources and external organisations

- [HM Revenue & Customs. \*Understanding off-payroll working \(IR35\)\*](https://www.gov.uk/guidance/understanding-off-payroll-working-ir35)  
<https://www.gov.uk/guidance/understanding-off-payroll-working-ir35> or  
[organisation](#)
- [HM Revenue & Customs. \*Check employment status for tax.\*](https://www.gov.uk/guidance/check-employment-status-for-tax)  
<https://www.gov.uk/guidance/check-employment-status-for-tax> or [organisation](#)
- [Social Work England. \*Professional Standards.\*](https://www.socialworkengland.org.uk/standards/professional-standards/)  
<https://www.socialworkengland.org.uk/standards/professional-standards/>

### Other relevant departmental advice and statutory guidance

- [Children's social care: national framework](https://www.gov.uk/government/publications/childrens-social-care-national-framework)  
<https://www.gov.uk/government/publications/childrens-social-care-national-framework>



Department  
for Education

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