

Cafcass consultation response – National Assessment and Accreditation System

10 March 2017

Introduction

1. Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. The role of Cafcass within the family court is to: safeguard and promote the welfare of children; provide advice to the court; make provision for children to be represented; and provide information and support to children and families. The consultation proposes that Cafcass social workers, known as Family Court Advisers (FCAs), will fall into the category of Practice Supervisors and accreditation must apply to all FCAs whether they work on public law cases, private law or a combination of the two.
2. As the largest employer of child and family social workers, the reforms will have a significant impact on our workforce. Our latest workforce statistics are:
 - Number of FCAs (Full Time Equivalent) – 1069.5 (including 17 Newly Qualified Social Workers)
 - Total headcount of FCAs (inc. agency staff) – 1252
 - Number of FCAs from agencies – 109
 - Number of self-employed contractors – 120
3. We welcome the opportunity to comment on the consultation and work with the Department for Education throughout phase 1 to ensure that FCAs have access to the new system. This response includes our current thinking about issues that will need to be resolved for phase 2, and specific answers to the consultation questions.

Specialist roles

4. We were one of the pilot employers and 13 of our social workers took part in the digital assessments. In our feedback we expressed concern about the nature of the questions in the digital assessments and this has been recognised in the proof of concept report. Our FCAs who took part felt that the questions did not relate to their role within Cafcass and that the tests were aimed predominantly at frontline local authority social workers. We would welcome the opportunity to work with the DfE's content delivery partner and be a part of the expert reference panel, to help address this for phase 2. It is important that specialist social workers are not disadvantaged in the new system and that their roles are recognised and valued.

Endorsement of agency staff

5. The consultation questions signal a preference for employer endorsement to come from the host employer for both agency and self-employed social workers. We recognise the logic of this as host employers will have the most up to date information on social

workers across their workforce and at Cafcass we would expect to have completed a practice observation for agency staff within 3 months of them starting with us.

6. But the incentives are not clear for us to invest in this learning and support role when it is agencies who will receive the benefit for their staff. We already pay a premium to agencies and any financial cost for endorsing agency staff and preparing them for the tests should be met by agencies. There is a risk that agencies will charge more for social workers once they are accredited, at least during the transition to the new system, so we risk investing in the development of these social workers only to be charged a higher rate once they are accredited or risk losing them to another employer. Local authorities have found it difficult to control market rates of agency staff, particularly in times of high demand, and agency staff are often a more transient group and may not stay long with any one employer. An employer would not wish to place this level of investment in the support for an agency worker where there is potential for them to move on after a short period of time and for another employer to benefit.

Endorsement of self-employed social workers

7. The situation for our self-employed social workers is even more complex. It is too simplistic to group flexible and contracting workforces into one section and there needs to be a much clearer understanding as to whether a social worker is engaged through a managed service company, a personal service company or a sole trader arrangement – the first being most common with agency workers, the latter two arrangements are the most common for the self-employed and it is a requirement of their taxable and operating status to have a range of work streams and incomes. They will not be confined to one employer or sponsoring authority.
8. The use of self-employed social workers is an important part of the Cafcass business model and helps us to manage spikes in demand across the country. We currently engage with 120 self-employed contractors who are also active as independent social workers, trainers, social work consultants, social work counsellors, assessors, practice educators and more. Cafcass is in the process of increasing its capacity with the flexible workforce in order to absorb demand nationally. Approximately 5% of our national active caseload is undertaken by self-employed social workers. Both Cafcass Cymru and NIGALA see this model as effective, agile and responsive to the needs of growing demand and they too have adopted similar processes and share policies with Cafcass.
9. There are significant concerns that if an organisation endorses a self-employed social worker, HMCTS will consider this a sponsoring relationship and will treat this as a taxable benefit. Or consider that the self-employed social worker no longer meets the requirements of being self-employed and will be declared as employed, which comes with tax and national insurance obligations for the organisation. The risk for Cafcass is that, as a result of any tax changes, we could lose significant numbers of our self-employed contractors, many of whom are close to or beyond retirement, because the process is too complex or it is too much of a financial disadvantage. They are an essential component of our flexible workforce and they are unlikely to return to permanent posts.

Needs of the system

10. Finally, it is critical that the new accreditation helps to build sufficiency in the system.

There are areas of the country where it is more difficult for us to recruit and the new system must alleviate and not exacerbate those deficiencies. The new system will also come at a cost, particularly the implementation of simulated observations requiring actors and test centres, and we must ensure that investment demonstrates an impact on the quality of social work and an increase in supply where that is needed.

11. We need to understand more about the simulated observations and who will be employed in the observer roles. If these are to be experienced social workers, then we need to find a way of engaging them in the new system while retaining them in their statutory roles. Existing expertise in social work is to be found within local authorities, Cafcass and other agencies and the new system must engage us fully as delivery partners, building on the wealth of knowledge we have about what quality practice looks like and how we can support each other to improve.

Consultation questions

Question 1 - Achieving our vision

1. Does this approach balance effectively the clear expectation that social workers carrying out statutory functions will be accredited, with sufficient scope for employers to manage the results for their workforce appropriately?

Yes No Not sure

By 2018, Cafcass will have aligned its Quality Assurance and Impact Framework with the knowledge and skills statement for practice supervisors. The phased approach allows us to work with DfE to help design phase 2 of rollout so that FCAs can effectively access the new system. But there may be some unintended consequences of this phased approach that need consideration. If we have a mixed workforce with some social workers accredited and some not, is there a risk that their expertise will be viewed differently by other professionals in the system, such as those working in the family courts? The transition phase may also result in differential costs for temporary staff if agencies charge more for accredited social workers.

Question 2 - Carrying out statutory functions

2. Do you agree that the above lists provide a good basis of the statutory child and family social work functions for which social workers should be accredited?

Yes No Not sure

The list refers to Children's Guardians but does not mention the Family Court Adviser role fulfilled by Cafcass social workers. Cafcass social workers can work on cases in public law, private law or a combination of the two. The new system should apply to all Family Court Advisers.

3. Do you agree that a social worker undertaking the ASYE or similar programme, carrying out statutory functions, should not be assessed until after 12 months minimum full time continuous employment with the same employer (including time for completion of ASYE)?

Yes No Not sure

4. Do you agree that new practice supervisors, supervising the carrying out of statutory functions should be assessed after 12 months minimum full time continuous employment with the same employer?

Yes No Not sure

Do you agree that new practice leaders should be assessed after 12 months minimum full time continuous employment with the same employer?

Yes No Not sure

5. How long after starting work in a child and family social work role, carrying out statutory functions, should practitioners moving in to such roles be put forward for assessment as a maximum?

Within 6 months Within 12 months Not sure

For supervisors?

Within 6 months Within 12 months Not sure

For leaders?

Within 6 months Within 12 months Not sure

6. How long after starting child and family social work where the social worker is carrying out statutory functions, should practitioners moving from other jurisdictions be expected to be put forward for assessment as a maximum?

Within 6 months Within 12 months Not sure

For practice supervisors?

Within 6 months Within 12 months Not sure

For practice leaders?

Within 6 months Within 12 months Not sure

7. Do you agree that agency and self-employed social workers, carrying out statutory functions on behalf of others, should be endorsed for assessment by the organisation which has direct experience of their practice? We would expect this to be the local authority, trust or employer that has the statutory functions.

Yes No Not sure

The incentives are not clear for us to invest in this learning and support role when it is agencies who will receive the benefit for their staff. We already pay a premium to agencies and any financial cost for endorsing agency staff and preparing them for the tests should be met by agencies. There is a risk that agencies will charge more for social workers once they are accredited, at least during the transition to the new system, so we risk investing in the development of these social workers only to be charged a higher rate once they are accredited or risk losing them to another employer. Local authorities have found it difficult to control market rates of agency staff, particularly in times of high demand, and agency staff are often a more transient group and may not stay long with any one employer. An employer would not wish to place this level of investment in the support for an agency worker where there is potential for them to move on after a short period of time and for another employer to benefit.

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8. Do you agree that it should be left to employer discretion to decide when a social worker is endorsed for reassessment?

Yes No Not sure

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