



Department  
for Education

# Agency Rules

**Statutory guidance for local authorities  
on the use of agency child and family  
social workers**

**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. This guidance describes a set of rules that collectively set out what local authorities should do when using agency child and family social workers.

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 that underpin better outcomes for vulnerable children. The rules are also designed to reduce the overreliance on and costs of agency child and family social workers. This is to create a more sustainable workforce, so more resource is available to develop the workforce and improve the outcomes of children and families.

## About this guidance

This is statutory guidance from the Department for Education. This means that all local authorities should comply with it when using agency child and family social workers to carry out duties in their children's services departments, unless exceptional circumstances arise.

This guidance uses the word "must" where the provision is a legal requirement. The word "should" is used where the provision should be complied with unless exceptional circumstances arise.

This guidance is effective from 31 October 2024.

## Review date

This guidance will be kept under review and updated versions will be published if necessary.

## What legislation does this guidance refer to?

- Local Authority Social Services Act 1970
- Employment Agencies Act 1973
- Children Act 1989
- The Conduct of Employment Agencies and Employment Businesses Regulations 2003
- Apprenticeships, Skills, Children and Learning Act 2009
- Agency Workers Regulations 2010
- Public Contracts Regulations 2015

## What is the status of this guidance?

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

## Who is this guidance for?

This guidance is written for those who work in and with local authority children's social care. It contains information that may also be useful to those, like recruitment businesses, who supply child and family social workers to local authorities.

### Local authorities

Successful implementation of this guidance will need strong corporate leadership and effective collaboration within children's services, across the local authority, and between regions. Therefore, the following individuals within local authorities should read and follow this guidance (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
- 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

### Suppliers

Those who support the recruitment, procurement, and supply of child and family social worker resource in local authority children's social care may also find it helpful to read this guidance as it impacts on how local authorities should engage and contract with them.

### Social workers and settings in scope

The agency rules apply to all agency child and family social workers (as defined below) and child and family social workers looking to move from local authority employment into agency.

The agency rules do not apply to agency social workers only assigned to work for a local authority's adult or mental health services.

The agency rules do not apply to independent social workers carrying out court directed work in addition to the work done by the case allocated local authority social worker.

This guidance does not apply to the use of agency social workers outside of local authority children's services.

It is important to note that:

- "Agency child and family social worker" is used throughout this guidance and refers to a child and family social worker (up to and including team manager or equivalent (see core job type mapping section of this guidance)) registered with Social Work England who is supplied by an agency to perform work or services for a local authority but is not in direct employment with that local authority, and includes those who are employed or contracted by the agency (either directly or through one or more intermediaries)
- "Local authority" is used throughout and should be read to include Alternative Delivery Models for children's social care (where the delivery of children's services is outsourced to a Trust or not-for-profit organisation that is separate from, but accountable to, the local authority) and Partnership based models (where a single leadership team oversees delivery of children's services across two or more local authorities)

Throughout this guidance, the term "children's social care" refers to the local authority services that exist to:

- safeguard and promote the welfare of children in their area who, without the provision of services, are unlikely to achieve or maintain a reasonable standard of health or development, or their health or development will be significantly or further impaired, or are disabled (section 17, Children Act 1989)
- assess the needs of young carers, and whether they require support (section 17ZA, Children Act 1989)
- provide accommodation to any child in need who requires it (section 20, Children Act 1989)
- promote welfare and safeguard looked after children and to ascertain wishes and feelings of children, parents and carers and give them due consideration in decision making (section 22, Children Act 1989)



- provide a range of support to a child who has left care (section 23A, 23B, 23C, Children Act 1989)
- undertake enquiries when there are concerns a child may suffer significant harm and take action to keep them safe, including taking the child into care (section 47, section 31, Children Act 1989)
- deliver services and support to looked-after children and care leavers, local authorities must have regard to the corporate parenting principles (section 1, Children and Social Work Act 2017)

## Main points

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.

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

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 reference 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)

## Implementation and transition

**From 31 October 2024, the effective date of this 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.**

Local authorities should work closely with their supply chains, including central purchasing organisations, managed service providers, and agencies, to agree and implement processes that support compliance with this guidance through the supply chain, subject to complying with the law.

To facilitate this, from 31 October 2024, local authorities should:

- ensure that all new contracts for the supply of agency child and family social workers to local authority children's services support compliance with the agency rules
- ensure that any contracts for the supply of agency child and family social workers which are in force prior to this guidance coming into effect but do not contain contractual obligations that prevent implementation of particular rules or parts of a rule support compliance with the agency rules

Where local authorities have contracts for the supply of agency child and family social workers which are in force prior to this guidance coming into effect and contain contractual obligations that prevent implementation of particular rules or parts of a rule, we do not expect those local authorities to change or terminate them from 31 October 2024 solely to comply with those rules or parts of a rule. If they do so, they must in any event comply with their contractual obligations and applicable Procurement Rules.

Local authorities should refer to the data and price caps operational guidance for dates relating to the data collection and price caps.<sup>1</sup>

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<sup>1</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).

## End of transition

**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.**

Where local authorities have contracts for the supply of agency child and family social workers which are in force prior to this guidance coming into effect and contain contractual obligations that prevent implementation of particular rules or parts of a rule, those local authorities should ensure that they achieve full implementation of this guidance across all such contracts before 1 October 2025. Such plans may involve changing existing contract terms or exercising rights of termination and entering into new contracts.

## Data collection

**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.**

Local authorities must submit a quarterly data return to the Department for Education on their previous quarter's agency use and cost. Details on how local authorities should collect and submit the quarterly data return can be found in the data and price caps operational guidance which is published separately.<sup>2</sup>

Local authority level data and benchmarking data resulting from the collection will be securely shared back with local authorities. This consistent evidence base of agency use and cost will support local authorities with workforce planning and bolster the development of regional and national workforce strategies. It will enable, for the first time, local authorities to compare their agency costs with those of other local authorities at a regional or national level against five consistent core job types. This will, in turn, form the basis for the development and/or adjustment of regionally determined price caps. It will also allow the Department for Education to monitor compliance with the rules to enable the development and implementation of support and/or enforcement measures.

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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).

## Price caps

**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.**

The price cap should be based on Umbrella/Limited Company hourly pay rates, which are inclusive of employers' national insurance contributions and holiday pay. This should be converted for the PAYE equivalent candidates.

For the purposes of this guidance price caps represent the maximum hourly rate that local authorities should pay for an agency child and family social worker and should not be interpreted as standard or default.

The price caps should:

- be set against the core job types described in the operational data and price cap guidance
- be applied to all contracts to supply agency child and family social workers to a local authority, including via a [project team](#) or other packaged model
- take into account data and market insights, including data outputs from the [quarterly data submission](#)

More details on price caps can be found in the data and price caps operational guidance which is published separately.<sup>3</sup>

## Price cap implementation

Financial or non-financial bonuses that take the worker over the cap should not be offered. Only reasonable expenses should be covered in addition to the hourly rate. Costs such as agency and managed service provider fees and margins are typically

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<sup>3</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).

controlled via existing commercial frameworks and local authorities should be mindful of value for money when working with their supply chains.

Local authorities should ensure that any advert placed on their behalf complies with this statutory guidance. If a supplier seeks to circumvent the caps, local authorities should consider whether it would be appropriate to restrict their access to new vacancies and/or report them to their respective Regional Improvement and Innovation Alliance.

All assignments at hourly rates above the price caps should be signed off by the relevant local authority's Director of Children's Services (DCS) and Chief Executive prior to the assignment being agreed. Local authorities should work within their region to agree any additional, region-wide governance processes. All assignments at hourly rates above the price caps should be reported to the DfE through the quarterly data collection.

In implementing their price caps, local authorities need to be aware of their legal obligations under the Agency Workers Regulations 2010.<sup>4</sup> This includes ensuring that an agency worker who has completed their qualifying period (as set out in those Regulations) in the same role with the same hirer receives the same basic working and employment conditions, including aspects of pay and annual leave, as a direct recruit.

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<sup>4</sup> *The Agency Workers Regulations 2010* (SI 2010/93). <https://www.legislation.gov.uk/ukSI/2010/93> (Accessed September 2024).



## Project teams

**Local authorities should 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**

This rule applies to all contracts to supply agency child and family social workers to a local authority via a project team or other packaged model. This will include all packaged models or equivalents, including those described as project or managed service teams, irrespective of the precise structure, name, or definition of the model in question.

Local authorities should ensure that the engagement of each of the agency child and family social workers of any project team or other packaged model also complies with all the other rules set out in this guidance.

## Employment status for tax

Local authorities will need 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. As part of this, local authorities should consider whether the work of such teams is in fact a fully contracted out service. There is no legal definition of a fully contracted out service; it is instead based upon both the contract and how it operates in practice.

If a social worker is providing their services through their own intermediary (for example, a personal service company or 'PSC'), the off-payroll working rules (commonly referred to as IR35) may apply.<sup>5</sup>

Under the off-payroll working rules, the local authority is responsible for deciding the employment status of the social worker and completing a Status Determination Statement (SDS) for each agency child and family social worker (including all constituent workers of a project team or other packaged model).<sup>6</sup> This SDS should be passed to the agency the local authority is contracting with, as well as the social worker, before any payment is made for the social worker's services. If this is not done, the local authority will remain responsible for operating PAYE on the payments where the off-payroll working rules apply.

Local authorities can use HMRC's Check Employment Status for Tax (CEST) tool to help them make employment status decisions. This tool gives HMRC's view of a worker's employment status, based on the information you provide.<sup>7</sup> CEST is the only tool where HMRC will stand behind the determinations made, as long as the information used to make the determination remains accurate and is in line with HMRC's guidance.

If a social worker is being provided through an agency that is not their employer, special tax rules for agencies may apply to the arrangement.<sup>8</sup> If they do, the agency will be responsible for making sure that tax and National Insurance for workers are paid correctly.

Where the governance arrangements set out under this rule are implemented, these are strong indicators of deemed employment for tax. However, each assessment of an individual's employment status for tax should be carried out in a fact-specific way on a case-by-case basis.

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<sup>5</sup> HM Revenue & Customs. *Understanding off-payroll working (IR35)*. <https://www.gov.uk/guidance/understanding-off-payroll-working-ir35> (Accessed September 2024).

<sup>6</sup> HM Revenue & Customs. *Off-payroll working for clients*. <https://www.gov.uk/guidance/off-payroll-working-for-clients> (Accessed September 2024).

<sup>7</sup> HM Revenue & Customs. *Check employment status for tax*. <https://www.gov.uk/guidance/check-employment-status-for-tax> (Accessed September 2024).

<sup>8</sup> HM Revenue & Customs. *Check if you're an employment intermediary*. <https://www.gov.uk/guidance/employment-status-employment-intermediaries> (Accessed September 2024).

## Prior approval of constituent child and family social workers

Local authorities should ensure that all decision-making authority regarding the recruitment and retention of agency child and family social workers, including those deployed via a project team or other packaged model, is held within established local authority line management.

To satisfy this requirement, all contracts to supply agency child and family social workers via a project team or other packaged model should identify each constituent child and family social worker to the local authority and allow for the local authority to approve or decline each worker for assignment. This includes any changes to the workers of a team after the team is in place.

Local authorities should ensure that, for each contract to supply agency child and family social workers via a project team or other packaged model, the supplier provides the following details:

- number of social workers
- name of each social worker
- each worker's registration number issued by Social Work England
- references for each social worker (as per the [references](#) rule)

Local authorities should require these details from the supplier in advance of the assignment start date or, in the case of a change of worker, prior to the start date of the incoming worker. Local authorities should not agree work for any project team or other packaged model where the constituent child and family social workers are not approved in advance.

In line with the [references](#) rule, local authorities should provide and require detailed practice-based references for each child and family social worker of a project team or other packaged model before offering an assignment.

## Cost disaggregation

Local authorities should ensure that all contracts to supply agency child and family social workers via a project team or other packaged model disaggregate the costs related to the provision of each child and family social worker and any other service provided prior to contract signing.

To satisfy this requirement, local authorities should ensure that all costs relevant to each contract are set out transparently and to the satisfaction of the local authority before

contract signing. All contracts to supply agency child and family social workers via a project team or other packaged model should include, as a minimum:

- an overall price
- a clear breakdown of costs, including hourly pay rate, related to the provision of each child and family social worker in the project team or other packaged model
- a clear breakdown of all other staff costs
- a breakdown of other charges that have been wrapped into the total price;
- a payment schedule
- the right for the local authority to request further information on cost transparency throughout the contract term

Local authorities should also ensure that the hourly pay rate for each child and family social worker in a project team or other packaged model complies with the relevant price caps.

## Governance

Local authorities should ensure that all contracts to supply agency child and family social workers via a project team or other packaged model include governance arrangements that allow the local authority to maintain complete oversight, control, and management of social work practice delivered via the arrangement.

Local authorities are best placed to determine the precise governance arrangements that satisfy this requirement. However, local authorities should ensure that governance arrangements allow for:

- oversight: there should be a clear line of accountability from the DCS to each constituent child and family social worker of a project team or other packaged model and their practice
- control: local authorities should retain control of decision-making in relation to all child and family social work practice delivered by the constituent workers of a project team or other packaged model
- management: local authorities should determine supervision and task/line management of the constituent workers of a project team or other packaged model

This means that as a minimum, local authorities should retain overall control over:

- the practice model used by all constituent child and family social workers of a project team or other packaged model
- practice supervision of all constituent child and family social workers of a project team or other packaged model
- line management of all constituent child and family social workers of a project team or other packaged model
- quality assurance of all child and family social work practice delivered by the constituent workers of a project team or other packaged model
- decision-making in case management, such that the project team or other packaged model is fully integrated within the children's services department

Local authorities are accountable for social work practice carried out by all social workers discharging local authority functions.

Local authority senior leaders, practice supervisors, and practitioners should be aware of their statutory duties and responsibilities outlined in the Children's Social Care National Framework.<sup>9</sup> In particular, local authority governance arrangements covering project teams or other packaged models should facilitate each of the *expectations for practice* set out under *Enabler: the workforce is equipped and effective*.

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<sup>9</sup> Department for Education. *Children's Social Care National Framework*. <https://www.gov.uk/government/publications/childrens-social-care-national-framework> (Accessed September 2024).

## Notice periods

**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.**

The notice period should be a mutual arrangement between agency child and family social workers, agencies, and the local authority.

Local authorities should inform the agencies and managed service providers in their supply chains of the notice period required for social work assignments in children's social care.

Agency social workers should not be subject to longer notice periods than their directly employed counterparts. Therefore, where a local authority has variable lengths of notice periods that are less than four weeks for different levels of seniority or different lengths of service, the notice period for agency assignments should reflect those variations. Where calculating a notice period of less than four weeks for agency child and family social workers local authorities should use the minimum notice periods specific for the same or equivalent substantive job roles.

Agencies are required to ensure agency child and family social workers put forward for assignments are told the length of notice they must give and should receive on termination of the assignment.<sup>10</sup>

There may be circumstances where working the entire notice period is not appropriate, including where:

- an individual is dismissed due to gross misconduct following a fair and reasonable investigation
- an individual asks to leave before their notice period on compassionate grounds and this is agreed with the local authority

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<sup>10</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 18: Information to be obtained from a hirer. Regulation 19: Confirmation to be obtained about a work-seeker. <https://www.legislation.gov.uk/uksi/2003/3319> (Accessed September 2024).

- it is agreed by both parties that exceptional circumstances justify termination of the assignment with a reduced notice period

The notice period will run from the day after the agency child and family social worker has handed in their notice. If a local authority is issuing notice, this should be in writing and the period starts the day after the agency worker has received notification.

Where an agency child and family social worker has left without working the agreed notice, local authorities may wish to reflect this in the reference they provide. Local authorities should wherever possible decline to accept an agency child and family social worker who has, without agreement, failed to complete their notice period at their previous local authority assignment.

Following the publication of this guidance, all local authorities should review their current policies and procedures relating to notice periods and agency child and family social workers to determine if any changes are required. Local authorities are responsible for clarifying the process for:

- reviewing and amending existing policies and procedures to incorporate the above requirements into new contracts
- establishing mechanisms for monitoring and enforcing compliance

## Making best use of notice periods

Local authorities should, in conjunction with the agency, ensure agency child and family social workers use the notice period to take all necessary steps to facilitate a smooth transition of all responsibilities and cases to colleagues in line with Social Work England's Professional Standards.<sup>11</sup>

Local authorities should also use the notice period to discuss development and performance with the agency child and family social worker including sharing the completed reference template. More information on references for agency child and family social workers can be found in the [references](#) section of this guidance.

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<sup>11</sup> Social Work England. *Professional Standards*.  
<https://www.socialworkengland.org.uk/standards/professional-standards> (Accessed September 2024).

## Cool-off periods

**Local authorities should not engage agency child and family social workers for a minimum period of three months after they have left a substantive role in their children's services department or that of a local authority within the same region.**

Cool-off periods should be applied equally to individual agency child and family social workers and agency child and family social workers who are engaged as part of a project team or other packaged model.

This rule sets a minimum cool-off period and minimum geographical boundary. It does not prevent local authorities from declining to engage agency child and family social workers for periods of longer than three months after they have left a substantive role within the same region or from applying the cool-off period to a wider geographical area should they wish to do so. Regional boundaries for cool-off periods are defined as the nine local authority regions in England. A list of local authorities by region can be found at [Appendix C](#).

There may be circumstances where a cool-off period is not applicable, including where a social worker:

- is moving to a permanent role
- has been made redundant from a permanent role
- is seeking an agency assignment in a different region from their previous employment
- has left a permanent role during their probationary period

Local authorities may also consider exceptional circumstances on compassionate grounds on a case-by-case basis.

Local authorities should inform the relevant agencies and managed service providers in their supply chains that they will not offer assignments to agency social workers who have left the direct employment of a regional local authority within the last three months. Cool-off periods do not require changes to permanent employees' terms and conditions.

Local authorities are responsible for reviewing and amending existing policies and procedures to incorporate this requirement.



## Post-qualifying experience

**Local authorities should 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.**

Local authorities should apply the post-qualifying experience minimum to all agency child and family social workers irrespective of their pathway to the profession.

Post-qualifying experience is time spent 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. This can include time spent in direct local authority employment participating in post-qualifying development programmes such as the Assessed and Supported Year in Employment (ASYE).

Three years post-qualifying experience can be obtained from a single period of employment with one local authority or can be gained over several periods of employment with different local authorities. It need not be achieved within a specific three-year period but should total three years to be sufficient. Periods of statutory leave taken as part of continuous employment should count towards post-qualifying experience though unpaid career breaks should not.

Time spent in child and family social work practice outside local authority direct employment should not count towards post-qualifying experience. This includes time spent practising child and family social work outside England. Voluntary work for a local authority should not count towards post-qualifying experience.

Local authorities are responsible for clarifying to relevant parties the process for checking whether an agency child and family social worker's employment history meets the post-qualifying experience minimum. Agencies should ensure that the agency child and family social workers put forward for assignments have the experience that hirers, such as local authorities, consider necessary.<sup>12</sup>

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<sup>12</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 18: Information to be obtained from a hirer. Regulation 19: Confirmation to be obtained about a work-seeker. <https://www.legislation.gov.uk/ukxi/2003/3319> (Accessed September 2024).

## References

### Local authorities should:

- **provide a detailed practice-based reference using the agency rules standard reference 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)**

Agencies are required to provide two references to hirers, such as local authorities, for all assignments where professional qualifications are required or where work with vulnerable persons is involved.<sup>13</sup> Local authorities should request that agencies and managed service providers provide them with two detailed practice-based references for all agency child and family social workers.

This rule sets a minimum. It does not prevent local authorities from requesting more than two detailed practice-based references as standard for agency assignments should they wish to do so.

Using the [standard reference template](#) will facilitate a system that supports local authorities to effectively manage performance and recruitment across the agency workforce by:

- providing agency child and family social workers with clear feedback of strengths and areas for improvement, thus supporting effective performance management
- providing local authorities with details of an agency child and family social worker's knowledge and skills allowing for more informed hiring decisions and selection of candidates who are better aligned with the job requirements

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<sup>13</sup> *The Conduct of Employment Agencies and Employment Businesses Regulations 2003* (SI 2003/3319). Regulation 22: Additional requirements where professional qualifications or authorisation are required or where work-seekers are to work with vulnerable persons. <https://www.legislation.gov.uk/uksi/2003/3319> (Accessed September 2024).

Local authorities are responsible for clarifying to relevant parties the process for providing and requiring practice-based references.

## Standard reference template

The standard reference template is based on the social work professional standards in England.<sup>14</sup> The professional standards are the threshold standards necessary for safe and effective practice set out by Social Work England outlining what every social worker must know, understand, and be able to do after qualifying. Local authorities should ensure that both sections of the template are completed.

### Section 1

This is a factual reference that includes a short summary of the agency child and family social worker's employment including job title and employment dates but does not include details about knowledge and skills.

### Section 2

This is a detailed reference based on the social work professional standards.

It is important this section is an accurate and objective reflection of the agency child and family social worker's practice during their assignment. It should provide an unbiased assessment based on the agency child and family social worker's actual performance and abilities, highlighting both strengths and practice areas in need of development.

Where a referee identifies an area of practice that requires development in the competency assessment, the referee should provide further details under the performance and fitness to practise section.

Should a local authority be aware of relevant disciplinary matters, these can be detailed by referees under the 'would you re-employ this worker in a similar role' heading.

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<sup>14</sup> Social Work England. *Professional Standards*.

<https://www.socialworkengland.org.uk/standards/professional-standards> (Accessed September 2024).

## Providing and requiring references

Local authorities should complete both sections of the standard reference template for each agency child and family social worker before their assignment ends.

Local authorities should not delegate responsibility for completing the template to agencies or managed service providers.

Local authorities can determine who is best placed to complete the template but should ensure that a substantive employee of the local authority with sufficient knowledge of the agency child and family social worker's professional practice completes [section 2](#) of the template. Examples of individuals who may be suitable to complete this section are:

- principal social workers
- line managers
- team leaders
- assistant team managers
- advanced practitioners

Local authorities should share and discuss the reference with the agency child and family social worker before the end of their notice period so any development issues can be addressed.

When recruiting to assignments in their children's services departments, local authorities are encouraged to consider practice-based references as one of several tools.

Supplementing references with other assessment methods, such as interviews, skills tests, and behavioural assessments, can provide a more holistic evaluation of a social worker's practice.

## Appendix A: Glossary

Term	Definition
Agency	An employment business within the meaning of Section 13(3) Employment Agencies Act 1973 and including the supply by the employment business of persons employed by or supplied through a third party or intermediary.
Agency child and family social worker	Agency child and family social worker is used throughout this guidance and refers to a child and family social worker (up to and including team manager or equivalent) registered with Social Work England who is supplied by an Employment Agency or Employment Business to perform work or services for a local authority but is not in direct employment with that local authority, and includes those who are employed or contracted by the Agency (either directly or through one or more intermediaries).
Alternative Delivery Models	Where the delivery of children's services is outsourced to a Trust or not-for-profit organisation that is separate from, but accountable to, the local authority.
Central Purchasing Organisation	A Central Purchasing Body within the meaning of regulation 37 of the Public Contracts Regulations 2015 or, as the case may be, a centralised procurement authority within the meaning of section 1(4) of the Procurement Act 2023 or any other similar public buying organisation.
Cool-off period	A defined period of time during which a local authority may decline to engage an agency child and family social worker if they were previously directly employed by the local authority in their children's services department or that of local authority in their region.

Term	Definition
Dynamic Purchasing System or Dynamic Markets	Arrangements within the meaning of regulation 33 of the Public Contracts Regulations 2015 or sections 35ff. of the Procurement Act 2023 (as the case may be), between a contracting authority (including a local authority) or a Central Purchasing Organisation on the one hand and suppliers party to those arrangements (members) on the other, setting out in advance the conditions under which the former may from time to time award contracts for works, services and goods to its members in accordance with contract conditions that have been set out in advance. As a procurement tool, it is in many respects similar to a framework agreement or framework but provides greater flexibility insofar as new suppliers can join at any time, subject to meeting the conditions for membership.
Framework agreement or framework	A type of agreement within the meaning of regulations 33 and 34 of the Public Contracts Regulations 2015 or (as the case may be) sections 45ff. of the Procurement Act 2023, enabling contracting authorities (including local authorities) or Central Purchasing Organisations from time to time to award contracts for the supply of goods or services to pre-selected suppliers who were successful in their application to become parties to the framework agreement or framework following a competitive selection procedure in accordance with contract conditions that have been set out in advance.
Independent social worker	An Independent Social Worker takes on cases from local authorities or the children's courts, carrying out specialist assessments or providing an expert opinion where one is required.
Local authority	Any public body that is responsible for providing a range of services to any specified local community. It includes legal entities such as Children's Service Trusts or other entities created by local authorities under Alternative Delivery Models.

Term	Definition
Local authority region	<p>Nine regions in England comprising multiple local authorities in a geographical area.</p> <p>These were established across England in 1994 as the nine Government Offices for the Regions (GOR) which were abolished in 2011. Due to the requirement to maintain a region-level geography for statistical purposes, the Government Statistical Service Regional and Geography Committee agreed that from 1 April 2011, the former GORs should be simply referred to as 'regions'.<sup>15</sup></p> <p>A list of local authorities within each region (at time of publication) is included at <a href="#">Appendix C</a>. The Association of Directors of Children's Services (ADCS) maintains an updated list, available at: <a href="https://adcs.org.uk/regions/home">https://adcs.org.uk/regions/home</a>.</p>
Managed Service Provider (MSP)	<p>A Managed Service Provider is an organisation that manages the temporary worker recruitment for a local authority. 'Managed Service' does not refer to a specific type of recruitment service but can encompass any recruitment service that can be outsourced.</p>
Notice period	<p>The amount of time an employee or contractor must continue to provide their services for following a resignation, dismissal or redundancy.</p>
Partnership based models	<p>Where a single leadership team oversees delivery of children's services across two or more local authorities.</p>

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<sup>15</sup> Office for National Statistics. *Administrative geographies: England*. <https://www.ons.gov.uk/methodology/geography/ukgeographies/administrativegeography/england#regions> (Accessed September 2024).

Term	Definition
Post-qualifying experience	Time an individual has been employed as a registered social worker practising entirely or primarily in an English local authority's children's services department or, in local authorities operating joined up services, practising entirely or primarily in a child or family context.
Procurement Rules	Statutory provisions that central government and wider public sector bodies must follow above set financial thresholds, when acquiring goods, services or works. They include, insofar as either are applicable, the Public Contracts Regulations 2015 and the Procurement Act 2023 once in force.
Project team or other packaged model	<p>A specific team of child and family social workers created or organised by an agency, sometimes with its own manager and administrative staff, but not necessarily comprising the same individuals at all times, to provide relevant social care services to local authorities.</p> <p>This includes all packaged models, including those not within the definition of a 'project team', by means of which the services of agency child and family social workers are supplied as part of a packaged team or with additional services.</p>
Regional Improvement and Innovation Alliances (RIAs)	Regional Improvement and Innovation Alliances (RIAs) are a key resource for accessing improvement support. Each RIA will include a lead Chief Executive and lead Director of Children's Services as well as a workforce lead.
Substantive child and family social worker	An individual child and family social worker who is registered with Social Work England and directly employed by the local authority. The individual will be practising entirely or primarily in child and family social work.



## Appendix B: Standard reference template

### Section 1 – Basic reference

#### Social Worker

<b>Name:</b>	
<b>Social Work England registration number:</b>	

#### Assignment

<b>Job title:</b>			
<b>Start date:</b>		<b>End date:</b>	
<b>Area of practice:</b>	<input type="checkbox"/> CiN/CP <input type="checkbox"/> LAC <input type="checkbox"/> Fostering <input type="checkbox"/> Adoption <input type="checkbox"/> Other: _____		
<b>Did the assignment include court work:</b>	YES / NO		

#### Referee

<b>Name:</b>	
<b>Job title:</b>	
<b>Local authority:</b>	
<b>Email:</b>	

## Section 2 – Detailed reference

### Competency assessment

**A – Strong:** very experienced, consistently high performance

**B – Competent:** meets all basic expectations, consistently effective performance

**C – Requires development:** inconsistent or not fully effective, may relate to competency or behaviour

**D – Unproven:** not demonstrated

		Strong	Competent	Requires development	Unproven
Knowledge and record keeping	Knowledge and understanding of child protection policies, procedures, and legislation				
	Maintenance of accurate and up-to-date records and documentation				
	Writing clear, concise, and comprehensive reports, assessments, and plans				
Assessment and intervention	Ability to assess needs, strengths, and risks to ensure safety and well-being and involvement of children and families in decision-making processes				
	Development and implementation of effective plans utilising evidence-based approaches				
	Ability to prioritise tasks and manage competing demands while maintaining a focus on the best interests of the child				
Working effectively with others	Ability to work collaboratively with multidisciplinary teams and partner agencies				
	Promotion of open and effective communication with children and families				
	Ability to demonstrate cultural competence and sensitivity in working with individuals and families from diverse backgrounds				
Professionalism	Openness to feedback and commitment to continuous learning				
	Engagement in reflective practice and critical analysis of own practice				
	Adherence to professional values, ethics, and conduct				

## Performance and fitness to practise

Are you aware of any open fitness to practise concerns with the regulator:		YES / NO
<b>Details:</b>		

Add any further comments in **Section 3 – Additional information**

Additional information added

Would you re-employ this worker in a similar role:		YES / NO
<b>Details:</b>		

Add any further comments in **Section 3 – Additional information**

Additional information added

**If you identified a development need in the competency assessment, please give further details:**

Add any further comments in **Section 3 – Additional information**

Additional information added

## Declaration

I confirm that I am authorised to give the assessment details outlined in this form.

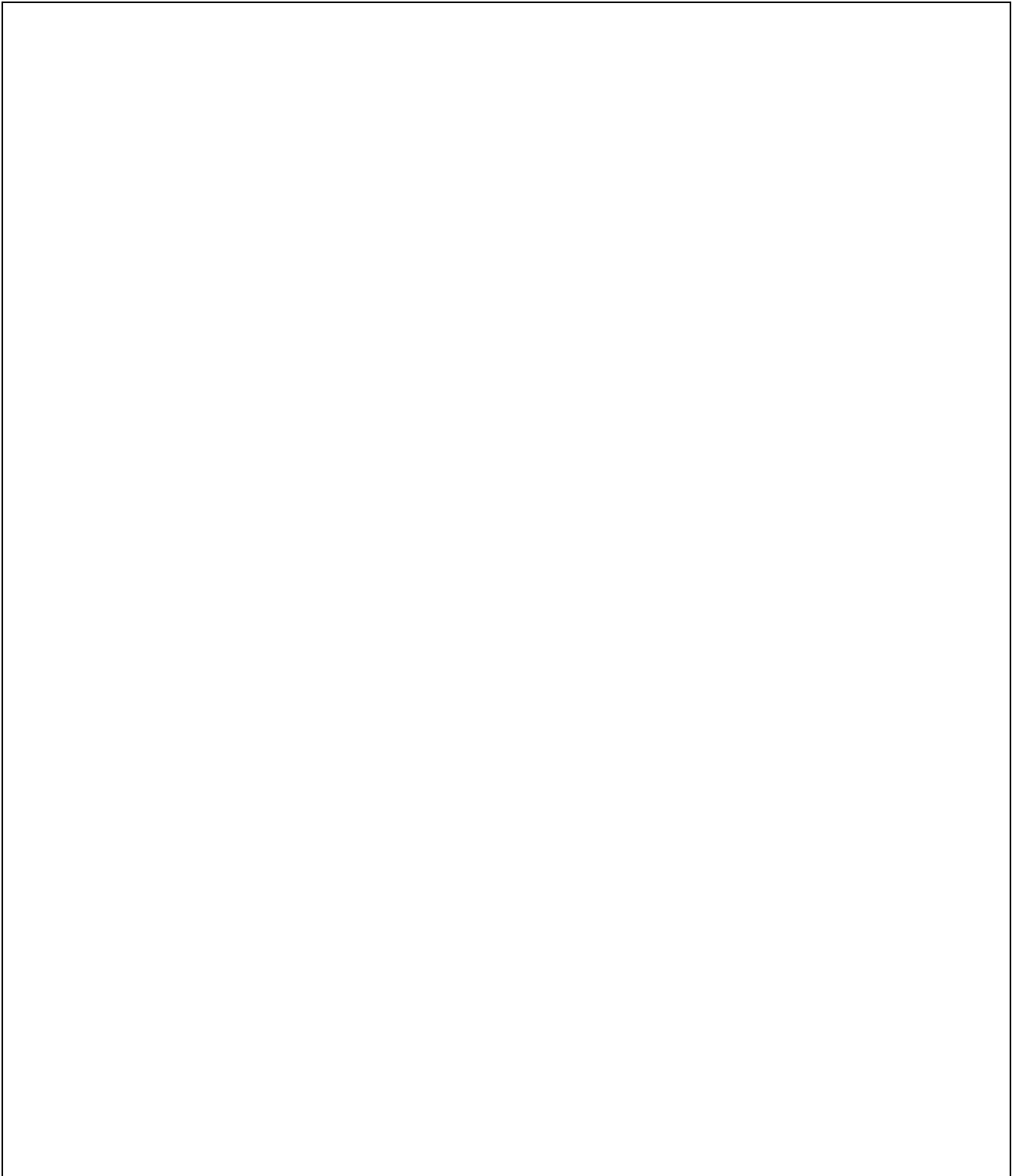
By supplying this assessment, I understand I am giving the recipient permission to disclose the information contained in this document to third parties.

Signature:

Date:

\_\_\_\_\_

### Section 3 – Additional information



## Appendix C: Local authorities by region

These are the geographical regions that group the local authorities based on their proximity and collaboration. There are nine local authority regions in England, each with a different number of local authorities.

- **East of England:** Bedford Borough, Cambridgeshire, Central Bedfordshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend-on-Sea, Suffolk, Thurrock.
- **East Midlands:** Derby, Derbyshire, Leicester, Leicestershire, Lincolnshire, North Northamptonshire, Nottingham City, Nottinghamshire, Rutland, West Northamptonshire.
- **North East:** Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, Northumberland, North Tyneside, Redcar and Cleveland, South Tyneside, Stockton, Sunderland.
- **North West:** Blackburn with Darwen, Blackpool, Bolton, Bury, Cheshire East, Cheshire West and Chester, Cumberland, Halton, Knowsley, Lancashire, Liverpool, Manchester, Oldham, Rochdale, Salford, Sefton, St. Helens, Stockport, Tameside, Trafford, Warrington, Westmorland and Furness, Wigan, Wirral.
- **South East:** Brighton and Hove, Bracknell Forest, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Medway, Milton Keynes, Oxfordshire, Portsmouth, Reading, Slough, Southampton, Surrey, West Berkshire, West Sussex, Windsor and Maidenhead, Wokingham.
- **South West:** Bath and North East Somerset, Bournemouth, Christchurch and Poole, Bristol, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, North Somerset, Plymouth, Somerset, South Gloucestershire, Swindon, Torbay, Wiltshire.
- **West Midlands:** Birmingham, Coventry, Dudley, Herefordshire, Sandwell, Shropshire, Solihull, Staffordshire, Stoke-on-Trent, Telford and Wrekin, Walsall, Warwickshire, Wolverhampton, Worcestershire.
- **Yorkshire and Humber:** Barnsley, Bradford, Calderdale, Doncaster, East Riding of Yorkshire, Kingston upon Hull, Kirklees, Leeds, North East Lincolnshire, North Lincolnshire, North Yorkshire, Rotherham, Sheffield, Wakefield, York.
- **Greater London:** Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, City of London, Croydon, Ealing, Enfield, Greenwich, Hackney,

Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington and Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth, Westminster.

## Appendix D: Further information

### Useful resources and external organisations

- HM Revenue & Customs. *Understanding off-payroll working (IR35)*:  
<https://www.gov.uk/guidance/understanding-off-payroll-working-ir35-or-organisation>
- HM Revenue & Customs. *Off-payroll working for clients*:  
<https://www.gov.uk/guidance/off-payroll-working-for-clients>
- HM Revenue & Customs. *Check if you're an employment intermediary*:  
<https://www.gov.uk/guidance/employment-status-employment-intermediaries>
- HM Revenue & Customs. *Check employment status for tax*:  
<https://www.gov.uk/guidance/check-employment-status-for-tax>
- Social Work England. *Professional Standards*:  
<https://www.socialworkengland.org.uk/standards/professional-standards>

### Other relevant departmental advice and statutory guidance

- Children's social care: national framework:  
<https://www.gov.uk/government/publications/childrens-social-care-national-framework>
- Operational guidance for local authorities on the agency data collection and price caps: <https://www.gov.uk/government/publications/agency-child-and-family-social-workers-data-return-and-price-caps>





Department  
for Education

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