



JOINT PRESS RELEASE

from BASW, Nagalro, ISWA, and WillisPalmer

30 April 2010

Children will pay the price if social workers are excluded from being expert family court witnesses

BASW, Nagalro, ISWA and WillisPalmer said vulnerable children and families will pay the price if independent social work experts (ISWs) leave family court work as a result of planned cuts. The independent social work bodies last week met senior civil servants from the Ministry of Justice, Legal Services Commission and the Department for Children, Schools and Families to set out their objections to plans to cut fees to ISWs by 40-50%.

Judith Timms, Nagalro policy consultant said. *“Our very real fear is that independent social work experience will be lost to the courts at a time when children and families desperately need it and courts themselves are under great pressure.”*

Civil servants agreed to the meeting in response to pressure from ISWs who were dismayed at the lack of knowledge within the MoJ about what independent social workers do. At a forum held on 25 March ISWs expressed bewilderment as to why they had been singled out when fees for other experts were still under review.

The representative agencies at last week's Justice Ministry meeting told civil servants that:

- The decision is badly timed given the current crisis in social work
- Their inability to provide data to support the proposals is unacceptable
- There is confusion about the scope of the two recent consultations
- Social workers are being singled out for more draconian cuts than any other group
- Loss of ISW expertise will increase costs elsewhere in the family justice system and leave children more vulnerable to poor assessments

The ISW agencies propose that any decision on fee-capping should await the outcome of the ongoing Family Justice Review. This will enable an evidence-based decision to be made particularly in relation to the impact on children.

They also ask that independent social workers are included in the current MoJ project to review fee arrangements for all other court-appointed expert witnesses. Social workers question why they alone have been excluded from work the MoJ website describes as “needed to ensure that any future fee structures are both sustainable and fair”.

Nushra Mansuri from BASW said: *“Devaluing social work flies in the face of the Social Work Task Force’s aim of raising the status of the social work profession.”*

The group believes the government’s consultation process was seriously flawed and did not meet the government’s own criteria. The Legal Services Commission is unable to say how much money it currently spends on independent social workers in family court cases, nor how much money they expect to save.

Phil King from ISWA said: *“Without ISWs courts will turn to more expensive experts like psychologists to fill the gap so costs will rise. Civil servants do not seem to realise that social work expertise is in great demand. ISWs will go where their skills are better appreciated and rewarded.”*

Mark Willis of WillisPalmer said: *“The public believes that children subject to court proceedings will benefit from the highest level of safeguarding and expert advice. This decision about expert ISWs undermines that reassurance to the public.”*

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Notes for Editors

1. A Joint Position Statement about the funding of social work expertise in the family courts is available from:

www.nagalro.com on the Latest News page.

2. Independent social workers undertake assessments for courts when other agencies are unable or unwilling to do so. They provide courts with an independent view based on substantial experience; this is invaluable when the courts have to make life-changing decisions in public and private law cases involving children and families.

3. Sir Mark Potter, who has just stepped down as President of the Family Division has said he is *“a strong advocate of the work that ISWs do and the valuable input they have into what are often the most complex family cases in the family justice system.”*

4. The ISW agencies group proposals are:

- Postpone implementation of the fee capping plans to allow the Family Justice Review Panel to consider fee structures in its work.
- Expand the scope of the current MoJ project to review fee arrangements for all other court-appointed expert witnesses to include ISW expertise. ISWs should be represented on the reference group.
- The MoJ and the DSCF should adopt joint strategic approaches to all children’s front line services and the wider safeguarding agenda for children as recommended by Lord Laming in relation to all Government department’s responsibilities.
- The MoJ should commission research into the impact that capping of ISW fees will have on the children and young people concerned.