

2023

**MEMORANDUM OF CO-OPERATION**  
**The East of England Regional Partnership**  
**for Managing the Demand and Supply of**  
**Children's Social Workers**



**Between:**

Bedford Borough Council  
Cambridgeshire County Council  
Central Bedfordshire Council  
Essex County Council  
Hertfordshire County Council  
Luton Borough Council  
Peterborough City Council  
Norfolk County Council  
Southend City Council  
Suffolk County Council  
Thurrock Council

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**Context:**

Nationally and regionally, Local authorities are focused on recruitment and retention to fill social worker vacancies and leadership roles. Success is mixed and much depends on the overall employment package offered by each Local Authority, (LA). The mismatch in resourcing requirements, i.e., over-demand and under-supply, continues to affect all local authorities. This situation is not one that will be resolved in the short or medium term given the state of the current and predicted labour market.

To manage agency and permanent worker supply and demand, and their associated costs a collaborative and strategic approach continues to be needed. Management of agency supply alone will not resolve the greater challenge of securing a more stable permanent workforce to deliver good quality local services for vulnerable children. Equally, each LA is trying to address its own local challenges with varying levels of success.

The original East of England Memorandum of Co-operation (MoC) was signed as an attempt to consolidate a more collaborative approach across the East of England initially, with the hope of fostering and encouraging a national solution to the relevant aspects of the demand and supply of children's social workers. The requirement for this collaborative approach remains given the current state of the market and a national solution remains as an aspiration to be strived for. Bearing in mind this new Memorandum of Cooperation has been agreed by the EARDCS group and HR leads for the LAs within the East of England.

**Scope:**

The scope covers children's social worker roles for both permanent and agency supply. Extension of the scope of the MoC to cover adult social worker roles has been agreed as a separate, linked work-stream.

**Effective Date of Implementation:**

The original Memorandum commenced on 11 September 2014. This Memorandum of Cooperation will take effect on (1<sup>st</sup> February 2023)

**Governance:**

The Regional Directors of Children's Services (DCS) Group will continue to be accountable for ensuring that their Management Teams, HR functions and agency suppliers comply with the agreed current and future protocols. Progress updates and, where necessary, decisions will be presented to the Regional DCS Group at quarterly intervals. The DCS group will determine actions to be completed by the Project Team and the HR Leads Group.

The Project Team based at Southend City Council will be responsible for providing quarterly updates to the DCS Group using data provided by all those under the MoC agreement. They will feedback decisions and actions to be undertaken by the HR Leads Group. The Project Team will also be responsible for managing the Exemption Process

HR Leads Group will meet quarterly Led by the DCS Sponsor and Project Team. Reviewing workstreams, completing actions set by DCS Group and analysing data.

**Measuring Success:**

Objectives and corresponding key measures of success will be agreed annually with the Regional DCS Group. New objectives will form an addendum to this Memorandum and will be reported on a quarterly basis. The objectives will be reviewed annually, and new ones agreed as and when necessary. Previously agreed protocols, which may form the basis for new objectives are recorded in the following section of the Memorandum.

**All Local Authority signatories to the Memorandum of Co-Operation (MoC) agreed to adopt the following protocols as set out in the original Memorandum by the Regional DCS Group:**

1. A common minimum standard for referencing to help prevent 'recycling' of inadequate quality permanent and agency workers.
2. Use of end of placement reviews with adequate information passed back to the agency workers and the agency supplier to determine any development requirements or to cease placing the worker to help to address quality issues.
3. Full implementation of the terms of this MoC via all their suppliers, i.e., main contractor and any second-tier suppliers.
4. Proactive use of their agency supply chain as a pipeline for the supply of permanent workers, in addition to direct recruitment. All LAs acknowledge that working as an interim help to build experience and enhances productivity.
5. Ensure that permanent and agency workers are clear from the outset of the MoC and how it is being adopted by all signatory LAs and their agency suppliers. LAs and suppliers will provide standardised information on the MoC during recruitment and at induction.
6. LAs and all their suppliers (whether providing permanent or temporary supply of workers) to refrain from aggressive 'headhunting' from within those LAs that have adopted the MoC, unless for a promotional role.
7. To maintain and implement the principle that no Newly Qualified Social Worker will be engaged as an agency social worker.
8. Over time, work to apply the Protocols to all social worker roles in Children's and Adult's Services, and other roles as identified.
9. Continue to enforce the "no perm to temp" arrangement whereby no LA agrees to engage an agency worker who has been employed permanently by an LA, which is a signatory to the Memorandum within a period of twelve months prior to the engagement.

10. LAs and suppliers to work towards ceasing to contract with individuals who are 'self - employed' and to reduce over reliance on these workers. A strategy of only accessing work if they are an employee or an agency worker on the agreed rates will assist with this. LAs will ensure that they comply with the principles of IR35 and related guidance.
11. To continue to reduce the number of and dependence upon agency workers, with the aim of utilising them for short-term sickness absence and vacancy cover.
12. To monitor and reduced the number of breaches of MoC capped rates.
13. To review the MoC capped rates to ensure their continued viability.
14. To share intelligence when required by the DCS Group in respect of Terms and Conditions including pay rates and other measures to provide incentive around recruitment and retention to enable regional work force planning.
15. To work together to develop regional solutions in respect of career progression, recruitment, and retention.
16. That we all agree that we do not permit agency workers to change assignments within the region for pay rates above the max breach rate/ current assignments rate.

### Agency Worker movement within the Region due to pay

#### Agency workers not changing grade.

- Increase to pay will only be negotiated at the end of an assignment
- For Workers changing authority within the region pay rates will only be offered at the max breach rate.

#### Agency workers changing grade

- Workers changing to a higher-level post, can negotiate rates up to the max breach rate.

Any breaches should be raised with the Project Team who will liaise with the region for a reply.

Broad Job title	Maximum Hourly Rate for a PAYE SW via an Agency	Max Breach Rate
Newly Qualified Social Worker (NQSW)	£23 per hour or £170 per day	£28 per hour or £204 per day
Social Worker (with 2 years+ PQE)	£28 per hour or £207 per day	£33 per hour or £241 per day
Senior Practitioner/Assistant Team Manager	£35 per hour or £237 per day	£37 per hour or £271 per day
Team Manager	£38 per hour or £281 per day	£43 per hour or £315 per day

**Future Objectives will to be agreed annually at DCS meetings and attached as an addendum to the MOC.**

## **Addendum one**

### **Current Objectives: 2022/2023**

1. To continue to monitor breaches of MoC rates quarterly and to monitor compliance with exemption protocol, including establishment and % of agency social work vacancies.
2. To highlight any MoC workarounds, monitor and strive to close them down. Support and influence the LGA/National Agenda for Agency Worker pay and support Project Leads and DCS Leads.
3. To work our external partners, develop and build regional microsite and develop a regional EVP
4. Continue with agreed work streams.

Broad Job title	Maximum Hourly Rate for a PAYE SW via an Agency	Max Breach Rate
Newly Qualified Social Worker (NQSW)	£23 per hour or £170 per day	£28 per hour or £204 per day
Social Worker (with 2 years+ PQE)	£28 per hour or £207 per day	£33 per hour or £241 per day
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Team Manager	£38 per hour or £281 per day	£43 per hour or £315 per day

**Eastern Region Memorandum of Cooperation: Protocol on planned exemptions to capped agency rates.**

**Introduction**

The Eastern Region DCS group is committed to the principle of capping hourly payment rates for agency social workers in children's services. This has assisted the region in preventing a sharp increase in agency pay rates and has facilitated a level playing field in pay rates to the benefit of all local authorities.

It is however recognised that in cases of particular need, individual Local Authorities may need to consider paying over the capped rates to address or avoid disruption of the service to the children and families they serve. This protocol sets out the process to be adopted by members of the group for consultation with colleagues when they have formed a view that it will be necessary to breach the capped rates due to service priorities

**Process**

It has been agreed by the group that time-limited breaches may be contemplated by individual authorities where this is regarded as strictly necessary and unavoidable in the interests of the service. Where an individual DCS is contemplating such a breach they will first seek the agreement of the rest of the group to do so, providing as much notice of the potential breach as reasonably possible in the circumstances.

**Core Information required:**

- The business case providing reasons for the breach.
- The type of agency worker it is proposed to recruit, (e.g., Social Worker, Senior Practitioner).
- The number of posts it is intended to engage at the higher rate.
- The rate it is proposed to pay the workers.
- The likely duration of the worker engagement. (This may be specified as specific start and end dates or an overall term. In the latter case the DCS will notify their colleagues of the specific start date at the earliest opportunity so this can be monitored).



**Exemption process:**

- The notification will take the form of the pro-forma at appendix one. This can be in word format attached to an email or directly inserted into the body of an email.
- The email will be directed to the Chair the Regional DCS group by should be sent to the Project Team Craig Jones Project Executive [craigjones@southend.gov.uk](mailto:craigjones@southend.gov.uk) Vicky Brooks Project Manager [vickybrooks@southend.gov.uk](mailto:vickybrooks@southend.gov.uk) and Lisa Morris Project Support Officer [lisamorris@southend.gov.uk](mailto:lisamorris@southend.gov.uk). The business case will invite comments on the proposal; in cases of dispute the DCS may proceed with their proposed plan but should attempt to address any concerns before implementation.
- If no response is received from any party within one week, that lack of response will be viewed as acceptance.
- The HR programme support office will prepare a summary of responses and ask for the Chair of the DCS group to make a decision based on responses.
- The HR Programme Office will record and circulate the decision
- If the DCS intends to extend the arrangement, the pro forma should be completed again, in good time and outlining the business case for the continuing need.
- The DCS should also confirm that the agreement has ended by advising the HR Programme Support Office, which will collect and distribute the information.
- The HR Programme Support Office at Southend Borough Council will collect the information and forward it to the Reginal HR Project lead who will collate the information and produce quarterly reports to the Regional DCS group.

Once the HR Programme Support Office collate details of current and proposed breaches the data will be maintained and circulated in advance of the quarterly meetings.

## Appendix 1

[To be completed in appropriate authority/email format]

Dear colleagues,

I am writing to seek your support for temporary exemption from the MoC agency worker capped rates. Details are provided below: **Business case** [Provide brief overview of particular issue(s) prompting the LA to contemplate higher rates.

**Type/level of agency worker:** Social Worker/Senior Practitioner/Practice Manager/Assistant Team Manager/Team Manager **(delete as applicable)**

**Team breaches are required in:**

### Business Case

**Standard MoC rates applicable:** £xx per hour/£xxx per day/per mile **(delete as applicable)**

**Proposed rate of payment:** £xx per hour/£xxx per day/per mile **(delete as applicable)**

**Number of breaches requested:**

**Anticipated term of payment at above MoC rate:** X weeks/ X months/ from (date) to (date) **(delete as applicable)**

**Please feedback to me any comments or views or comments you have, (date).**

**Please contact me if you have any queries or require any clarification.**

**Current Exemption in place** If the authority has a current exemption in place, please detail it here