

For independent social workers, legal aid-funded court work is no longer sustainable

The value that social work experts bring to court proceedings is poorly appreciated by the government and the judiciary – legal firms need to be making the case, argues Eddie O’Hara

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by Eddie O’Hara

As a registered independent consultant social worker, I have for the last 17 years been providing a variety of courts throughout England and Wales with expert-witness family risk assessments to assist with process of safe removal or rehabilitation of children with their families.

Recently though – and not for the first time – I found myself writing to a local solicitors’ firm explaining why I can no longer afford to provide social work risk assessments for them on children and families involved in court proceedings.

When I first began accepting commissions from the firm, the thick end of two decades ago, my standard hourly rate was £35. At that time, most social work risk assessments took me

between 75 and 100 hours from start to finish. Since then, with increasing costs, just to break even I now charge £45 per hour professional time and £35 per hour with travel time.

But since late 2010, [expert witness fees for social workers have been capped](#) by the Ministry of Justice-sponsored Legal Aid Agency (LAA) at £30 per hour (£33 in London). For most practitioners, working for these rates is simply not sustainable – and as a result, many have been looking elsewhere for their living.

Unfavourable comparisons

I sent my letter on a morning when I'd been to see my dental hygienist, who charged me £40 for 10 minutes. A few months earlier, when I was working on a care case for a local authority, I was in the High Court in London and the judge agreed lead counsel could charge £204 per hour. On top of this, for the upcoming two-week trial, which employed a number of other members of their legal team, lead counsel was allowed to charge £94 per hour for an administrator to be made available to answer their calls during the trial.

I'm a dual-qualified professional (as well as being a social worker I'm a former primary school teacher) with more than 30 years' experience in social work, and have worked all over the world.

Yet, since the fee caps were imposed, I am expected to put my professional reputation and personal safety on the line for much less – and to complete complex assessments within 30-40 hours, after which the LAA's funding runs out. (Unlike social workers, psychiatrists and paediatricians [still attract hourly rates of more than £100](#) for their expert-witness services.)

I recently spoke about being an independent social worker at [BASW's World Social Work Day](#) parliamentary event. I recounted my experience that, in spite of the many serious case reviews highlighting a lack of adequate and robust independent risk assessments of family life or options for children, there continues to be a complete lack of governmental and judicial acknowledgement of the value of such assessments.

I do continue to undertake a variety of court-instructed family assessments. But these are almost exclusively funded by local authorities, who even with their pressured budgets rarely bat an eyelid at my costs. That's because they know that what I bring to the table in terms of professional insight more than compensates for any short-term costs.

Solicitors' firms need to be pushing this argument of the value of using social work experts in court. If they don't, clients will not receive the best service which, in turn, ensures better planning and outcomes for children and families.

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