



Department
for Education

Agency Rules for Local Authority Children's Social Care

Government consultation

Launch date: 31 January 2024

Respond by: 28 February 2024

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Introduction

Creating the right conditions in local authority children's social care to allow 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, published 25 October 2023, set out the new rules for local authority use of agency child and family social workers that will support local authorities to deliver this.¹

While the Government Consultation Response sets out what the agency rules are, the detail of the rules needs to be set out in statutory guidance. The statutory guidance provides a legal framework for local authorities to follow to ensure that everyone involved in the hiring of agency social workers is aware of their responsibilities and that all those involved in the procurement process are working towards the same goals.

This consultation seeks your views on the technical detail of the agency rules that will become statutory guidance for local authorities. It should be read in parallel with the draft statutory guidance included with this consultation. The final statutory guidance issued to local authorities may change as a result of this consultation and will be introduced from summer 2024, following publication of the government response to this consultation.

Please note that the statutory guidance will apply to the use of agency child and family social workers practising in English local authorities only.

Who this consultation is for

Those who work in and with local authority children's social care and those who support the recruitment, procurement, and supply of child and family social workers in local authorities.

The following individuals within local authorities may be particularly interested in this consultation (this list is in alphabetical order and is 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

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

- 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

Issue date

The consultation was issued on 31 January 2024.

Enquiries

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

SWagency.consultation@education.gov.uk

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

Additional copies

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

The response

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

About this consultation

The Department for Education is consulting on the technical detail of the agency rules that will become statutory guidance for local authorities, as set out in the Child and Family Social Worker Workforce Government Response which was published on 25 October 2023.² The Department for Education is now inviting views on the level of detail needed in the statutory guidance to effectively support local authorities to incorporate these rules into procurement processes.

We will continue working with the sector on what additional guidance and materials may be helpful to support implementation of the rules.

This consultation will be open to the public for four weeks. You are encouraged to answer all the questions you would like to provide feedback on. You do not have to respond to all the questions to submit your response. We will use the findings of this consultation to refine the statutory guidance which will be introduced from summer 2024.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit [DfE consultations on GOV.UK](https://www.gov.uk/government/consultations/child-and-family-social-worker-workforce) to submit your response.

Other ways to respond

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

By email

SWagency.consultation@education.gov.uk

By post

Dan Styles
Department for Education
Sanctuary Buildings
Great Smith Street
London, SW1P 3BT

² Department for Education. *Consultation: Child and family social worker workforce*. <https://www.gov.uk/government/consultations/child-and-family-social-worker-workforce> (Accessed January 2024).

Deadline

The consultation closes on 28 February 2024.

Background and context

Children's social care has the potential to transform lives for the better, supporting the most vulnerable children and young people to realise their full potential. The Children's Social Care National Framework³ sets out the purpose, principles, and outcomes that local authority children's social care should achieve, and includes specific enablers which focus on how leaders, managers and practitioners create the conditions for effective social work practice in local authority children's social care.

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 social workers in children's social care.

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 which 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 and create a more sustainable workforce so more resource is available to develop the workforce and improve outcomes of children and families.

Successful implementation of this guidance will need strong corporate leadership and effective collaboration within children's services, across the local authority, and between regions. This includes elected members, the Chief Executive, finance, HR, IT, commercial and procurement services, Directors of Childrens Services, Heads of Services, and social workers.

Implementation and transition

The final statutory guidance issued under section 7 of the Local Authority Social Services Act 1970 will be introduced from summer 2024, following publication of the government response to this consultation.

The data collection is a legal requirement under section 83 of the Children Act 1989 section 251(1)(b) of the Apprenticeships, Skills, Children and Learning Act 2009. For this reason, the data and price caps rules will be effective in autumn 2024 to ensure LAs have sufficient time to prepare. We will publish a separate data and price caps user guide in addition to the statutory guidance to support implementation of these rules.

The effective dates will be confirmed in the government response.

³ Department for Education. *Children's Social Care National Framework*. <https://www.gov.uk/government/publications/childrens-social-care-national-framework> (Accessed January 2024).

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.

While we do not expect local authorities to change or terminate existing contracts for the supply of agency child and family social workers that are already in force solely to comply with these rules, local authorities should 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 with existing contracts should 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.

Support and compliance

The data collection on the agency child and family social work workforce set out in the guidance will be 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 the guidance will be 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 the guidance will be a legal requirement for local authorities. The rest of the statutory guidance should be complied with unless exceptional circumstances arise.

DfE will collect consistent data to support local authorities to implement and comply with the rules, facilitate effective enforcement at a local, regional, and national level, and enable greater understanding the agency market and social worker workforce.

Where local authorities are struggling to comply, we will seek to work with them via the Regional Improvement Support Leads to identify key issues, develop and prioritise actions, and implement solutions.

We will continue working with the sector on other guidance and materials that may be helpful to support implementation of the rules.

About you

These introductory questions will help us understand more about you and – where relevant – the nature of your business or organisation and the main ways in which you will interact with the statutory guidance when it is introduced. This will help us analyse your responses. We know that not everyone will wish or feel able to answer all the questions in this consultation.

Confidentiality

Information provided in response to this consultation, including personal data, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a response to be treated as confidential please explain why you consider it to be confidential. If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The privacy notice is available alongside this consultation.

Questions about you

1. What is your name?

[Free text]

2. What is your email address?

[Free text]

3. In processing your data and meeting legal duties, government may be expected to share information about your consultation response. In line with the privacy notice (available to download from the Overview page of this consultation), would you like your response to be kept confidential?

Yes

No

4. As government analyses the consultation findings, we may identify direct quotes to include in the published government response – may we use your feedback in this way?

Yes, and you can attribute the quote to me/my organisation

Yes, but keep the quote anonymous

No

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

If you are responding as an individual, we will consider the views within your response to this consultation to be your personal views.

If you are responding on behalf of an organisation, we will consider the views within your response to this consultation to be those of your organisation and not necessarily your personal views.

Individual

Organisation

Individual

5a. If you are responding as an individual, please select a description?

Agency social worker

Chief Finance Officer

Child or young person

Children's Trust Chief Executive

Councillor (including Leaders of Councils and Lead Members for Children's Services)

Director of Children's Services

Head of HR / HR professional

Head of Commercial / commercial specialist

Head of Procurement / procurement specialist

Local authority Chief Executive

Local authority principle social worker

Local authority social worker

Local authority social work manager

Parent / guardian

Individual with personal experience of children's social care

Recruitment consultant

Other

If other, please describe your role.

[Free text]

5b. Where are you based in England?

Please select which region/s you work in.

- East of England
- East Midlands
- Greater London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire and Humber
- I am based outside of England

If you are based outside England, please specify country and region/s.

[Free text]

Organisation

5a. If you are responding on behalf of an organisation, which type of organisation do you represent?

- Local authority / Alternative Delivery Model
- Managed service provider
- Recruitment consultancy / employment business / agency
- Public Buying Organisation
- Regulatory body
- Membership organisation / sector representative body
- Other

If other, please describe your organisation.

[Free text]

5b. What is your organisation's name?

[Free text]

5c. Where are you based in England?

Please select which region/s your organisation operates in.

- East of England
- East Midlands
- Greater London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire and Humber
- I am based outside of England

If your organisation operates outside England, please specify country and region/s.

[Free text]

Questions on the statutory guidance

The statutory guidance sets out what each rule is and who it applies to. The guidance should provide sufficient detail for local authorities to understand and apply each rule when considering using agency child and family social workers while leaving local authorities the flexibility to determine how this is incorporated into their internal processes and structures. Where we think it is beneficial, we have provided examples of how a rule should be applied in different circumstances to support local authorities to operationalise the guidance.

A data and price caps user guide will be published separately to the statutory guidance and is not included in this consultation. The user guide will include the technical information about submitting data on agency use including full data item descriptions, acceptable data return formats, and the key dates.

6. To what extent do you agree that the guidance is easy to understand?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

7. 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?

a. Implementation and compliance

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

b. Data

- Strongly agree
- Agree
- Disagree

Strongly disagree

Don't know

c. Price caps

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

d. Project teams

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

e. Notice periods

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

f. Cool-off periods

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

g. Post-qualifying experience

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

h. References

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

This consultation is not seeking views on the headline agency rules which were set out in the government's response to the prior consultation on 25 October 2023. These are set out under *main points* and in the blue boxes at the beginning of each section of the draft statutory guidance included with this consultation.

If you disagree or strongly disagree that any of the areas covered in the statutory guidance contains 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.

[Free text]

8. 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?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

If you disagree or strongly disagree, please provide details.

[Free text]

9. To what extent do you agree that the data items specified are the right items for local authorities to provide?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

If you disagree or strongly disagree, please provide details.

[Free text]

10. 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?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

If you disagree or strongly disagree, please provide details.

[Free text]

11. Have you identified any potential unintended consequences from the level of operational detail – either too much or too little – including consideration of any impacts on individuals with protected characteristics?

- Yes
- No
- Don't know

If you answered yes, please provide details.

[Free text]



Department
for Education

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