

NAGALRO PRESS RELEASE**22 December 2010****MoJ 'irrational' approach to social workers harms children**

Organisations representing independent social work expert witnesses have written to Kenneth Clarke, Justice Minister, to condemn his department's "*flawed and irrational*" approach to their work, which threatens the rights and welfare of children caught up in complex family court proceedings. They want him to reconsider his department's approach to prevent children being harmed.

Social workers have been shocked to find that recent Legal Service Commission guidance on fee rates for professional expert witnesses in court cases excludes social workers.

Suggested hourly rates range from £150 for child psychiatrists and £140 for child psychologists to £85 for physiotherapists down to £35 for process servers, people who deliver legal documents.

This is set beside the MoJ decision last year to pay only £30 per hour outside London and £33 in London to social workers who give independent expert witness evidence in the family courts.

Ann Haigh, Nagalro Chair, said, "*This undervalues social work expertise and demeans the whole social work profession. The government needs to act speedily to preserve the availability of high-quality social work advice that courts rely on for making good and timely decisions for children*".

The letter from BASW, Nagalro and independent social work agencies reminds the Minister that MoJ officials have publicly acknowledged that this decision was taken without evidence about the number and types of cases where ISWs are used, or any assessment of the impact on children of this serious loss of expertise. Independent social workers point out that comparisons with Cafcass officers are erroneous, especially as Cafcass now appoints newly qualified staff, who can have no claim to be regarded as experts by the courts.

Two hundred of the most experienced ISWs have recently written to the MoJ to protest at disproportionate cuts in their fees as compared to other experts. They say they will stop taking court-related work if this draconian cut, which they estimate at 40-50%, goes ahead. Already worrying delays in children's court cases will be exacerbated as courts will lack crucial evidence from ISWs and will have to use more expensive experts who lack social work expertise.

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Notes to Editors:

1. NAGALRO is the Professional Association for Children's Guardians, Family Court Advisers and Independent social work practitioners. The association aims to promote and enhance the quality of practice of those concerned with the independent representation of children's interests before the courts, throughout England and Wales.
2. ISWs are used in the most difficult family cases where evidence is contested or in cases where the local authority has, for example, been unable to provide appropriate social work input or meet the timescale for the child.
3. Nagalro and BASW, social work professional organisations, together with two independent social work agencies ISWA and WillisPalmer, are working together on this issue.
4. See also BASW's news story 'Court fees for social workers below all other professions' on the BASW website <http://www.basw.co.uk/>
5. In its consultation response to the proposed ISW fees the Family Justice Council, the senior multidisciplinary body concerned with family justice, said that ISWs "*provide courts with an expert and timely opinion often within more complex cases where an independent and balanced social work assessment is lacking. This service frequently allows courts to make better-informed and more timely decisions for children in more difficult cases.*"
6. The FJC expressed concern that ISWs "*will stop doing work for courts if their fee rates are cut so drastically, and children will be more vulnerable to delay and to unfair or ill-informed decisions being made about their futures.*"¹
7. The NAGALRO website can be found at: www.nagalro.com

¹ paras 60-62, Response of the Family Justice Council to the Consultation on Family Legal Aid funding from 2010 April 2009 <http://www.family-justice-council.org.uk/docs/LSC_ConsultationFees2010_April2009.pdf>