



Cafcass response to Child and Family Social Worker Workforce Consultation

1. Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. Cafcass is the largest employer of child and family social workers as Family Court Advisers and Children's Guardians. Cafcass has a statutory duty to safeguard the welfare of children in family law proceedings in England. We make sure that their wishes and feelings are heard and advise the courts about what is in their best interests. We are independent of the courts, local authority children's services, education, and health authorities. Cafcass welcomes the opportunity to respond to the consultation by the Department for Education (DfE) on the child and family social work workforce.

Introduction

2. Cafcass welcomes the aim of the proposals to work towards a more sustainable model of recruitment by offering greater national consistency in employment conditions of pay for all employers (including agencies) of child and family social workers.
3. The role of the Children's Guardian and Family Court Adviser differs fundamentally to the role of local authority employed social workers. Cafcass Children's Guardians and Family Court Advisers are appointed by the court as independent advisors to the court about a child's welfare and best interests. They work with a high level of professional independence in making their assessment and judgement in individual proceedings. This differs from local authority social workers, who represent the assessment and judgement of the local authority. A key part of the role of the Children's Guardian and Family Court Adviser in public law proceedings is to scrutinise the work and decisions of the local authority to achieve the best outcome for child, and to advise the court as an independent expert. This professional independence in individual proceedings makes Cafcass an attractive employer for experienced children's social workers.
4. It is because of these inherent differences that Cafcass would need to be exempt from the national rules.
5. The timescale for compliance with the national rules has the potential to create perverse incentives and further destabilise the workforce. It is Cafcass' view that the timescale for implementation should be brought forward.

National rules on the engagement of agency social workforce

6. Cafcass agrees with the principle that the introduction of a set of national rules on the engagement of agency social workers would reduce the risk of escalating costs arising from competing demands, working towards a more sustainable workforce model, and reducing the risk of inflated costs and improving the quality assurance of agency social workers.
7. Cafcass already undertakes full reference checks for all agency workers, consistent with our stringent requirements for permanent staff. This is to ensure that all agency workers are qualified to the same standard, with the aim of ensuring safety for children and families. We agree that this should be the standardised national approach.
8. Cafcass will need to be considered for an exemption to the rule to introduce a three-month embargo on appointing agency workers after they have left a substantive role with the local authority within the same region. Cafcass already restricts the allocation of

children's cases to new Family Court Advisers and Children's Guardians who have recently left a local authority where the child lives. This includes agency social workers. However, given that Cafcass regions are significantly larger than local authority regions, encompassing a greater number of local authority areas, it would be unmanageable for Cafcass to adhere to this rule.

Notice period

9. Cafcass agrees that immediate or quick departures by agency social workers can be destabilising for children or families at a time where they require consistent and high-quality support. The proposal to introduce a minimum 6 week notice period has been carefully considered by Cafcass in the context of our current practice and our view is that a 6 week notice period is too long. Cafcass has recently introduced a notice period for agency workers of up to 4 weeks after 6 months of employment and a 2 week notice period from day one of employment up to 6 months. Our view is that this arrangement builds in sufficient consistency for families and the time required to enable an effective case transfer. This timescale also provides flexibility to terminate the assignments of agency social workers where there is poor performance.

National price caps

10. Cafcass agrees with the principle of achieving greater equity of pay and workload across permanent and agency social workers. Employed workers should not be incentivised to leave statutory agencies to join for-profit agencies through more competitive rates of pay. Social workers should feel equally valued and be paid fairly when undertaking the same or closely similar tasks and responsibilities. Inflated rates of pay by agencies destabilises the wider workforce and this impacts negatively on the consistency and quality of practice experienced by children and families. Cafcass agrees with the proposal for a national price cap for the use of agency social workers. However, there should be consideration of some flexibility for regional differences for example where the cost of living is higher, and in harder to recruit areas.

Post-qualified experience

11. Cafcass agrees that social work agency staff should be sufficiently experienced but also competent to carry out statutory child and family social work. However, time-served does not guarantee competency to carry out the role to the standards required and the proposal to introduce a minimum of 5-year post-qualified experience will severely limit the pool of available agency social workers. Cafcass agrees with the proposal that international candidates must abide by the same rules, meet the same eligibility requirements but also perform to Cafcass' practice quality standards. As such, international candidates must meet the same proof of right to work, equivalent qualifications, relevant experience, and competency requirements as 'home' candidates.

Project Teams

12. Cafcass does not use project teams for child and family social work. The view of Cafcass is that this is not an appropriate model for child and family social work as it is relationship-based work which cannot be time-limited in the way that projects are defined. Cafcass agrees with the proposal that this should not be used by local authorities so as to ensure that children and families are receiving the highest quality of support and care as a temporary 'fix'. Statutory social work agencies should commit to sustainable improvement with its permanent workforce, based on practice quality standards and clear lines of accountability.

Data and Monitoring

13. Cafcass agrees with the collection of a core data set to monitor the impacts of the national rules on child and family social workers, and support workforce planning. The collection of national data on a quarterly basis will support collaborative working at a system and regional level.
14. If there are any questions regarding the points raised in this consultation, please contact Charlie Cooper Senior Policy and Implementation Manager via Charlie.cooper1@cafcass.gov.uk