



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE: 4 MARCH 2025

DEPARTMENT OF EDUCATION STATUTORY GUIDANCE FOR THE
USE OF AGENCY CHILDREN AND FAMILY SOCIAL WORKERS

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES

Purpose of report

1. The purpose of this report is to provide the Committee with an overview of the Local Authority's duties and responsibilities, under the new regulations for the use of agency children and family social workers, which were published in September 2024, and to outline the progress made to date against these requirements.
2. The report will also provide the Committee with an update on the use of agency social workers within the Children and Family Service Department and progress against the strategy for recruitment of permanent Social Workers.

Policy Framework and Previous Decisions

3. In September 2024, the Department of Education (DfE) published the Local Authority Regulations for the use of agency Children and Family Social workers, outlined within Appendix A. These regulations came into force on 31 October 2024.
4. This is the first time that the detail of the Regulations has been shared with the Committee. However, the Committee has received previous updates on the Department's Recruitment and Retention strategy and associated work to create the right conditions to attract permanent social workers to join the County Council and create the right environment for social work practice to flourish, so encouraging the retention of staff within the Service.

Background

5. The Association of Directors of Children Services (ADCS) has worked with the DfE to address the national shortage of permanent social workers, and the growth over a number of years of the agency market. The shortage of staff, and the greater reliance upon agency staff has seen the cost of agency staff raise. This not only places a high financial burden on local authorities which have needed to engage higher number of agency social workers, it also, in many

cases, led to a greater transition of workers between local authorities, leading in some areas to greater instability of the workforce. This in turn leads disruption for children and their families. Children and young people have experienced too many changes of worker and in some cases, this can lead to drift and delay in the services being provided.

6. Key legislation and guidance have more recently been published that seeks to address the issues outlined above. In 2023 *Stable Homes Built on Love* – a review of children’s social care identified key areas for locality authorities to consider in their design and delivery of services. This was followed later in 2023 with the revised *Working Together to safeguard children* that led to a review of safeguarding partnerships.
7. In November 2025, the Government outlined their vision and commitment to progressing and embedding the changes outlined in the aforementioned documents by publishing *Keeping Children Safe – helping families thrive*, which can be found in Appendix B. The legislative changes that will provide a legal framework for these changes are outlined in the *Children’s Wellbeing and Schools Bill* which is currently progressing through Parliament.
8. One key element within the above documents is the commitment to stabilising the children’s social work workforce, hence the publication of the statutory guidance for local authorities on the use of agency Children and family social workers.
9. In summary the guidance dictate that local authorities may continue to use agency child and family social workers, where it is the most appropriate resourcing option, and their use is in line with this guidance. However, local authorities must provide the Department for Education with quarterly data on the use and cost of agency child and family social workers, including where supplied via a project team or other packaged model
10. In addition to this, local authorities should:
 - Work within their region to agree and implement agency child and family social worker price caps that all local authorities within the region should comply with
 - Ensure all contracts to supply agency child and family social workers via a project team or other packaged model comply with the following requirements
 - Prior identification and local authority approval of all constituent child and family social workers
 - Disaggregation of costs related to the provision of each child and family social worker and any other service provided
 - Governance arrangements that allow the local authority to maintain complete oversight, control, and management of social work practice delivered via the project team or other packaged model

- 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 not engage agency child and family social workers for a minimum period of three months after the worker has left a substantive role in their children's services department or that of a local authority within the same region
 - Not engage agency child and family social workers with less than three years post-qualifying experience (PQE) in direct employment of an English local authority practising in a child and family context while registered as a social worker with a UK regulator
 - Ensure that they: provide a detailed practice-based reference using the agency rules standard template for all agency child and family social workers on assignment irrespective of length of assignment
 - Require at least two detailed practice-based references for all agency child and family social workers before offering an assignment (the agency rules standard reference template should be used for references dated on or after this guidance has taken effect)
11. Within the East Midlands Region, a Memorandum of Understanding has been signed up to by all local authorities to work in partnership in order to implement and adhere to the regulations. The Regional Partnership has agreed that no local authority will engage an agency worker who has left permanent employment in the region in the past six months. This is seen to encourage staff to remain in permanent employment. Nationally all local authorities are building in strong regional agreements to enforce the regulations.
 12. In Leicestershire, in addition to being proactively involved in both Regional and National discussions the Department has continued to implement a strong Recruitment and Retention strategy that promotes Leicestershire as the place social workers want to practice. The Service currently has 52 agency social workers engaged with it. This number has reduced from 68 since 2024 and from 76 in 2023.
 13. Of these, 22 are against vacant posts, six are additionality supporting newly qualified staff, 12 additionalities due to demand and 9.5 covering maternity or long-term sickness. There are also two covering secondments.
 14. Since 2023, four agency social workers have chosen to take up permanent employment with the Council, and an additional three are currently in the process of doing so. Discussions have and continue to take place with agency staff about permanent opportunities.
 15. Currently, the Service has 21 full time and three part time social work posts vacant (9 in the process of being filled) and 7.5 senior practitioner level posts vacant. In addition to this, the Service has 10 agency who do not have the three years permanent employment with an English local authority, who will end when their current assignment ends or by the end of April 25. If suitable, the

Service is discussing with them permanent opportunities as they will not be able to practice in agency roles when their current assignment ends.

16. In addition, with support of HR colleagues and specialist recruitment company Reed, a system to make the quarterly data returns possible has been developed. All other elements of the regulations have been shared with managers, so that the Council can ensure full compliance. Positively, all off contract agency workers have been transferred to Reed. In relation to the regulations that refer to project teams, the Service does not utilise project teams.
17. There is a slight risk that if it is not possible to fill all permanent posts and cannot use those agency staff with less than three years permanent experience in an English local Authority, that there will be a shortage of agency social workers. However, the potential to stabilise the workforce further by more agency returning to permanent employment will increase stability of the workforce and reduce financial staffing pressures considerably.

Background Papers:

Recruitment and Retention, Children and Families Overview and Scrutiny Committee, 5 September 2023:

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1043&MID=7193>

Resource Implications

18. Work has taken place with Reed to ensure they have the system in place to provide the data returns. Work has been completed to move all off contract agency over to Reed.

Conclusions

19. In summary, the Locally Authority has worked to ensure that it is fully compliant with the agency social worker regulations. In addition, it will continue to work to reduce reliance on agency social workers and stabilise the workforce.

Circulation under the Local Issues Alert Procedure

20. None.

Equality Implications

21. There are no equality implications from implementing the Regulations.

Human Rights Implications

22. There are no Human Right implications from implementing the Regulations.

Appendices

Appendix A – Agency Rules: Statutory guidance for Local Authorities on the use of
Agency Child and Family Social Workers.
Appendix B – Keeping Children Safe – Helping Families Thrive.

Officer(s) to Contact

Sharon Cooke
Assistant Director, Targeted Early Help & Children's Social Care
Telephone: 0116 305 5479
Email: Sharon.Cooke@leics.gov.uk

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