



CISWA-UK.ORG

QUALITY PROVIDERS OF SERVICES  
TO CHILDREN AND FAMILIES

Dear

### **Fees for Independent Social Work Experts**

CISWA –UK (Confederation of Independent Social work Agencies) has read with concern a recent posting on the Children’s Panel Group Website which indicates that some solicitors are inclined to avoid using experts who charge above the prescribed rates even where such experts offer a pricing model which is compliant with the rates. Worryingly, these solicitors appear tempted to use low fee practitioners who are unlikely to have the requisite expertise to provide the necessary expert opinion in a case. The view of CISWA-UK is that this will expose children to unnecessary risk and urges solicitors to stand firm in protecting the Family Justice System

We wish to make the following observations on behalf of CISWA-UK members, all of whom are Independent Social Work agencies providing expert opinion to the courts.

CISWA-UK’s members are agencies which have gained a reputation for the provision of highly respected expert social work opinion to the courts. Our members seek to continue to deliver their high quality expert services to assist all parties in the conduct of complex child and family cases. All members’ associates are highly skilled practitioners with significant levels of specialised expertise acquired over lengthy social work careers. We would emphasise that our members do not provide standardised social work assessments, but deliver a specialist service. Within such assessment processes, they use a range of specific assessment tools, such as standardised tests to offer expert opinion in the complex cases referred to them.

However, these agencies can only do so at a minimum professional rate of £65 per hour. This fee reflects the level of skill of their associates and the agencies’ Quality Assurance processes, the clinical supervision provided, the internal and external training undertaken, the securing of enhanced CRB checks and the administrative underpinnings which are in place. All these factors combine to provide high professional standards within the delivery of independent social work expertise.

It may also be important to note that CISWA-UK, supported by BASW and Nagalro, has recently commissioned Dr Julia Brophy of Oxford University to undertake research into the value of independent social work expertise within child and family proceedings.

CONFEDERATION OF INDEPENDENT  
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CISWA-UK is not prepared to simply accept the unfounded, discriminatory and misinformed stance of the LSC in capping Independent Social Work rates, as opposed to other experts.

Hence, we are proposing an imaginative and fair approach to this current predicament which the LSC has imposed upon those who require the services of Independent Social Work Experts

We propose that where the Local Authority is involved [it often supports the need for a more specialised assessment in particularly complex cases], that the LSC pay 100% of the professional hours at £30/hour, plus all the travel and mileage, and the Local Authority makes up the professional shortfall by paying the fee level above the LSC limit, which we suggest should be at £35.00 per hour. We consider this is fair to all the parties whilst still complying with the new regulations applicable on funding certificates issued from 9<sup>th</sup> May 2011. We do not believe that the LSC have the authority to insist that the Local Authority pay a proportion of the £30 in circumstances where it is funding the remaining cost per hour of £35. That is neither fair nor reasonable.

If the Local Authority is not involved in an application before the Court, then regrettably CISWA-UK's members will be unable to offer one of their independent social work experts to assist with a case.

We are aware of two cases where this funding arrangement has already occurred and been confirmed in Court Order. One in a County Court and the other in the Principal Registry of the Family Division; we cannot give any more details due to confidentiality.

In **Case 1**, the parties sought a Parenting Assessment. The Court directed that the cost be shared between the LA and the clients who were publically funded. The Court ordered that the LA would meet the costs above the LSC limit. The Court certified the contribution as being a proper disbursement.

**Case 2** was in the Principal Registry. The LA wanted a further residential assessment and the Guardian sought an independent expert social work assessment. The Judge ordered the latter and the LA agreed to make up the shortfall. This funding arrangement was included in the Order.

It is, therefore, our understanding that such Orders are beginning to be made at Court, in support of the pricing model that we propose.

It is our belief that only by applying an imaginative, yet fair approach to such matters, can those who instruct us continue to secure the experts services which children and their families deserve, when their circumstances must be carefully judged within the Court arena.

We would therefore seek your continued support to challenge the stance of the LSC and implement this proposed pricing model.

Please do not hesitate to contact us if we can assist you further.

Yours sincerely

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Directors CISWA-UK