

## NAGALRO PRESS RELEASE

### ON-GOING EXPERT WITNESS PAY FREEZE ENDANGERS MOST VULNERABLE CHILDREN

This month the Legal Aid Agency reissued its *Guidance on the Remuneration of Expert Witnesses*<sup>1</sup>. This document, together with regulations made in 2013, fix the payments which can be made by the Legal Aid Agency where experts prepare reports for the court. There has been no increase in the rates paid to most experts since 2013 when the fees payable to independent social workers were capped at £33.00 per hour.

In November 2018, the President of the Family Division, Sir Andrew McFarlane, speaking to the Bond Solon Experts Conference, expressed his concern about cases being delayed because of national shortages of experts, in a number of fields, who were willing to accept cases at the prescribed rates. He suggested that these elements of the family justice system ‘may need to be looked at again’. The reissue of this guidance shows that his comments have fallen on deaf ears.

Experts can only be instructed where the court has decided that their assistance is ‘necessary’ for the judge to make the best decision about the future of a child. For that child, these will be decisions which may change the entire course of his or her life. Should they remain within their family or be removed into foster care or adoption? Should they continue to have a relationship with one of their parents after a divorce? The stakes for the child could not be higher.

Independent Social Workers provide assistance to the courts in the most difficult and complex cases by providing an impartial and independent opinion about the best interests of the child. Often the skills and knowledge required for such complex cases is not available within Cafcass or the Local Authority. With no allegiance to anyone but the court and concerned only with the best interests of the child, their work is highly valued and respected by judges throughout the Family Court.

When carrying out work in a such a complex case which is covered by legal aid, an independent social worker cannot be paid more than £33.00 per hour and they will not usually be paid for more than 30 hours work including reading all the evidence, interviewing the parents, the child, foster carers, schools, Family Court Advisors, other significant people in a child’s life and writing a court report. Many independent social workers report that they regularly spend considerably more time than the 30 hours allowed, for the sake of the child, even though they know that they will not be

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791497/Guidance\\_on\\_the\\_Remuneration\\_of\\_Expert\\_Witnesses\\_April2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791497/Guidance_on_the_Remuneration_of_Expert_Witnesses_April2019.pdf)

paid for the extra time. No system should be based on exploiting the goodwill of those individuals who joined the profession to make a difference in a child's life.

The legal aid regulations set out the fees which can be paid to other kinds of experts. They provide for an 'employment consultant' to be paid £54.40 per hour for a report and a 'computer expert' or a midwife to be paid £72.00 per hour.

Sukhchandan Kaur, the Chair of Nagalro, the professional body representing independent social workers said:

'Many of our members, who bring with them post-graduate qualifications and tens of years of front-line experience, are left feeling that the Government does not value their skills, or the work which they can do, but is still happy to take advantage of their commitment to vulnerable and disadvantaged children.'

An increasing number are taking the sad and reluctant decision that they can no longer afford to take on legal aid cases. Others say that they are not able to undertake a reliable assessment due to the limit on the number of hours which would leave their assessment lacking 'sufficient depth and scope' to be of real value to the child or to the court and may compromise decisions about children's future.

With the Government indicating an end to austerity, many had hoped that the new financial year would, at least, see some recognition of the effects of inflation. To even restore real-terms parity with rates paid in April 2014 would require an 11.5% increase to hourly rates for experts.

Nagalro is very disappointed to see a system of family justice which had been described as 'a Rolls Royce service' and in which practitioners were proud to serve, being allowed to fall into neglect.

-ENDS-

For further please information contact:

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#### **Notes to Editors:**

1. Nagalro is the professional association for Family Court Advisers, Children's Guardians and Independent Social Workers. Its members represent the interests of children in a range of public and private law proceedings. Nagalro members are senior, highly experienced children and family social workers who work in a variety of roles. Many work as independent social workers and risk assessors providing expert witness reports in a wide range of complex cases coming before the family courts; in fostering and adoption agencies; in independent practice providing therapeutic services; as academics; as supervisors, mentors and consultants. Members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles.

The Nagalro website is at [www.nagalro.com](http://www.nagalro.com)

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