



Department  
for Education

# Agency rules

Government consultation response

12 September 2024

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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. The Child and Family Social Worker Workforce Government Consultation Response,<sup>1</sup> published on 25 October 2023, sets out new rules for local authority use of agency child and family social workers that will support local authorities to deliver this.

This consultation focused on the detail of the statutory guidance that will provide the legal framework that local authorities should follow when using agency child and family social workers.

The public was asked to submit feedback on the draft statutory guidance between 31 January to 28 February 2024. We want to say thank you to everyone who took the time to share their views to help shape the new statutory guidance.

We have used the findings from this consultation to refine the statutory guidance which has been published alongside this government response and will be effective from 31 October 2024.

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<sup>1</sup> Department for Education. *Consultation outcome: Child and family social worker workforce*. <https://www.gov.uk/government/consultations/child-and-family-social-worker-workforce> (Accessed September 2024).

## Summary of responses received and the government's response

A total of 110 responses to the consultation were received from a broad range of stakeholders, including social workers, local authorities, recruitment agencies / businesses, regulatory bodies, unions, managed service providers (MSPs) and public buying organisations. We would like to thank all those who took the time and effort to respond to the consultation. We are particularly grateful to those who provided detailed contributions.

The responses were broadly supportive of the draft statutory guidance with a range of 48% to 86% of respondents agreeing that the statutory guidance across each of the agency rules contained the correct level of detail. Respondents were most positive about post-qualifying experience (86% agreed or strongly agreed) and references (85% agreed or strongly agreed).

Listening to the feedback, we have taken the opportunity to make changes to improve drafting of the rules where there were lower levels of agreement, namely on price caps (48% agreed or strongly agreed) and notice periods (58% agreed or strongly agreed). We have also made minor changes throughout the statutory guidance to improve clarity.

We have noted feedback on equality, diversity, and inclusion. We remain committed to ensuring that the agency rules complement our work to support the recruitment and retention of social workers and will continue to monitor the equalities impact following introduction of the statutory guidance.

## Approach to analysis

The consultation consisted of a total of 16 questions, with 11 closed-ended questions and five open-ended questions. The initial five closed-ended questions asked for the respondents' details. The remaining questions related to the content of the draft statutory guidance.

Analysis of responses to the closed-ended questions are set out in the tables and figures under each question heading. Not all questions were mandatory which accounts for the differences in the total number of respondents across questions. Percentages have been rounded and may not total 100%.

Where a respondent indicated they disagreed or strongly disagreed to any question from seven to 11, the consultation invited respondents to provide further details in five open-ended questions (questions 7a, 8a, 9a, 10a and 11a). Analysis of the open-ended questions and the non-standard email responses have been thematically analysed using a deductive approach by DfE policy officials. The key findings are detailed in the relevant tables.

Quality Assurance (QA) was supported by Department for Education data scientists from the Children's Social Care Analysis and Research team. The QA targeted risks of subjectivity in theme identification. An independent thematic analysis was run in parallel by generative Artificial Intelligence (AI), using anonymised data in a secure environment. These outputs were reviewed by policy officials, who compared to the original thematic analysis and discussed any differences with the data scientists. Cross-referencing against the AI themes found strong alignment and confirmed the overall coding was coherent.

Where respondents have given consent, verbatim quotes are used to illustrate findings.

## Profile of respondents

A total of 110 responses were received to the consultation, with 104 using the standard online template and six providing a non-standard response via email.

Fifty-four responses (49%) were submitted by an individual and 56 (51%) were submitted on behalf of an organisation.

**Table 1: Are you responding as an individual or on behalf of an organisation?**

Respondent type	Number	Percent
Individual	54	49%
Organisation	56	51%
<b>Total</b>	<b>110</b>	<b>100%</b>

Of the 56 responses from organisations, 37 (66%) described their organisation as a local authority / alternative delivery model and 12 (21%) as a membership organisation / sector representative body. Smaller proportions described their organisation as a recruitment consultancy / agency (4%), regulatory body (4%), public buying organisation (4%), or managed service provider (2%).

**Table 2: If you are responding on behalf of an organisation, which type of organisation do you represent?**

Organisation type	Number	Percent
Local authority / alternative delivery model	37	66%
Managed service provider	1	2%
Membership organisation / sector representative body	12	21%
Public buying organisation	2	4%
Recruitment consultancy / agency	2	4%
Regulatory body	2	4%
Other	0	0%
Not Answered	0	0%
<b>Total</b>	<b>56</b>	<b>100%</b>

Across the 54 individual responses, there was a broad spread of respondent types with 12 (22%) responses from local authority social work managers, eight (15%) from agency social workers, and five (9%) from local authority social workers. Nine (17%) respondents described themselves as 'other'. Fewer responses were received from other types of

individuals. We did not receive any responses from individuals describing themselves as a child or young person, Children’s Trust Chief Executive, Councillor, commercial specialist, HR specialist, or Local Authority Chief Executive.

**Table 3: If you are you responding as an individual, please select a description.**

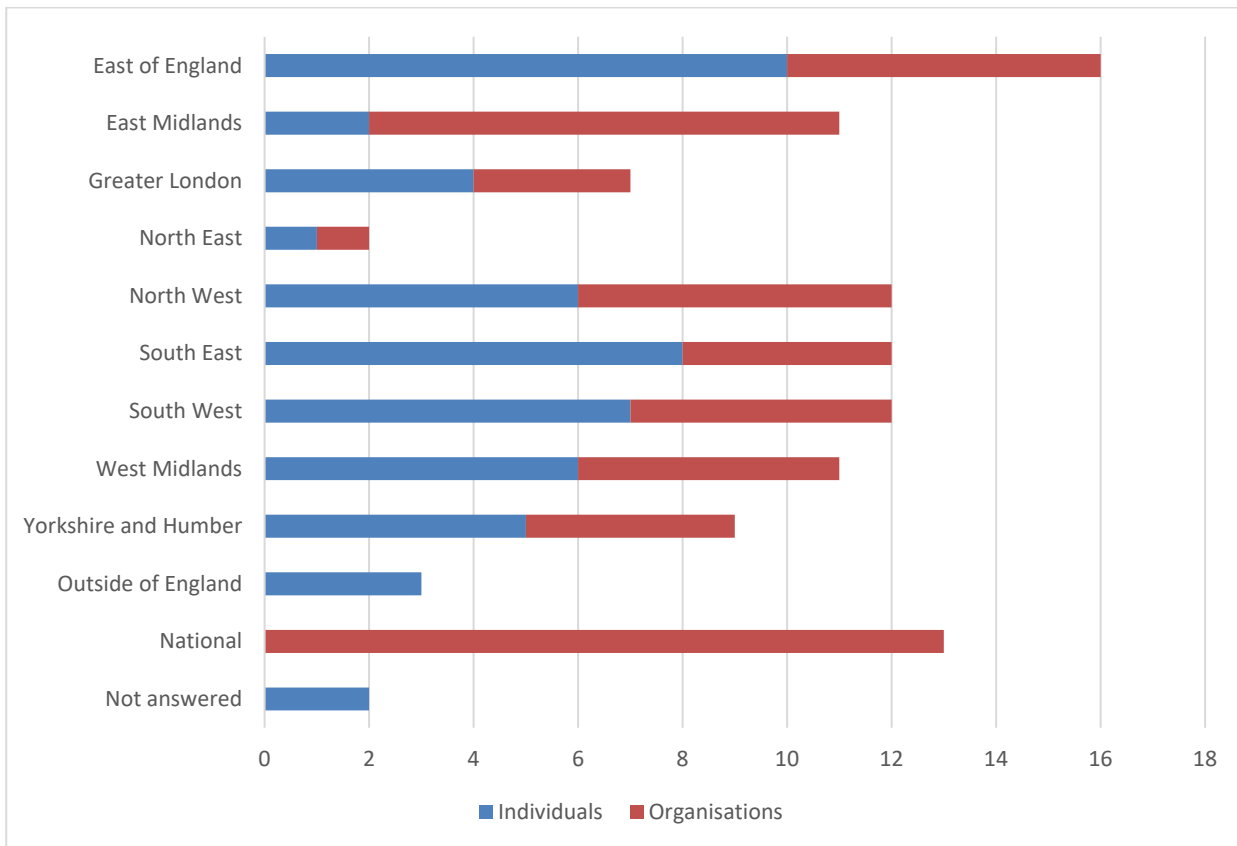
Individual type	Number	Percent
Agency social worker	8	15%
Chief Financial Officer	1	2%
Child or young person	0	0%
Children’s Trust Chief Executive	0	0%
Councillor (including Leaders of Councils and Lead Members for Children’s Services)	0	0%
Director of Children’s Services	3	6%
Head of HR / HR professional	3	6%
Head of Commercial / commercial specialist	0	0%
Head of Procurement / procurement specialist	0	0%
Individual with personal experience of children’s social care	1	2%
Local Authority Chief Executive	0	0%
Local authority principle social worker	3	6%
Local authority social work manager	12	22%
Local authority social worker	5	9%
Parent or guardian	1	2%
Recruitment	1	2%
Other	9	17%
Not Answered	7	13%
<b>Total</b>	<b>54</b>	<b>100%</b>

## Regional representation

Of the 110 respondents, 105 (95%) described themselves as ‘based in England’. Some organisations indicated that they operated across more than one region. These respondents have been recorded as ‘National’. We received responses from every geographical region in England. The region with the highest number of responses from individuals was the East of England (19%). The regions with the highest number of responses from organisations were National (23%) and the East Midlands (16%). The

region with the lowest number of responses from individuals (2%) and organisations (2%) was the North East. Two individuals (4%) chose not to answer this question.

**Figure 1: Where are you based in England? / Where do you operate in England?**





## Main findings from the consultation

### Easy to understand

#### Q6: To what extent do you agree that the guidance is easy to understand?

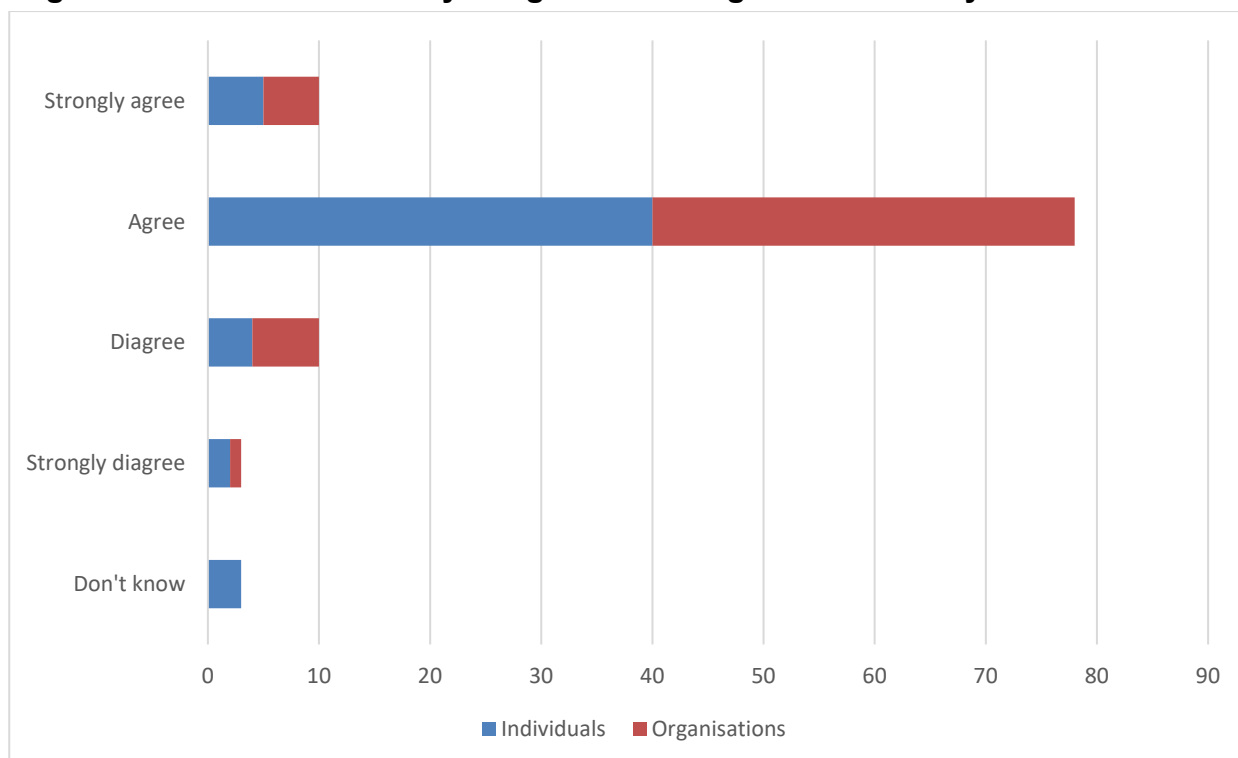
Of the 110 respondents, 104 provided an answer to this question. Six respondents did not answer.

Eighty-eight (85%) respondents agreed or strongly agreed that the statutory guidance was easy to understand, 13 (13%) disagreed or strongly disagreed, and three (3%) did not know.

**Table 4: To what extent do you agree that the guidance is easy to understand?**

Answer	Number	Percent
Strongly agree	10	10%
Agree	78	75%
Disagree	10	10%
Strongly disagree	3	3%
Don't know	3	3%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 2: To what extent do you agree that the guidance is easy to understand?**



## Correct level of detail

### **Q7: To what extent do you agree that each of the areas covered in the statutory guidance below contains the correct level of detail to implement the rules?**

Respondents were most positive about post-qualifying experience (86% agreed or strongly agreed) and references (85% agreed or strongly agreed) having the correct level of detail. There were lower levels of agreement about price caps (48% agreed or strongly agreed), notice periods (58% agreed or strongly agreed) and cool-off periods (60% agreed or strongly agreed) having the correct level of detail.

### **Q7a: If you disagree or strongly disagree that any of the areas covered in the statutory guidance contain the correct level of detail to implement the rules, please specify below what should be added or removed to aid implementation of the rule/s.**

Comments from those who disagreed or strongly disagreed fell into the following themes:

- General disagreement with the principle of the rules or a specific rule
- Not enough detail given, including lack of understanding of enforcement
- Too much detail or detail focused on wrong areas making compliance difficult
- Focus on need to combine the agency rules with improved support for recruitment and retention including for those with protected characteristics

- New burdens for local authorities

Data and price caps received more comments than other rules, with feedback expressing mixed views on the effectiveness of the approach taken in the statutory guidance. A significant minority of respondents (22%) expressed opposition to an all-inclusive cap, preferring the statutory guidance to adopt the same approach as regional Memoranda of Understanding / Cooperation in which price caps are based on the pay to worker.

Notice periods and cool-off periods also received a significant number of comments. Some respondents expressed general disagreement with the rules and some expressed a preference for the notice period being shorter and the cool-off period being longer.

The key findings relating to each rule are detailed in the relevant sections.

## Implementation and compliance

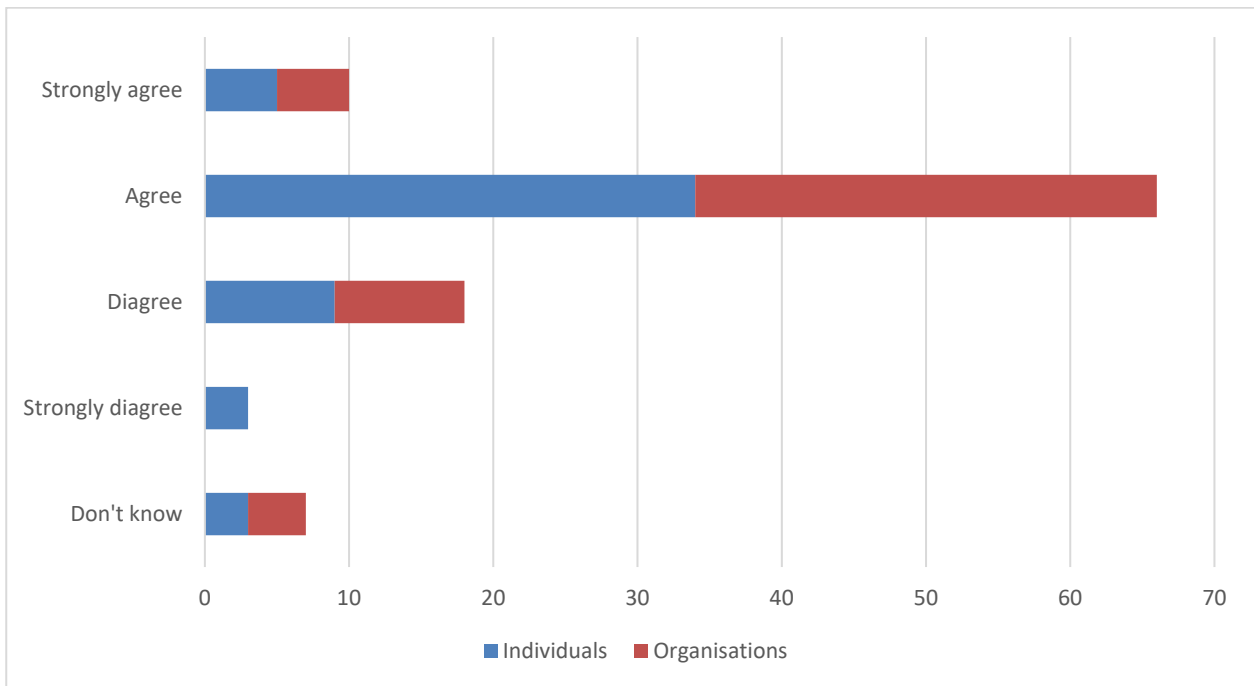
Of the 110 respondents, 104 provided an answer in relation to implementation and compliance. Six respondents did not answer.

Seventy-six (74%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 21 (20%) disagreed or strongly disagreed, and seven (7%) did not know.

**Table 5: To what extent do you agree that the implementation and compliance section in the statutory guidance contains the correct level of detail to implement the rules?**

Answer	Number	Percent
Strongly agree	10	10%
Agree	66	64%
Disagree	18	17%
Strongly disagree	3	3%
Don't know	7	7%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 3: To what extent do you agree that the implementation and compliance section in the statutory guidance contains the correct level of detail to implement the rules?**



Fourteen respondents provided qualitative responses, of which four were from individuals and 10 were from organisations. Most respondents' (11) comments related to a need for greater detail in statutory guidance.

The date for implementation needs to be brought forward it needs to be clear and with a clear cut off date. *(Organisation, local authority)*

No timeframe for implementation of the new rules, only when reasonably possible. LAs are likely to use this as a reason to continue to not follow the rules due to necessity to provide essential frontline social work cover. *(Organisation, local authority)*

An implementation period would be better. Addendums are possible and frequently used by LAs and MSPs to make changes. Members think there should be a clearer obligation on LAs to issue addendums to current frameworks. Statutory guidance (SG) should say addendums should be issued to ensure compliance with the new code, as soon as is practicable. They think "as soon as reasonably possible" is not strong enough. Some contracts could be up to four years' long, and compliance across the board is necessary to achieve a level playing field locally and nationally, and a smooth marketplace, particularly due to cool off and notice period guidance and price caps once introduced. *(Organisation, Association of Professional Staffing Companies (Global) Ltd)*

We remain unclear about the lack of clarity regarding the breach of the new national guidelines and what this will look like in practice. (*Organisation, Principal Child and Family Social Work Network*)

Quicker implementation will help drive consistency and therefore reduce cost and improve quality assurance of agency social workers. Local authorities would benefit from knowing the date by which they must transition to the rules as soon as possible alongside a clear cut-off date for contracts in order to help forward planning. Any ambiguities with regard to the implementation date risk becoming loopholes for agency providers to exploit. (*Organisation, Association of Directors of Children's Services*)

The rules only currently apply to new contractual arrangements, but having had the conversation with DfE, it is clear that MSP's and RPO's reserve the right to implement the guidance to existing [sic] contracts using addendums to their suppliers. This is not mentioned in the guidance, so needs to be present in writing to allow at the discretion of end clients and contract holders. (*Organisation, recruitment consultancy / agency*)

Need further details of current arrangements and when this comes to an end – what are the consequences of not following the statutory guidance. (*Organisation, local authority*)

## **Government response**

We recognise a number of respondents would have liked to see greater clarity around the process and timeline for local authorities to transition to full implementation of the agency rules. We have updated the relevant section of the statutory guidance to be clearer about how local authorities should apply the agency rules.

We have listened to feedback regarding a lack of clarity around implementation dates and transition. We have taken forward drafting changes to stipulate that:

- From 31 October 2024, the effective date of the statutory guidance, local authorities should comply with all agency rules for all new agency child and family social work assignments across all contracts to supply agency child and family social workers, except where existing contractual obligations prevent implementation of particular rules or parts of a rule
- From 1 October 2025, local authorities should comply with all agency rules for all agency child and family social work assignments across all contracts to supply agency child and family social workers

We consider this to be reasonable notice for local authorities to work closely with their supply chains to achieve full compliance and implementation of the statutory guidance.

This change clarifies how local authorities should implement the statutory guidance from its effective date and the end of the transition period. It should reduce disparities between local authorities regarding full implementation of the statutory guidance.

## Data

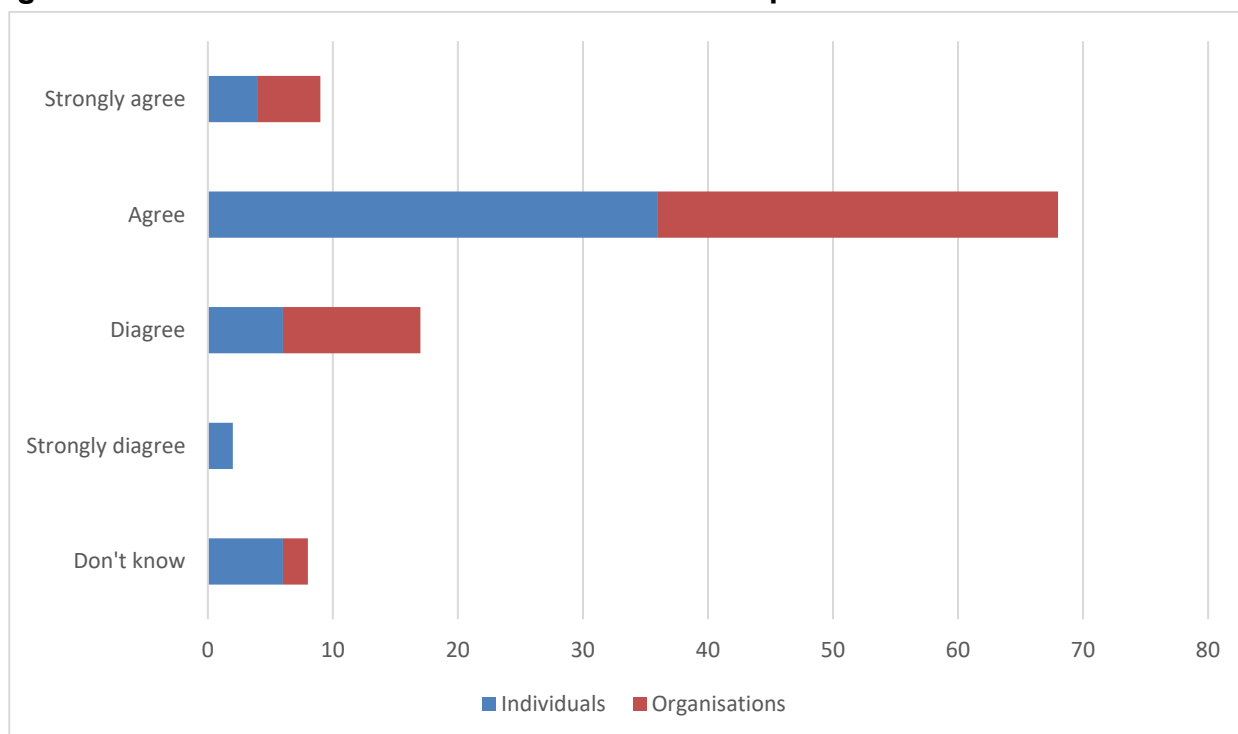
Of the 110 respondents, 104 provided an answer in relation to data. Six respondents did not answer.

Seventy-seven (74%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 19 (18%) disagreed or strongly disagreed, and eight (8%) did not know.

**Table 6: To what extent do you agree that the data section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	9	9%
Agree	68	65%
Disagree	17	16%
Strongly disagree	2	2%
Don't know	8	8%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 4: To what extent do you agree that the data section in the statutory guidance contains the correct level of detail to implement the rule?**



Twenty-one respondents provided qualitative responses, of which four were from individuals and 17 were from organisations. Most respondents' comments related to a need for greater detail in statutory guidance (11) or expressed concern about new burdens for local authorities (five).

The proposed core data collection appears appropriate, however, there are substantial challenges in extracting this information from local corporate or HR systems and where data on agency staff employed via a framework system sits elsewhere. [...] The introduction of a quarterly data collection on local authorities will likely create a new burden and as such should be fully funded. *(Organisation, Association of Directors of Children's Services)*

There was a regional consensus that more detail is required within the guidance about the rationale for the requirement of the individual-level data items for social workers. *(Organisation, North West Association of Directors of Children's Services)*

Wider system considerations will be needed around updated pricing mechanisms, approvals, timeliness of data and access to the system to report against DfE timescales etc. Consideration needs to be given to the available resource to undertake this work on a quarterly basis. *(Organisation, local authority)*

We would welcome support direction/funding around the collection of regional/national data as currently we understand there are different approaches

region to region and across LA's. If regions are collecting and interpreting data differently this potentially will impact on the confidence in sharing and the ability to share a true regional/ national picture. (*Organisation, West Midlands Employers*)

The data does not include protected characteristic data and equality, diversity, and inclusion (EDI) factors pertaining to contracted agency staff. This is a missed opportunity to address any inequality issues. (*Organisation, British Association of Social Workers*)

## Government response

We appreciate the comments around data burdens and will provide proportionate new burdens funding which has been developed in partnership with the DfE [Star Chamber Scrutiny Board](#). We will continue to work with stakeholders as we approach implementation and during the first rounds of data collection to ensure that the data and price caps operational guidance and support resources are clear and user-friendly, and that the collection provides maximum value to local authorities while also supporting the work of central government.

In addition to the statutory guidance, we have been working with stakeholders (both local government and suppliers) on the operational detail of the new data collection. This has been an iterative process and updated data and price caps operational guidance has been published alongside the statutory guidance.<sup>2</sup> We will continue to work with regional workforce leads and will be bringing groups together after each quarter's data collection to discuss data insights, regional and local workforce approaches, support needs, and learning that can be shared nationally.

The data and price caps operational guidance includes further information on why we are collecting this data and how it is going to be used, including relevant details on General Data Protection Regulation (GDPR) and privacy notices.<sup>3</sup> Practising social workers' Social Work England registration number is already collected by DfE as part of the annual children's social work workforce census. Including Social Work England registration number in this new collection means we will be able to match the data from the agency collection with data from the established annual collection and other data

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<sup>2</sup> Department for Education. *Agency child and family social workers: data return and price caps*. <https://www.gov.uk/government/publications/agency-child-and-family-social-workers-data-return-and-price-caps> (Accessed September 2024).

<sup>3</sup> Department for Education. *Privacy information: local authority employees*. <https://www.gov.uk/government/publications/privacy-information-local-authority-employees/privacy-information-local-authority-employees> (Accessed September 2024).



sets. This will enable activities such as equality and diversity monitoring without having to further burden local authorities.

It is important to note that individual level information will only be shared back with the local authorities that have submitted it. No individual level information will be shared as part of national benchmarking data. Within the Department, individual level information will be treated according to the same principles as data from the annual children’s social work workforce census.

A range of other comments provided in response to this question and the separate questions on data and job mapping touched on similar themes and are covered in later sections on [job mapping](#) and [data](#).

## Price caps

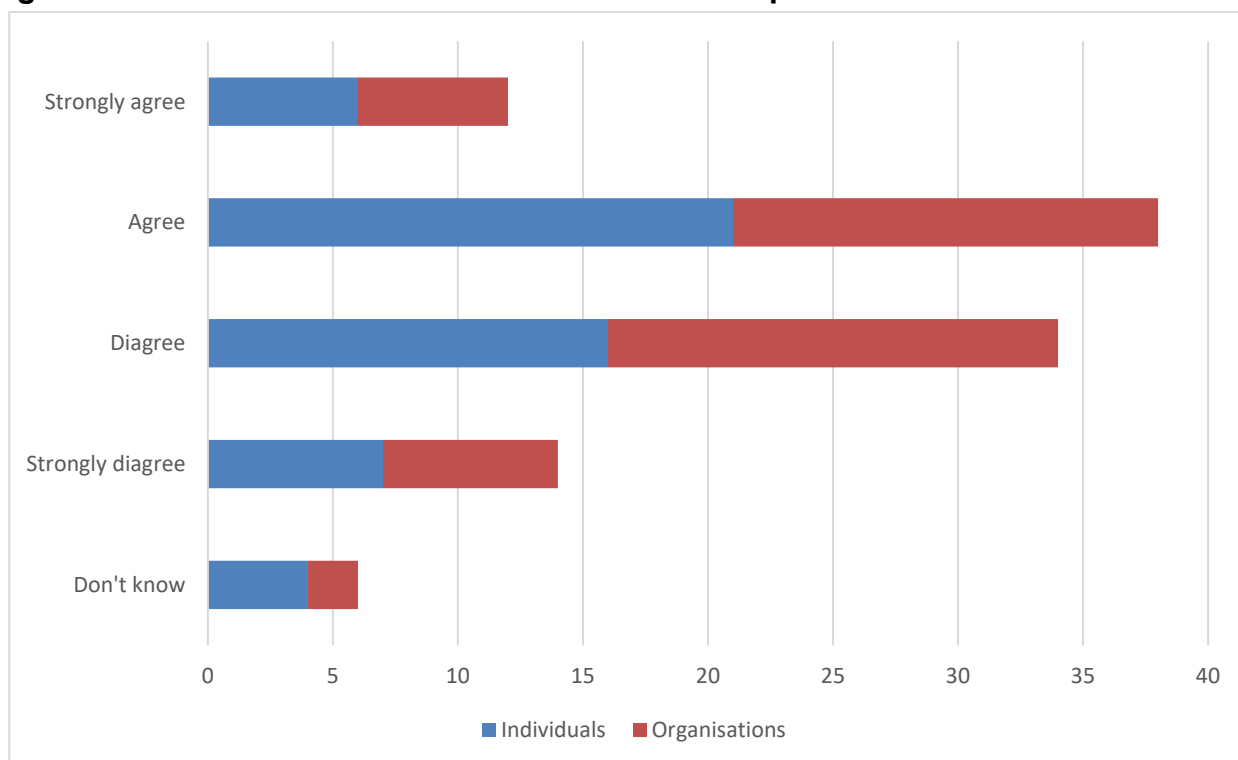
Of the 110 respondents, 104 provided an answer in relation to price caps. Six respondents did not answer.

Fifty (48%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 48 (46%) disagreed or strongly disagreed, and six (6%) did not know.

**Table 7: To what extent do you agree that the price caps section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	12	12%
Agree	38	37%
Disagree	34	33%
Strongly disagree	14	13%
Don't know	6	6%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 5: To what extent do you agree that the price caps section in the statutory guidance contains the correct level of detail to implement the rule?**



Twenty-four respondents provided qualitative responses, of which five were from individuals and 19 were from organisations. Respondents had mixed opinions on price caps. Some respondents’ comments expressed a general disagreement with the policy and noted the guidance focused on the wrong detail. Others called for more detail in the statutory guidance or felt certain components of the price cap would be difficult or impossible to capture.

Some respondents emphasised the need for clear instructions and guidelines to ensure effective implementation.

What if the region don't [sic] agree, what if a bordering region is significantly higher - all workers will just move? How often can these be reviewed and increased. *(Organisation, local authority)*

Need more guidance on what caps will be and how these will be set per region. *(Organisation, local authority)*

ADCS members believe the wording should be tightened so that price caps explicitly include any other inducements such as gifts provided by agency providers. [...] The guidance would benefit from specifying the need for agency pay to have parity with substantive worker pay. [...] ADCS would therefore welcome further support from DfE to help strengthen regional agreements and to ensure agency providers are not able to circumvent local agreements either

within a region or across bordering regions. (*Organisation, Association of Directors of Children's Services*)

Price Caps – strongly disagree – language refers to what LA's [sic] 'should' do, this means that anyone who doesn't comply will benefit. We work within MOU currently but we know others signed up and do not follow it so how would it be managed? Would there be consequences for an LA not following the agreed MOU? We are being asked to provide data on our compliance (full, partial, non) so doesn't seem like anyone will actually enforce anything leaving us in the same position as we are now. Implementation – IF DCS & CEO can approve above pay cap what is the point of having them but then you go on to say breaches should be reported. Are you allowing above the pay gap or not? (*Organisation, local authority*)

Other respondents (across both local government and supplier groups) raised concerns about the proposed approach to base caps on total cost to the local authority rather than worker pay rates. This was primarily due to commercial sensitivity, for example in relation to 'agency and framework fees', preventing sharing this information across local authorities and with the DfE for monitoring and benchmarking purposes.

Each region could have different MSP's which could vary worker's pay rates. Some local authorities in the region could pay workers higher and that will disrupt the region and where workers will choose to go. (*Organisation, public buying organisation*)

I understand that the cap will include the Agency Supplier margin plus the Managed Service Provider fee. These are commercial arrangements which are linked to the level of service provided so these elements shouldn't be included. (*Organisation, managed service provider*)

Supply chain fees are commercially sensitive (essential within the framework bidding processes) and our MSP members tell us they will not be disclosing them. (*Organisation, Association of Professional Staffing Companies (Global) Ltd*)

The inclusive charges eg. agency and MSP margins are already controlled by existing frameworks (eg. MStar etc). (*Organisation, London Innovation and Improvement Alliance (LIIA)*)

DfE proposals to set price caps based on a model of all-inclusive charges based on the overall cost of the worker rather than the rate paid to the worker would hinder our ability to baseline /monitor against job roles/report effectively in line with our current reporting methods. (*Organisation, West Midland Employers*)

I agree with the principal of price caps but feel this needs to be based on pay rate to candidate. *(Organisation, local authority)*

Consistency and operational ease were also raised in relation to the inclusion of 'any other fixed or variable fees or payments' which are not part of a worker's standard hourly rate. Some allowances can vary at local level depending on corporate contracts / decisions and can sometimes interfere with the total cost of workers. In addition, some respondents felt that statutory costs such as pensions, apprenticeship levy, and national insurance should not be factored in as there would be limited benefit.

The pension and app levy elements are statutory costs not built into the candidate pay rate. [...] With each memorandum currently in place, the candidate pay cap is applied to the Umbrella pay rate as the PAYE rate calculation, encompassing both Employers NI and Holiday Pay costs, results in exactly the same figure. These can't be separated out individually within the data collection, along with the other statutory costs referred to. All of these are processed at the legislative statutory rates so there is no advantage to include these within the data collection. *(Organisation, managed service provider)*

The guidance refers to expenses e.g. travel/accommodation. Whilst our customers will have an expense allowance, candidates are not automatically entitled to this so this does not form part of their standard hourly rate. They would have to claim expenses and provide evidence of this. This is only approved if it falls within the expense policy. I'm not aware of any customer who offers an hourly bonus incentive. *(Organisation, managed service provider)*

Some of the local authority and regional responses provided detail on how price caps worked in their region and the benefits they were starting to see from their data collection and price caps on worker pay.

The response from West Midlands Employers set out what they feel have been the benefits of basing the price caps in the West Midlands Memorandum of Understanding on the rate paid to the agency social worker, and of their approach to data collection more generally.

The West Midlands MoU in respect of Price Caps is based on the rate paid to the agency social worker (not to include any employment oncosts or margin). and their response set out what they feel have been the benefits of that approach and the data collection more generally. The rates set sends a clear consistent message across the region/nationally for LA's, Trusts, MSP, and suppliers.

This approach enables the region to have set rates against job roles providing a transparent platform which enables us to manage the recruitment market for the agency workforce. This consistent approach has enabled the region to both implement and manage its MoU.

Over the last 16 months data collected has enabled us to monitor performance/spend for the region against actual rate paid to the worker. We have also been able to start work with MSP on raising data quality, and support agency to permanent conversions through our approach. There is no confusion or inconsistency.

Using this approach we have seen reductions in spend set against overall agency costs and hourly rates. Collection of data sets set against this methodology has enabled us to set controls, identify trends, work as a region, review contracts and manage expectations with suppliers. [...] What we have used has enabled us to have a clear overview of agency spend activity and movement. Work transparently across the region with LA's and MSP. Working with all charges could also impact on an increase of inter-regional competitive behaviours which could lead to higher turnover, thus impacting on the stability for children, and families both regionally and nationally, because of movement. (*Organisation, West Midlands Employers*)

## **Government response**

We have listened to feedback that the price caps should be based on hourly pay rate rather than total cost. We have therefore amended the statutory guidance and data and price caps operational guidance not to include 'agency, managed service provider, and framework fees' or 'other fixed or variable fees or payments' within the hourly price cap.

However, while costs such as agency and managed service provider fees and margins are typically controlled via existing commercial frameworks, local authorities should be mindful of value for money when working with their supply chains. We believe that transparency and better market information is important, which is why the data collection will also be looking at whether expenses have been claimed for each assignment. In addition, to help us better understand issues with local agency child and family workforce supply, we will be asking whether expenses specifically related to accommodation have been claimed for each assignment.

The price cap should be based on Umbrella/Ltd Company hourly pay rates. These are inclusive of employers' national insurance contributions and holiday pay and should be converted for the PAYE equivalent candidates. The price caps are intended to improve transparency and fairness in pay and will make it easier to understand any differences in

agency pay, and between agency and substantive pay once we begin to collect social worker pay data through the annual children’s social work workforce census.<sup>4</sup>

Local authorities should work within their regions to determine price caps for each core job type. They should take into account data and market insights, including data outputs from the first quarterly data collection which will cover data relating to the period from January to March 2025 (with the respective collection window open from April to May 2025). In June and July 2025, we will facilitate cross-regional discussions on price caps to explore implementation risks and potential mitigations. We plan to take support and enforcement activity via regional leads.

A range of other comments were provided in response to this question and the separate questions on data and job mapping. Areas not specific to the price cap composition have been covered below in the [job mapping](#) section and [data](#) sections.

## Project teams

Of the 110 respondents, 104 provided an answer in relation to project teams. Six respondents did not answer.

Sixty-eight (65%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 27 (26%) disagreed or strongly disagreed, and nine (9%) did not know.

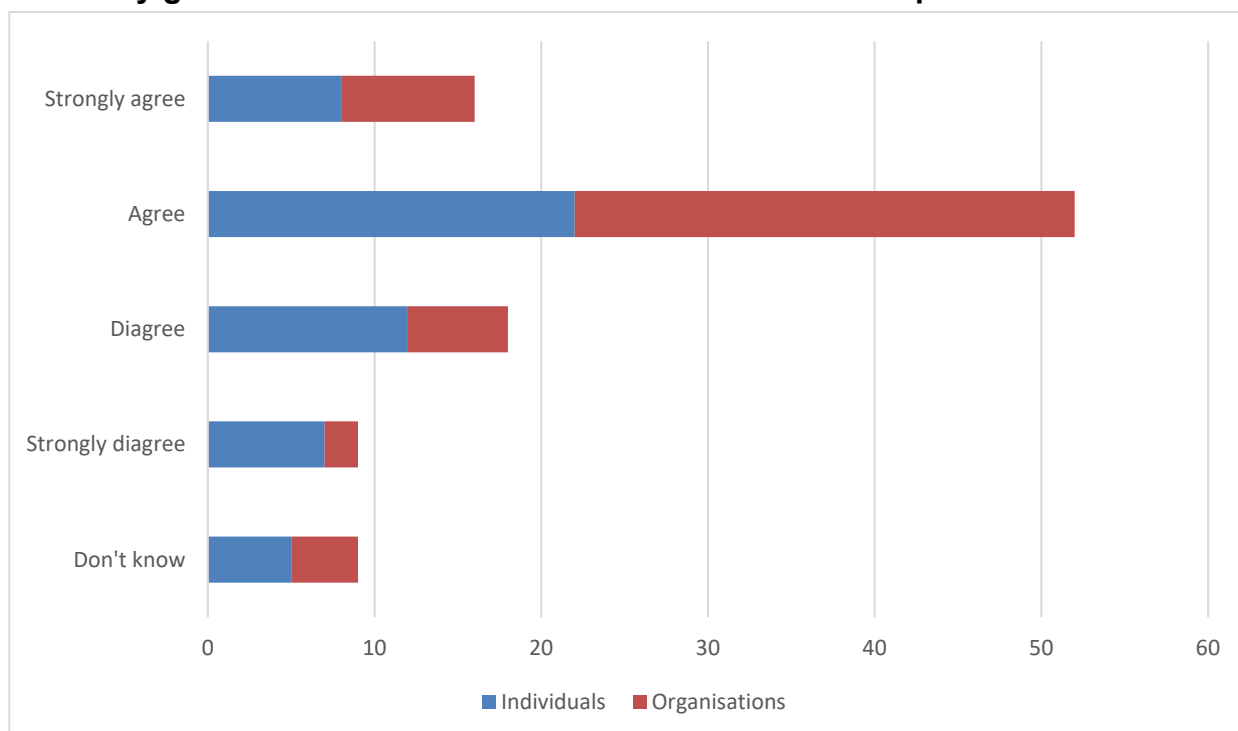
**Table 8: To what extent do you agree that the project teams section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	16	15%
Agree	52	50%
Disagree	18	17%
Strongly disagree	9	9%
Don't know	9	9%
<b>Total</b>	<b>104</b>	<b>100%</b>

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<sup>4</sup> Department for Education. *Children’s social work workforce census, year ending 30 September 2025: Guide for local authorities*. <https://www.gov.uk/government/publications/childrens-social-work-workforce-guide> (Accessed September 2024).

**Figure 6: To what extent do you agree that the project teams section in the statutory guidance contains the correct level of detail to implement the rule?**



Twenty-one respondents provided qualitative responses, of which nine were from individuals and 12 were from organisations. Some respondents (9) expressed a general disagreement with the policy while others stated the need for greater detail in statutory guidance.

The specific requirements of what Project Teams can or cannot do needs to be clearer and/or alternative options when services experience the need for additional support. *(Individual, local authority principal social worker)*

There needs to be more clarity about exactly which areas of social work projects teams should be appropriately used in. *(Individual, Director of Children’s Services)*

The draft rules around the use of project teams remain unclear. In particular, the specific tax arrangements needed for a project team are not clear according to the current guidance. The guidance recommends that Local Authorities use HMRC's Check Employment Status for Tax (CEST) tool to help make decisions regarding the application of IR35 to project teams. CEST as a tool is far from foolproof, and reliance on CEST is not a sure-fire way to remove accidental tax non-compliance from these arrangements. Clearer information around how project teams need to be structured to remove concerns around tax should be included in the guidance around the rules. *(Organisation, Recruitment & Employment Confederation)*

Several respondents raised wider concerns about the use of project teams, citing issues such as poor practice, lack of regulation, and that project teams may not provide opportunities for diverse candidates. Some feedback called for the use of project teams to be ceased.

I would like to see the guidance go further and remove the option of project teams - my experience of them has not been positive. *(Individual, local authority social work manager)*

I think the guidance is not going to be effective for project teams - they are not needed and have huge impact on the public purse and limited impact for our children. *(Individual, agency social worker)*

Project teams are the main reason for issues around cost. By not preventing project teams, you are opening out further costing issues if this is not dealt with correctly. *(Organisation, recruitment consultancy / agency)*

The guidance on the use of project teams appears reasonable and should allow local authorities to retain more control over governance arrangements and recruitment of constituent workers. However, ADCS is clear that social work is not a project and that project teams should therefore not be engaged for case-holding child and family social work. *(Organisation, Association of Directors of Children's Services)*

BASW remains disappointed and concerned about the continuation of project teams. Several stakeholders raised concerns about profit as well as the cost of project teams and we trust this will be reviewed in any further refresh of regulation and guidance. The guidance also overlooks the need for project teams to reflect the diversity of the communities they serve. A focus on agency teams operating within a profit-first culture may hinder marginalised candidates. Rules should acknowledge the necessity of a diverse and well-supported workforce aligning with social work values. *(Organisation, British Association of Social Workers)*

## **Government response**

We will continue with the proposed drafting with minimal changes.

While we recognise the wider concerns from some respondents about the use of project teams in local authority child and family social work, we believe the measures set out address the primary concerns. However, we will review the efficacy of this approach and remain open to further restrictions on local authority use of project teams or other packaged models to ensure every model of resourcing social workers supports the best interests of children and families.

To address the responses that identified a need for greater detail, we have made minor changes to clarify the requirement for governance arrangements that allow the local



authority to maintain complete oversight, control, and management of social work practice delivered via project teams or other packaged models. We have also provided additional detail relating to local authorities' responsibility to consider their tax obligations as the engager of the agency child and family social workers, having regard to the labour supply chain through which the social workers are being supplied.

## Notice periods

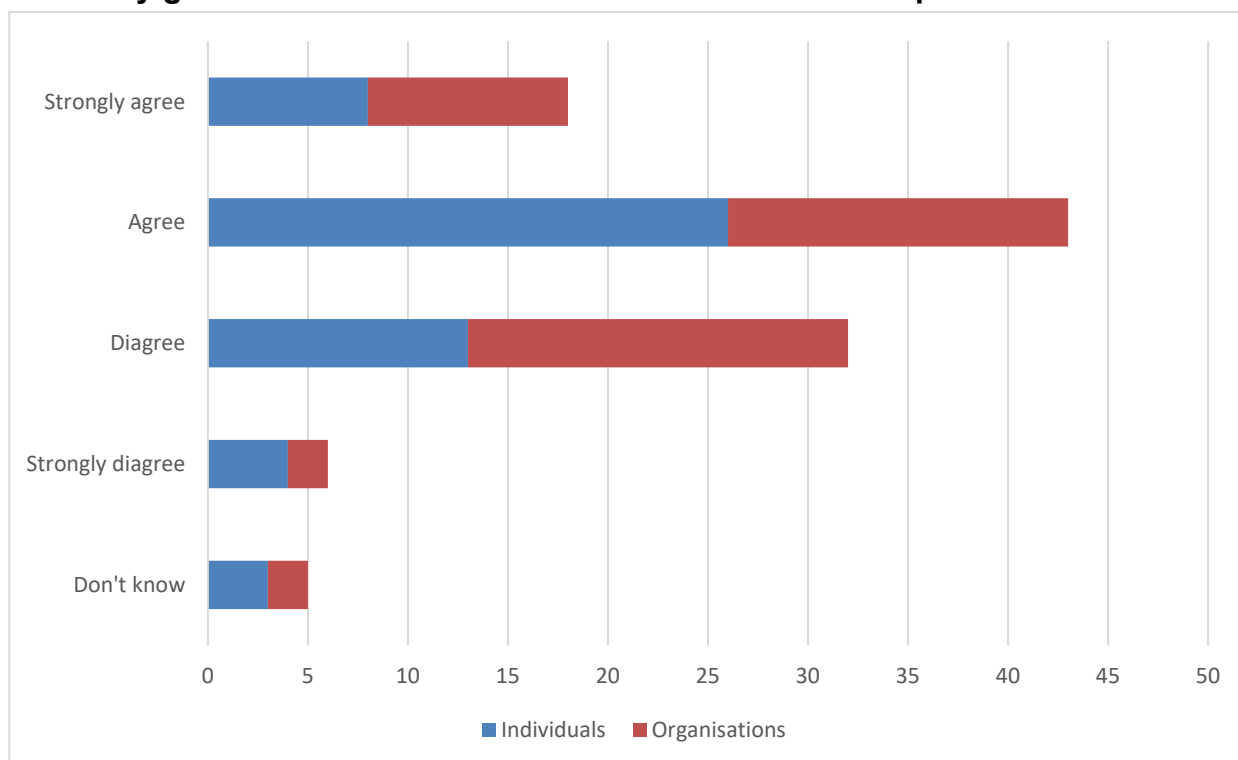
Of the 110 respondents, 104 provided an answer in relation to notice periods. Six respondents did not answer.

Sixty-one (58%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 38 (37%) disagreed or strongly disagreed, and five (5%) did not know.

**Table 9: To what extent do you agree that the notice periods section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	18	17%
Agree	43	41%
Disagree	32	31%
Strongly disagree	6	6%
Don't know	5	5%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 7: To what extent do you agree that the notice periods section in the statutory guidance contains the correct level of detail to implement the rule?**



Thirty-five respondents provided qualitative responses, of which 11 were from individuals and 24 were from organisations. Most respondents' (22) comments expressed a general disagreement with the policy. Other respondents had mixed views, either asking for greater detail in statutory guidance or stating that there was too much detail or detail was focused on the wrong areas.

Of those who disagreed with the policy, some respondents raised concerns about enforcement and the creation of an employee relationship while others objected to the alignment of notice periods for agency workers with those of permanent staff, with some respondents recommending an alternative approach to vary notice periods according to length of assignment.

Agency workers are not permanent staff and by their very nature an element of flexibility is required. Notice periods should take into account the type of work being done, the length of time in the role, the type of caseload, handover and transition periods. *(Organisation, local authority)*

Whilst we appreciate the ambition to align notice period to permanent staff, we as a region disagree that this will help to stabilise the market. Agency workers are not permanent staff and by their very nature an element of flexibility is required. *(Organisation, local authority)*

If a locum social worker has a large notice period, whilst that may keep them retained in post whilst needed, locum work is locum work and the nature is

temporary. If you need to end that spend because the work is done, you could be stuck with the worker, paying for something not needed. This needs immediate revision and removal. *(Organisation, recruitment consultancy / agency)*

Below is a proposed example of mutually agreed notice periods linked to tenure that could be adopted by all, where notice periods in normal circumstances will be: 0-3 months 1 week notice, 3-6 months 2 weeks notice, 6-24 months 4 weeks notice, More than 24 months 6 weeks notice. *(Organisation, local authority)*

Some respondents wanted exemptions to provide greater flexibility.

Local Authorities should have the ability to end assignment early if there are concerns about performance or competency. *(Organisation, local authority)*

A desire for pragmatic flexibility when contracts end should situations arise where one or either party are keen to explore a reduced or increased notice period. It would be important that any such decision only be explored at the end of the of an assignment by exception (rather than at the beginning) and that any change be mutually agreed between LA and agency worker, with the full support of the provider (ie. MSP) and the supplier (ie. agency). *(Individual, local authority social work manager)*

We would want flexibility for local authorities. There are occasions where we would need to stand an agency worker down more quickly. *(Organisation, local authority)*

## **Government response**

We are grateful to all those who took the time to give detailed feedback on this section of the statutory guidance.

This question received a lower rate of agreement and a number of responses identified operational complexities in implementing the notice periods rule fairly across local authorities. We have therefore listened to feedback that the notice period rule was complex and could cause unintended consequences. While we recognise the importance of minimising the impact of ending agency assignments early on children and families, we agree that there is a balance to strike to reflect the flexibility that a temporary workforce offers. Agency social workers should not be subject to longer notice periods than their directly employed counterparts.

For that reason, we have revised the statutory guidance to stipulate that local authorities should ensure all agency assignments have a four-week notice period or align the length of assignment notice periods with that of the local authority's contractual notice period for substantive staff in the same or an equivalent job role where that is less than four weeks.

This change should both simplify the rule and reduce regional disparities in length of notice periods.

We have also made small changes to clarify that circumstances where completing the full notice period may not be appropriate should include requests by the agency worker on compassionate grounds and that early termination by mutual agreement should only be considered in exceptional circumstances.

Some respondents raised concerns that notice periods for agency social workers could create the basis for an employment relationship. The notice period is one factor in assessing employment status and we do not consider that in isolation it would have a significant impact on status determination.

## Cool-off periods

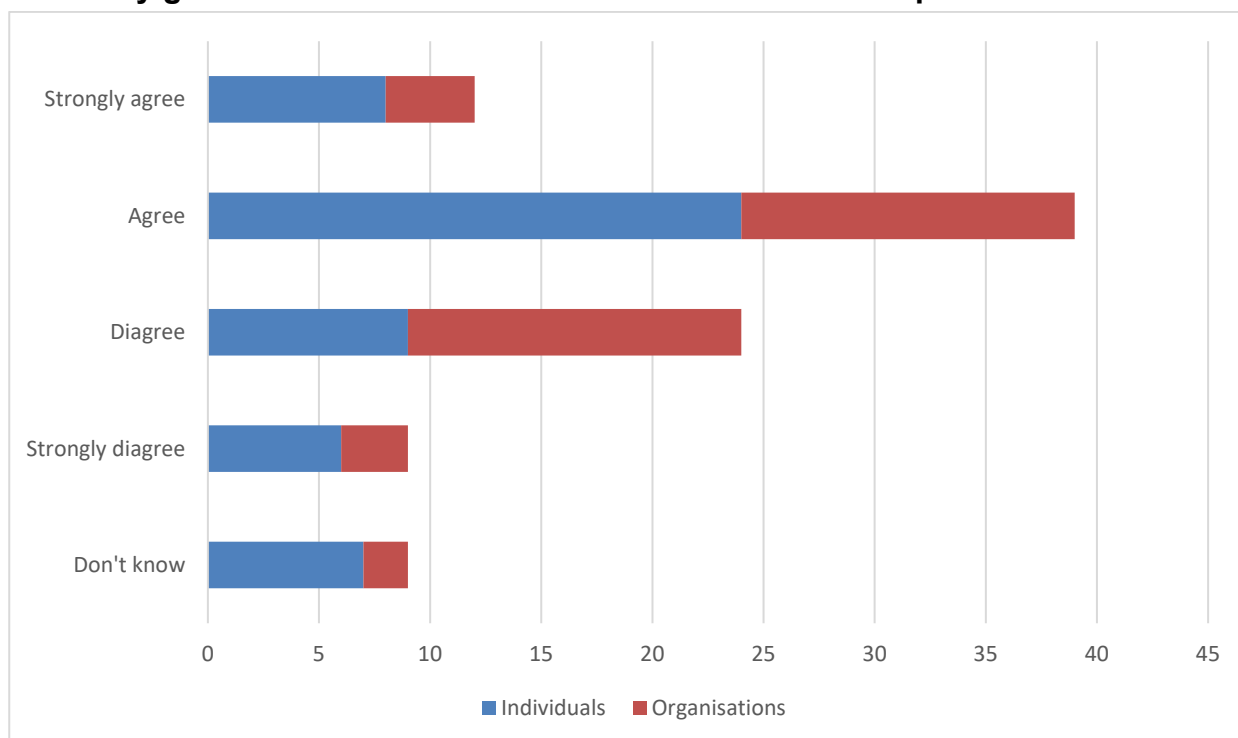
Of the 110 respondents, 104 provided an answer in relation to cool-off periods. Six respondents did not answer.

Sixty-two (60%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 33 (32%) disagreed or strongly disagreed, and nine (9%) did not know.

**Table 10: To what extent do you agree that the cool-off periods section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	12	12%
Agree	50	48%
Disagree	24	23%
Strongly disagree	9	9%
Don't know	9	9%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 8: To what extent do you agree that the cool-off periods section in the statutory guidance contains the correct level of detail to implement the rule?**



Thirty-four respondents provided qualitative responses, of which 10 were from individuals and 24 were from organisations. Most respondents (28) comments expressed a general disagreement with the policy position, while some respondents (nine) called for further detail.

Of those who expressed disagreement with the policy position, most commented that some current local authority arrangements included cool-off periods of longer than three months while others suggested the rule could result in social workers travelling further to work rather than staying in substantive positions.

Some of the rules are actually reducing the locally agreed solutions we have in place. We for example will not employ someone within 6 months of leaving a regional partner. We are likely to keep this locally. *(Individual, local authority social work manager)*

We would like to explore the possibility a minimum of 6 months cool off period regionally and a cross regional 3 month cool off period for bordering regions to strengthen the impact of this rule. *(Organisation, local authority)*

In the Eastern Region we have successfully been operating a 12 month cool off period. *(Organisation, local authority)*

Cool off periods do not have any purpose other than local authorities finding a way to stop social workers undertaking temporary work. It is a preventative measure and nothing else. If you have a talented social worker that leaves to

pursue temporary work, the region they are in will miss out on the talent of this worker where it may make a big difference. You are also just encouraging workers to work outside of regions which will only lead to further worker shortages. *(Organisation, recruitment consultancy / agency)*

Respondents who called for more detail noted that there was a lack of clarity over how this rule would be monitored and uncertainty over consequences.

It is also not clear in the draft guidance which party would be responsible for tracking and enforcing the cool-off period. Without this clarity it will be difficult to police cool-off periods across different local-authorities and multiple agency suppliers, especially as agency workers may work for more than one agency at a time. *(Organisation, Recruitment & Employment Confederation)*

No mention of if an authority doesn't abide by it but others do? Compliant authorities at a disadvantage. *(Organisation, local authority)*

## **Government response**

We will continue with the proposed drafting with minimal changes.

We have considered the feedback relating to extending the minimum period but do not think this is necessary as the rule allows local authorities to adopt longer cool-off periods if they wish to do so.

Noting feedback on the use of regional boundaries, we have made small changes to the statutory guidance to make clear that local authorities may apply the cool-off period to a wider geographical area to include neighbouring local authorities outside of their region or beyond should they wish to do so.

We note that some respondents wanted statutory guidance to be clear about which circumstances would amount to compassionate grounds. We have not included a predefined list as we want local authorities to be able to act flexibly and assess each situation on a case-by-case basis in line with their own policies and procedures.

## **Post-qualifying experience**

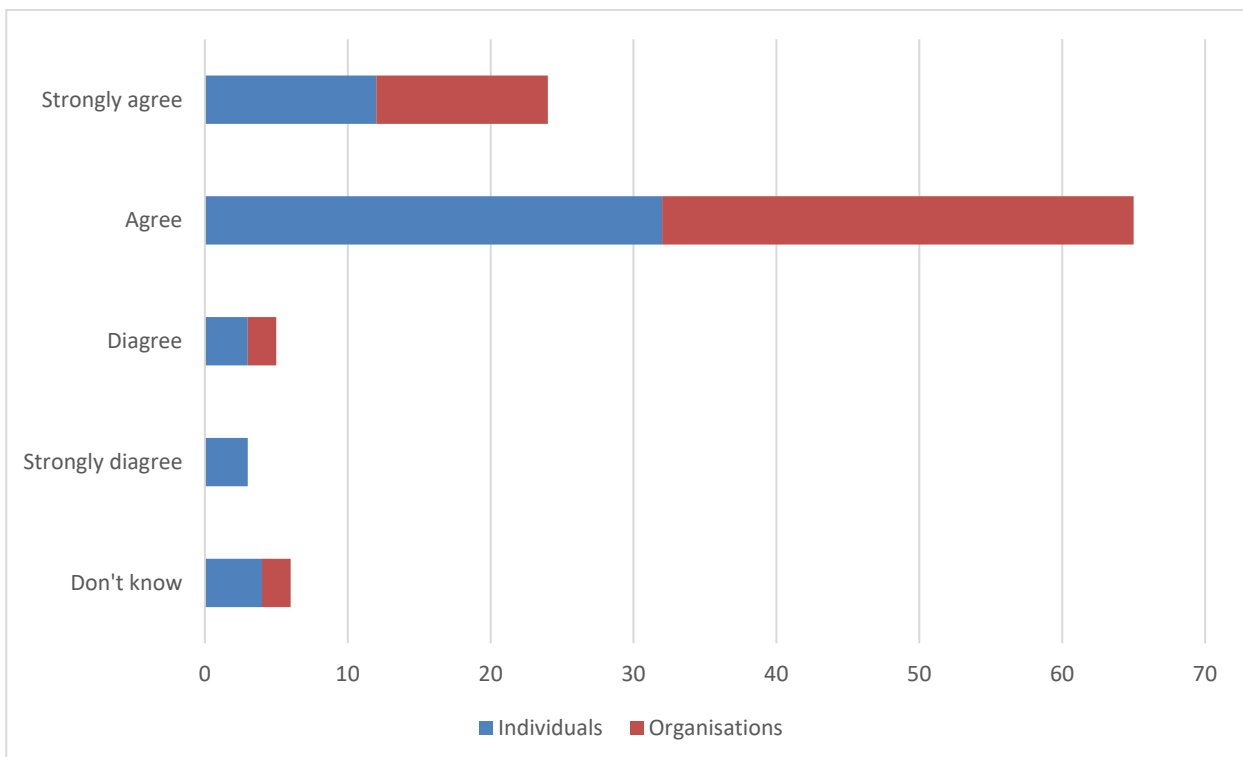
Of the 110 respondents, 103 provided an answer in relation to post-qualifying experience. Seven respondents did not answer.

Eighty-nine (86%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, nine (9%) disagreed or strongly disagreed, and six (6%) did not know.

**Table 11: To what extent do you agree that the post-qualifying experience section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	24	23%
Agree	65	63%
Disagree	5	5%
Strongly disagree	4	4%
Don't know	6	6%
<b>Total</b>	<b>103</b>	<b>100%</b>

**Figure 9: To what extent do you agree that the post-qualifying experience section in the statutory guidance contains the correct level of detail to implement the rule?**



Eight respondents provided qualitative responses, of which three were from individuals and five were from organisations. Most respondents' (six) comments expressed general disagreement with the policy, while others raised concerns about equalities or impact on workforce sufficiency.

Not permitting practice in an IFA, CAF/CASS, VAA or 5 years in Australia may potentially have a negative impact on supply. (*Organisation, Ofsted*)

The post qualifying period should be 5 years not 3 years in our view.  
(*Organisation, local authority*)

The rules as written will have a particular impact in regions on the border between England and Scotland/Wales, where agency workers might currently fill gaps in both nations. [...] There is also a concern about the practical implementation of this rule for agency care workers who have less than three years' experience when this rule is introduced. Under the rules, an agency worker with two years' experience at the time this rule is introduced would have to return to permanent employment until they hit 3 years, despite having already been working via an agency. This will lead to a cliff-edge in the number of agency staff available and may mean there is insufficient capacity in the number of agency staff available to fill vacancies. (*Organisation, Recruitment & Employment Confederation*)

## **Government response**

We will continue with the proposed drafting with minimal changes.

We are pleased that most respondents felt this section of the statutory guidance had the correct level of detail.

We have considered the feedback relating to equalities and the potential impact on workforce sufficiency. While we recognise some respondents have concerns about restricting post-qualifying experience to time spent in direct employment of an English local authority, evidence from the Child and Family Social Worker Workforce consultation (February to May 2023) identified a particular concern about social workers who are new to practice in England. This was due to their lack of familiarity with legal frameworks and practice models which may limit their ability to practise competently without further training and support.

While we accept that this policy will limit the number of social workers able to undertake agency assignments, we believe that individuals put forward for assignments must have the skill, experience, and confidence to operate with a high level of independence across the full range of roles in children's services departments.

We noted some respondents' calls to extend the post-qualifying experience requirement to five years. However, we continue to believe that three years in direct local authority employment ensures that child and family social workers can develop the broad range of competencies required for statutory social work and undertake employer based early career development programmes such as the Assessed and Supported Year in Employment (ASYE).



## References

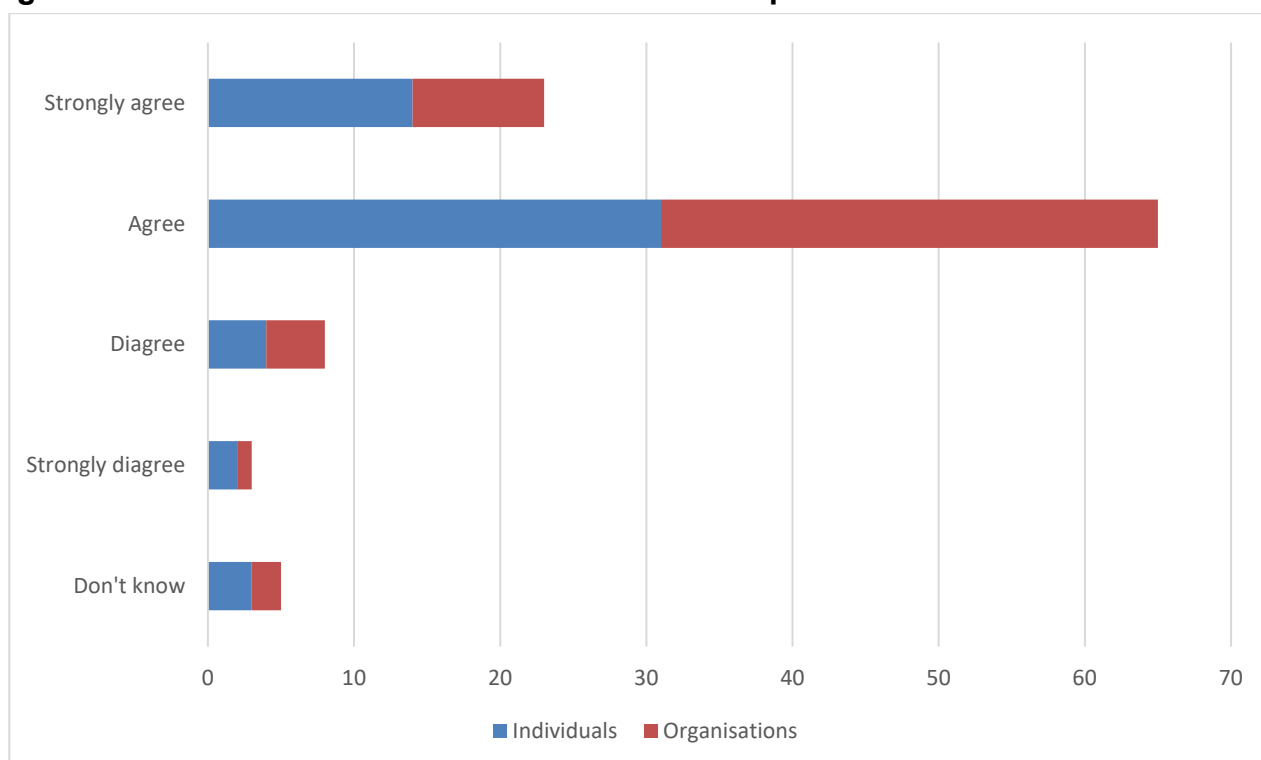
Of the 110 respondents, 104 provided an answer in relation to references. Six respondents did not answer.

Eighty-eight (85%) respondents agreed or strongly agreed that this section of the statutory guidance had the correct level of detail, 11 (11%) disagreed or strongly disagreed, and five (5%) did not know.

**Table 12: To what extent do you agree that the references section in the statutory guidance contains the correct level of detail to implement the rule?**

Answer	Number	Percent
Strongly agree	23	22%
Agree	65	63%
Disagree	8	8%
Strongly disagree	3	3%
Don't know	5	5%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 10: To what extent do you agree that the references section in the statutory guidance contains the correct level of detail to implement the rule?**



Nine respondents provided qualitative responses, of which two were from individuals and seven were from organisations. Most respondents' (eight) comments related to a need for greater detail in statutory guidance.

Not clear about the standard vs detailed reference options. Is the detailed version optional? *(Organisation, local authority)*

Not clear on the process if the worker / agency disagrees with the reference. *(Organisation, local authority)*

Some respondents raised concerns about providing detailed references for agency workers, citing potential challenges in obtaining accurate information and the need for further training, as well as differences in requirements compared to permanent employees.

Members report that it is often difficult to get LA employees to provide a reference and they are unhappy about providing a subjective reference to the depth of information required - employees should be entitled to DfE training and employer support to enable them to feel comfortable and to provide meaningful references. *(Organisation, Association of Professional Staffing Companies (Global) Ltd)*

The requirement is different from permanent reference requirements it is asking for (a lot) more information for a short-term agency arrangement than we would expect/receive for a permanent employee? *(Organisation, local authority)*

## **Government response**

We will continue with the proposed drafting with minimal changes.

We are pleased that most respondents felt this section of the statutory guidance had the correct level of detail.

We have noted comments that it is not clear if some sections of the reference template are optional and have strengthened the statutory guidance to clarify that local authorities should ensure referees complete all sections of the template. We have also strengthened the statutory guidance to make clear that all references dated on or after the statutory guidance comes into effect should be provided using the standard template.

We have heard feedback that referees do not always feel confident providing detailed practice-based references. We are committed to helping local authorities implement the rules and will be launching an online resource bank to assist local authorities with their recruitment and retention strategies. The resources will include materials specifically aimed at supporting local authorities comply with the new national rules including providing fair and accurate references.

## Core job types

**Q8: To what extent do you agree that the core job types and corresponding definitions in the data section are suitable for enabling the alignment of agency job roles?**

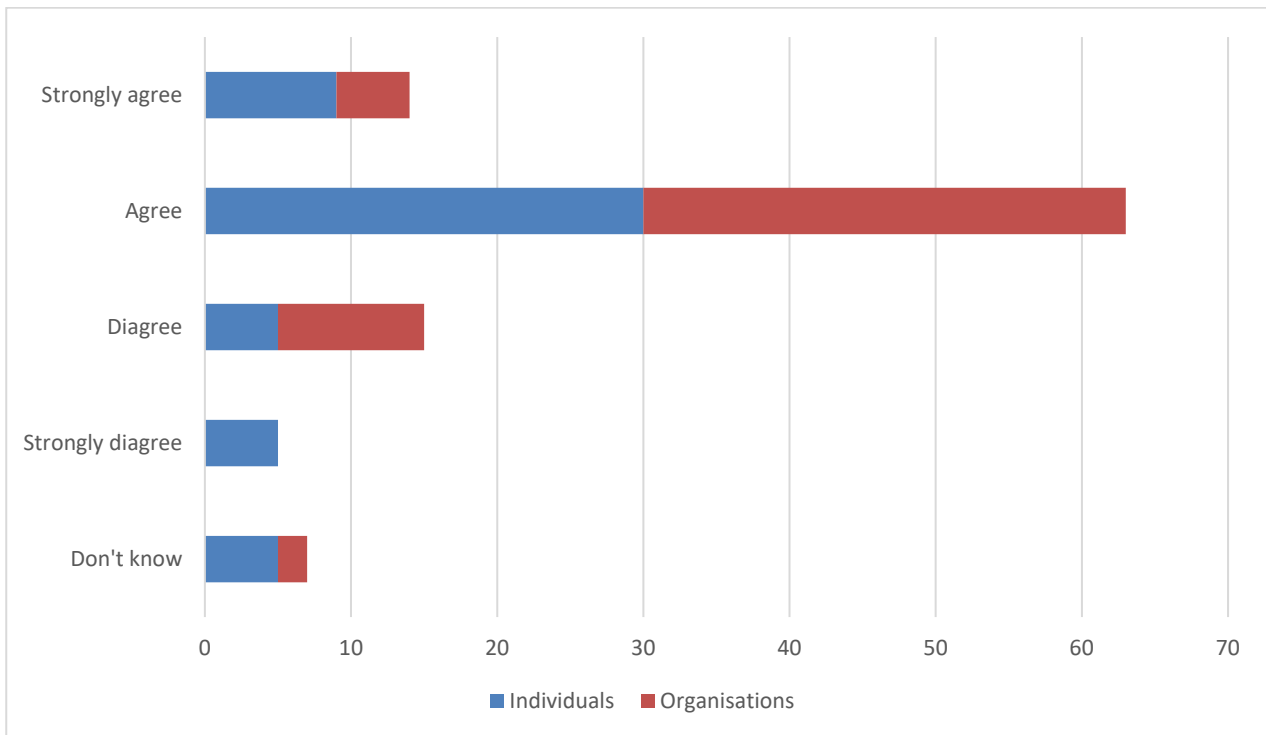
Of the 110 respondents, 104 provided an answer this question. Six respondents did not answer.

Seventy-seven (74%) respondents agreed or strongly agreed that the core job types and corresponding definitions in the data section were suitable for enabling the alignment of agency job roles, 20 (19%) disagreed or strongly disagreed, and seven (7%) did not know.

**Table 13: To what extent do you agree that the core job types and corresponding definitions in the data section are suitable for enabling the alignment of agency job roles?**

Answer	Number	Percent
Strongly agree	14	13%
Agree	63	61%
Disagree	15	14%
Strongly disagree	5	5%
Don't know	7	7%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 11: To what extent do you agree that the core job types and corresponding definitions in the data section are suitable for enabling the alignment of agency job roles?**



**Q8a: If you disagree or strongly disagree, please provide details.**

Seventeen respondents provided qualitative responses, of which seven were from individuals and 10 were from organisations. Most respondents’ (12) comments related to a need for greater detail in statutory guidance, with some noting that the roles in the statutory guidance do not always match local authority job structures and that further clarification is needed for reporting purposes.

Whilst there is overall agreement that the job types covered are suitable, there are suggestions from the region which would be useful to consider before the final rules are published. These include:

- The value of aligning the job types between this guidance and those in the children’s social work workforce census, to avoid further confusion around required data items and reduce the additional burdens created to develop systems and reporting mechanisms.
- For the guidance to be more explicit around the importance of local authorities using the key responsibilities of the core job types when submitting data, to avoid discrepancies when different terminology is used between areas.

*(Organisation, North West Association of Directors of Children’s Services)*

There is considerable overlap between the SW, Senior SW and Advanced Practitioner Roles. This risks 'gaming' of the system whereby locum SWs are not placed based on their attributes, but in order to ensure that their salary is in line with the role they are filling. *(Organisation, local authority)*

Senior social worker was specifically identified as needing further definition by some respondents.

The senior social worker role does not exist within our structure and I am not aware this role exists in neighbouring authorities. *(Organisation, local authority)*

Some LA's have a different definition of the job type, for example some LA's don't have senior and advanced Social Workers just Senior Practitioners. Further clarification would be helpful for reporting purposes. *(Organisation, local authority)*

## Government Response

We have worked closely with local authority data and HR specialists, as well as suppliers, on core job type definitions. We have also worked with regions that have carried out job mapping as part of proof of concept. We will support local authorities to undertake job mapping.

Local authorities should complete the mapping exercise and return initial returns to the DfE on or before 15 November 2024. Job mapping returns will be discussed in cross-regional workshops in December 2024. Amended returns will be expected on or before 31 January 2025. This will enable [price caps](#) to be consistently mapped onto the same five core job types.

## Data items

**Q9: To what extent do you agree that the data items specified in the data section are the right items for local authorities to provide?**

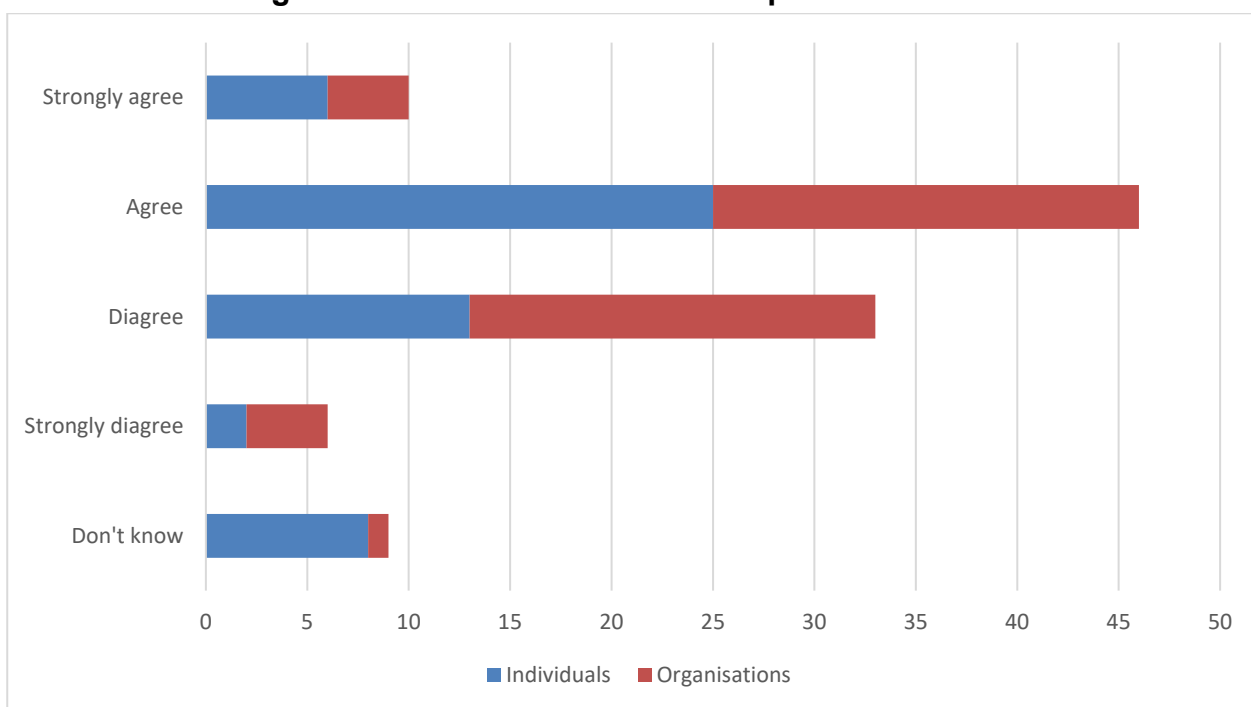
Of the 110 respondents, 104 provided an answer this question. Six respondents did not answer.

Fifty-six (54%) respondents agreed or strongly agreed that the data items specified in the data section were the right items, 39 (38%) disagreed or strongly disagreed, and nine (9%) did not know.

**Table 14: To what extent do you agree that the data items specified in the data section are the right items for local authorities to provide?**

Answer	Number	Percent
Strongly agree	10	10%
Agree	46	44%
Disagree	33	32%
Strongly disagree	6	6%
Don't know	9	9%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 12: To what extent do you agree that the data items specified in the data section are the right items for local authorities to provide?**



**Q9a: If you disagree or strongly disagree, please provide details.**

Thirty-seven respondents provided qualitative responses, of which 13 were from individuals and 24 were from organisations. Responses were mixed with some respondents calling for more detail while others raised concerns about too much detail or thought detail was focused on the wrong areas. Seventeen respondents expressed general disagreement with the policy position on price caps and seven respondents raised concerns about data collection creating new burdens for local authorities.

Several respondents disagreed with the proposal to base price caps on inclusive charges instead of worker pay rates. They argued that the current model for caps in regional

memorandums, which focus on candidate pay rates, reduces inter-region competition, and brings fairness and stability to the market. These issues and the government response are covered above in the [price caps section](#).

Some respondents emphasised the need for greater clarity and transparency regarding the purpose of the data collection and how it will be used, particularly regarding personal data items such as social worker registration numbers. These issues are covered above in the [data section](#).

There is a call for greater transparency and clarity around the purpose and rationale for the level of detail required from the individual-level data collection, and the intended outcomes from this. *(Organisation, North West Association of Directors of Children's Services)*

What is the legitimate reason for collecting the registration number?  
*(Organisation, membership organisation / sector representative body)*

A few respondents supported including the name of the agency providing workers in the data items, as it will enable tracking to identify agencies repeatedly seeking rates above agreed regional caps and promote transparency in partnerships with providers.

We also think there should be an additional data field to collect the name of the agency providing the worker(s). This will enable tracking if agencies repeatedly seek rates above the agreed regional caps. *(Individual, local authority social work manager)*

Some respondents mentioned challenges in capturing certain data elements, such as reporting the number of days a vacancy was open for at an individual level, as roles often have rolling advertisements covering multiple vacancies.

It is unlikely that data can be provided regarding the days a vacancy was open for at an individual level. Roles generally have rolling open advertisements covering multiple vacancies and as such vacancies are not normally advertised on an individual basis. Accordingly, providing a specific period relating to each individual assignment will not be possible. *(Organisation, local authority)*

## **Government Response**

We will continue with the proposed drafting with minimal changes.

We appreciate the challenges associated with establishing a new data collection. We will provide new burdens funding and have published separate data and price caps

operational guidance.<sup>5</sup> This includes further information on the need for this data and the purpose of the collection as well as information such as the privacy notice.<sup>6</sup> Further information on the level of detail on [price caps](#) and [data](#) is covered in those sections above.

We have added a field on the data template for local authorities to name suppliers that contributed to partial compliance or non-compliance with one or more of the rules. We have also included the option to specify that a role was recruited through an open or rolling vacancy.

## Reference template

### Q10: To what extent do you agree that the standard reference template provides the correct level of detail to effectively assess a social worker's practice?

Of the 110 respondents, 104 provided an answer this question. Six respondents did not answer.

Eighty-three (80%) respondents agreed or strongly agreed that the standard reference template provided the correct level of detail to effectively assess a social worker's practice, 16 (15%) disagreed or strongly disagreed, and five (5%) did not know.

**Table 15: To what extent do you agree that the standard reference template provides the correct level of detail to effectively assess a social worker's practice?**

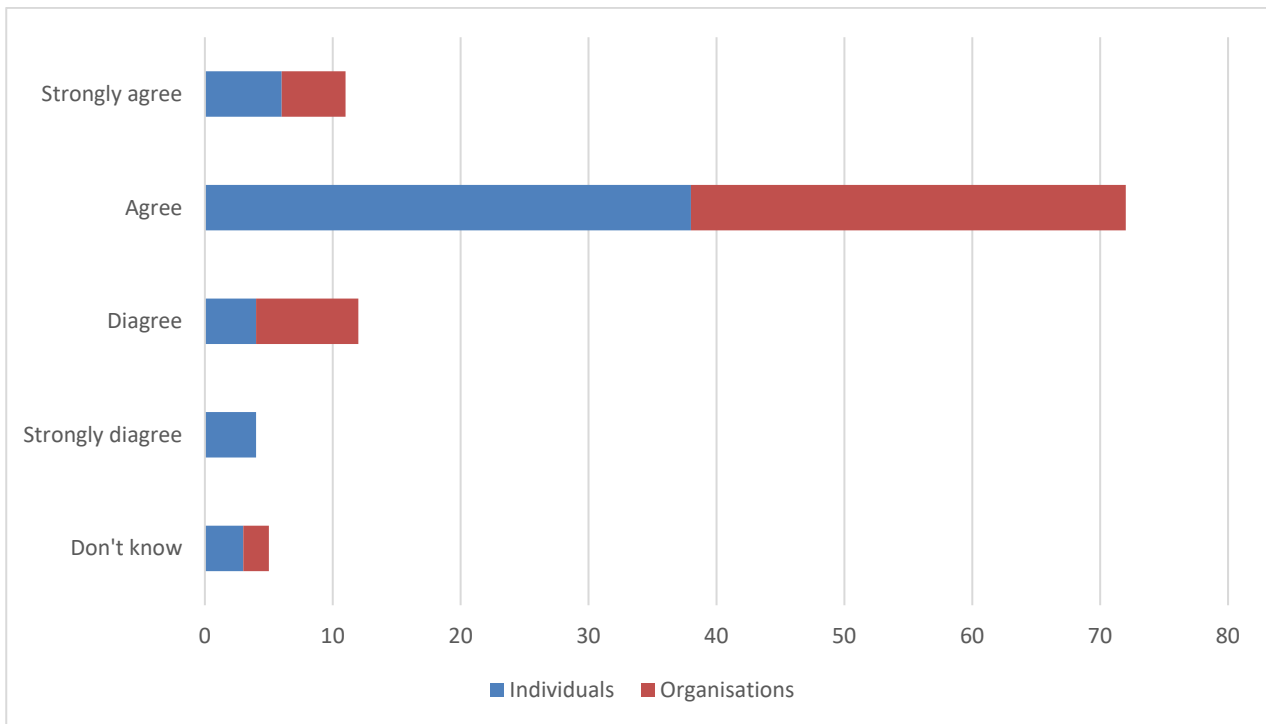
Answer	Number	Percent
Strongly agree	11	11%
Agree	72	69%
Disagree	12	12%
Strongly disagree	4	4%
Don't know	5	5%
<b>Total</b>	<b>104</b>	<b>100%</b>

<sup>5</sup> Department for Education. *Agency child and family social workers: data return and price caps*. <https://www.gov.uk/government/publications/agency-child-and-family-social-workers-data-return-and-price-caps> (Accessed September 2024).

<sup>6</sup> Department for Education. *Privacy information: local authority employees*. <https://www.gov.uk/government/publications/privacy-information-local-authority-employees/privacy-information-local-authority-employees> (Accessed September 2024).



**Figure 13: To what extent do you agree that the standard reference template provides the correct level of detail to effectively assess a social worker's practice?**



**Q10a: If you disagree or strongly disagree, please provide details.**

Fifteen respondents provided qualitative responses, of which seven were from individuals and eight were from organisations. Responses were mixed with six respondents calling for more detail while five raised concerns about too much detail or thought detail was focused on the wrong areas. Five respondents expressed general disagreement with the policy position.

Most respondents made specific suggestions for improvements to the standard reference template.

A local authority would not know whether the agency worker is subject to any active disciplinary actions or investigations because they are not the employer. The document does not make this employment relationship clear enough to distinguish where responsibilities for training, performance management and discipline sit. *(Organisation, membership organisation / sector representative body)*

The section which lists team names, ie. CIN/CP needs to be a free text box in my opinion and experience as LA's call their teams so many different name [sic] depending on the model the LA use. Make it as easy as possible or [sic] the manager to complete. *(Organisation, recruitment consultancy / agency)*

Members think the declaration and signature should be on the same page(s) as the substantive information to avoid gamification/fraud. (*Organisation, Association of Professional Staffing Companies (Global) Ltd*)

The 'requires development' category of the reference is very broad and would cover both individuals who were developing in an area of experience because they were earlier in career and also those who had competence concerns. (*Organisation, local authority*)

ADCS would welcome the inclusion of cultural competence within the competency section of the template to help remove biases from practice and address the barriers faced by those from a global majority background. (*Organisation, Association of Directors of Children's Services*)

## Government Response

We will continue with the proposed drafting with minimal changes.

We are pleased that most respondents felt the standard reference template had the correct level of detail.

We agree with the proposed changes to include the declaration and signature section at the end of the document and to remove the separate section on disciplinary matters. Local authorities will still be able to detail any disciplinary matters they are aware of and deem relevant under the section 'would you re-employ this worker in a similar role' should they wish to do so.

We do not think it is necessary to remove the list of practice areas from the template as local authorities already have the option to add additional areas of practice if necessary.

We have noted the comment that the 'requires development' option is broad and could cover both lack of experience and competency concerns. However, where a local authority identifies a development need in the competency assessment, they are asked to provide further details under the 'performance and fitness to practise' section. We have added further detail into the 'standard reference template' section of the statutory guidance to direct local authorities to address this point in the template where necessary.

We have also made small changes to the competencies listed to strengthen the link to child and family practice and to directly reference cultural competence.

## Unintended consequences

**Q11: Have you identified any potential unintended consequences from the level of operational detail set out in the draft statutory guidance – either too much or too**

**little – including consideration of any impacts on individuals with protected characteristics?**

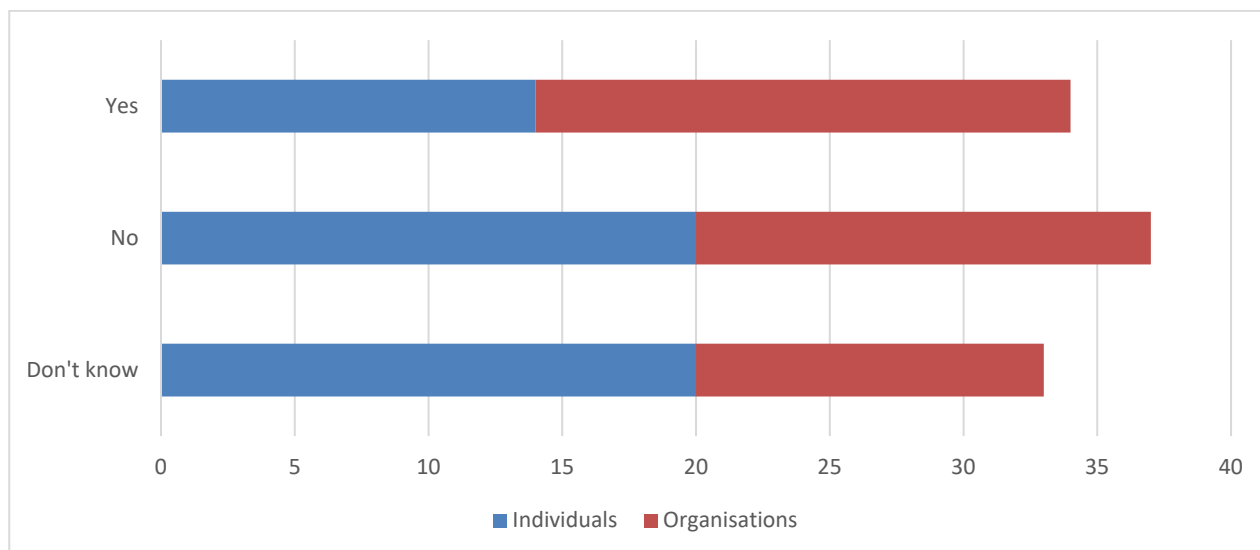
Of the 110 respondents, 104 provided an answer this question. Six respondents did not answer.

Thirty-four (33%) respondents identified potential unintended consequences, 37 (36%) did not, and 33 (32%) said they did not know.

**Table 16: Have you identified any potential unintended consequences from the level of operational detail set out in the draft statutory guidance – either too much or too little – including consideration of any impacts on individuals with protected characteristics?**

Answer	Number	Percent
Yes	34	33%
No	37	36%
Don't know	33	32%
<b>Total</b>	<b>104</b>	<b>100%</b>

**Figure 14: Have you identified any potential unintended consequences from the level of operational detail set out in the draft statutory guidance – either too much or too little – including consideration of any impacts on individuals with protected characteristics?**



**Q11a: If you answered yes, please provide details.**

Thirty-four respondents provided qualitative responses, of which 13 were from individuals and 21 were from organisations.

Twelve respondents raised concerns about possible disproportionate impacts on certain groups including ethnic minority social workers and those with disabilities or caring responsibilities. Some respondents emphasised the importance of monitoring the impact of the new rules on social workers with protected characteristics and suggested collecting data on this to help identify any disparities or reasons behind overrepresentation.

Some social workers with protected characteristics or have caring responsibilities may choose being an agency worker for added flexibility. This could disadvantage these social workers. *(Organisation, local authority)*

It be [sic] really important that there is a full and transparent understanding of worker personal characteristics and dialogue about working conditions and push/ pull factors across differing contexts and organisations. *(Individual, local authority principal social worker)*

Has there been a consideration of data collection of agency Social Workers with certain protected characteristics. This maybe [sic] helpful for further research into why, if there are more representations of some agency Social Workers with specific characteristics. *(Organisation, local authority)*

Of those that raised concerns about protected groups, most respondents highlighted the potential for unintended consequences that may negatively impact ethnic minority social workers, who are more likely to work as agency child and family social workers due to experiences of racism reducing opportunities for career progression in permanent employment.

Global majority social workers face a number of systemic challenges and are overrepresented in fitness to practice hearings or employer grievances, are less likely to pass their ASYE and underrepresented in senior leadership positions. It is essential that national government work with local government to better understand and do more to tackle these systemic barriers alongside efforts to improve recruitment and retention so that global majority staff can feel better supported and valued. *(Organisation, Association of Directors of Children's Services)*

In our view the DfE should monitor closely how implementation of the new national rules impacts particularly on black and global majority social workers and women, and progress data and intelligence initiatives to ensure the ethnic makeup of the agency workforce can be monitored and develop collaborative resources to better support the recruitment, retention and progression of black and global majority social workers within the workforce. *(Individual, local authority social work manager)*

Some respondents highlighted the need for clear collaboration between regions to avoid unintended consequences where local authorities in neighboring regions have different rules or price caps, which could put some local authorities at a disadvantage.

I am conscious of different structures and infrastructure in place within a region that could affect the consistency across. Neighbouring regions will have an impact on each other, and collaboration is essential. *(Individual, managed service provider employee)*

The potential impact on recruitment and retention was a common theme across responses with questions about how staffing gaps would be filled as more experienced staff leave services.

We need support and higher permanent pay, more business support and family support workers. *(Individual, agency social worker)*

Rather than focusing on the causality of why social workers choose to work as agency staff, such as the flexibility, experiences of racism and discrimination in the workplace as well as enhanced salaries, there is a risk that this will further exacerbate some parts of the workforce to move to alternative parts of the sector (e.g. RCE, VCSE or NHS roles). Another unintended consequence could be the reduction of available agency social workers to cover existing vacancies within children services. We are not confident that these measures will encourage those considering leaving substantive Local Authority posts to remain in them. *(Organisation, British Association of Social Workers)*

This arrangement is positive for Local Authority's and ensures agency staff are of the requisite standard, but in order for this to be fair and ensure Social work remains an attractive career then positive efforts need to be made elsewhere for social workers in terms of ensuring appropriate pay and progression opportunities. *(Organisation, local authority)*

There are concerns that Agencies may target the more experienced staff for agency work and this reduces the pool of experienced workers to employ directly as a consequence of a reduced supply of social workers that can be agency workers. *(Individual, Director of Children's Services)*

## **Government Response**

This statutory guidance plays an important part in creating the right conditions to allow all social workers to thrive and do the best social work they can and to ensure a stable, effective, and supported workforce. However, we recognise it does not address all the factors contributing to current workforce pressures or respond to all the concerns social workers have expressed about workplace culture.

The government is committed to supporting the sector to improve working conditions so

that all social workers are happy at work and can thrive. We are working, through the National Workload Action Group, to identify workload drivers and develop solutions to reduce unnecessary workload so that social workers can spend more time in direct practice with children and families. In autumn 2024, we will be launching an online resource bank to support local authorities with retention and recruitment strategies. This will include resources on flexible working, wellbeing and diversity and inclusion, as well as producing materials that support local authorities to engage agency social workers effectively and collaboratively.

We continue to be committed to working with stakeholders including through our Local Government Advisory Group (comprising the Association of Directors of Children's Services (ADCS), the Local Government Association (LGA), Ofsted, and Solace), and with the department's Regional Improvement and Support Leads (RISLs) to understand the wider impacts of the reforms and this statutory guidance, share learning, and provide support through the Regional Improvement and Innovation Alliances (RIIA). We will also continue constructive engagement with those in the recruitment market through our Recruitment Advisory Group (comprising the Recruitment and Employment Confederation (REC) and The Association of Professional Staffing Companies (APSCo)) to understand the impact of this statutory guidance and the agency reforms.

We have committed to supporting local authorities to engage with the Employer Standards Health Check which is designed to better understand the experience of social workers, occupational therapists, and non-registered social care professionals. The health check provides local authorities with information on the experiences of social workers with protected characteristics in their own authorities which they can also compare against published health check data that includes this information aggregated at regional and national level.

The new data collection will allow the department to gather regular and detailed information to monitor the implementation of the agency rules and the associated impacts. Including the Social Work England registration number within this data collection means we will be able to match the data from the agency collection with data from the DfE annual children's social work workforce census<sup>7</sup> to obtain information about ethnicity and other demographic information without duplicating collection here. We will also continue to use existing communication channels with the sector to identify any emerging equalities issues in line with our duties under the Equality Act.

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<sup>7</sup> Department for Education. *Children's social work workforce: guide*. <https://www.gov.uk/government/publications/childrens-social-work-workforce-guide> (Accessed September 2024)

## Next Steps

We have listened to your feedback and set out how we have strengthened the agency rules statutory guidance.

We are committed to supporting local authorities to implement any necessary changes following the statutory guidance coming into effect on 31 October 2024. We will provide new burdens funding of £172,147.95 (total) to local authorities to support implementation of the new data collection, recognising the burden of the one-off job mapping activity and establishing the new collection. The data and price caps operational guidance, which is published separately, provides more detail on next steps.<sup>8</sup> We are grateful to all those who have been supporting and feeding into the design and implementation of these reforms including through user research and testing.

We continue to be committed to working with local government stakeholders including through our Local Government Advisory Group (comprising ADCS, LGA, Ofsted, Solace), Regional Workforce Leads, Regional Improvement and Innovation Alliances, Regional Employer Organisations, and the many individuals working in LAs who have offered expertise. We also remain committed to working with those in the recruitment market to ensure smooth implementation of these reforms, including managed service providers, public buying organisations, and agencies through our Recruitment Advisory Group (comprising REC and APSCo).

We will continue to work with the department's Regional Improvement and Support Leads and through the Regional Improvement and Innovation Alliances to provide regular engagement and support to local authorities. We will continue to discuss the implementation of the agency rules, collaborate based on a shared understanding and national data, and share challenges and success to create a more sustainable workforce.

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<sup>8</sup> Department for Education. *Agency child and family social workers: data return and price caps*. <https://www.gov.uk/government/publications/agency-child-and-family-social-workers-data-return-and-price-caps> (Accessed September 2024).

## Annex A: Organisations that responded to the consultation

- Association of Directors of Children's Services (ADCS)
- Association of Professional Staffing Companies (Global) Ltd
- Barnsley Metropolitan Borough Council
- BCP Council
- Bradford Children and Families Trust
- British Association of Social Workers (BASW)
- Bury Council
- Cambridgeshire County Council
- Central Bedfordshire Council
- Charles Hunter Associates
- Children and Learning Southampton City Council
- City of Doncaster Council
- Comensura
- Devon County Council
- Dudley Metropolitan Borough Council
- East Sussex County Council
- Eastern Region Qualified Social Worker Project
- Eastern Shires Purchasing Organisation (ESPO)
- Gloucestershire County Council
- Halton Borough Council
- Hampshire County Council
- Hertfordshire County Council
- Knowsley Metropolitan Borough Council
- Leicester City Council
- Leicestershire County Council
- Lincolnshire County Council
- Local Government Association (LGA)



- London Borough of Brent
- London Innovation and Improvement Alliance (LIIA)
- Nagalro, The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers
- Norfolk County Council
- North West Association of Directors of Children's Services
- Northamptonshire Children's Trust
- Northumberland County Council
- Nottingham City Council
- Nottinghamshire County Council
- Ofsted
- Principal Child and Family Social Work Network
- Recruitment & Employment Confederation
- Royal Borough of Kensington and Chelsea
- Sheldon Phillips
- Social Work England
- Southend City Council
- Staffordshire County Council
- Stockport Metropolitan Borough Council
- Suffolk County Council
- Thurrock Council
- Torbay Council
- UNISON
- Warrington CSC
- Warwickshire County Council
- West Berkshire District Council
- Wiltshire Council
- WM Employers
- Worcestershire Children First
- Yorkshire Purchasing Organisation (YPO)



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