

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: CHILDREN (SCOTLAND) ACT 1995 - SAFEGUARDER FEES	
From: DIRECTOR OF ADMINISTRATION			
Date: 18 February 2005	Ref: MH/EH		

1. **Purpose of Report**

The report seeks the instructions of the Committee on the COSLA recommended fees for Safeguarders.

2. **Background**

2.1. At its meeting on 3 June 1998 the Committee noted a report advising that, in terms of the Social Work (Scotland) Act 1968, the Social Work (Panel of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984 and the Children Act 1995, this Council is required appoint Panels from which persons may be appointed to safeguard the interests of children in any proceedings under Section 41 of Chapter 3 of Part II of the Children (Scotland) Act 1995 either at a Children's Hearing or before the Sheriff, the Hearing or, as the case may be, the Sheriff:-

- (a) shall consider it necessary to appoint a person to safeguard the interests of a child in the proceedings, and
- (b) if they or he so considers shall make an appointment on such terms and conditions as appear appropriate.

2.2. The budget in respect of Safeguarder fees is the responsibility of this Committee.

3. **Considerations**

3.1. The current scheme of fees was developed jointly by the Scottish Safeguarders Association and COSLA to ensure a clear and consistent approach within which all Safeguarders could be remunerated and reimbursed and were agreed by this Committee on 18 December 2002.

3.2. COSLA have recommended that the fees are uprated in line with the rate of inflation for the period for 2005/2006

3.3. The recommended COSLA fees for the period from 1 April 2005 are as undernoted:-

	Current Fees	Recommended Fees
A fixed appointment fee payable to reflect the investigative work involved in the appointment and the drawing up and submission of reports	£200	£209.10

	Current Fees	Recommended Fees
A fixed attendance fee for attending each hearing that takes place in the course of the appointment regardless of the number of children involved	£100	£104.55
A fixed fee for reports provided for continued hearings	£100 £50	A fee of 50% of the fixed appointment fee (£104.55) payable for each continued Children's Hearing where the Safeguarder submits a written supplementary report and 25% (£52.28) for an oral report.
A fixed fee in respect of second and subsequent children	£100 £50 £12.50 £50 £25	In multiple appointments an additional appointment fee of 50% of the fixed appointment fee (£104.55) be payable in relation to each of the second and subsequent children only where they live separately from the first child and 25% (£52.28) when they live together. Fixed fee for continued hearing for the second and subsequent children living together of £13.07. This fee would also be relative to initial appointment and to continued hearings based on the fees ie. 50% of £52.28 for a written supplementary report and 50% of £26.14 for an oral supplementary report.

4. Corporate Considerations

- 4.1. The budget for this expenditure was set in 1996 and, notwithstanding subsequent increases in fees, has not since been revised.
- 4.2. The fees for Safeguarders are recommended by COSLA and are part of a national scheme of payments to ensure consistency across the country and consequently there is a degree of pressure on the Council to make payments of fees in accordance with the national scheme. Safeguarders are appointed at Children's Hearings and the Council has no control over the number and extent of appointment
- 4.3. The Committee at its meeting on 14 January 2004 noted that the number of Safeguarder appointments made had increased and the increase in fees had resulted in an overspend in the budget of approximately £12,000. Given this increase and the anticipated number of appointments it is likely that expenditure in future financial years will continue to increase. The expenditure has hitherto been contained within the overall budgetary provision for the Committee Services Division of the Department of Administration, but, while every effort will be made, it cannot be anticipated that such expenditure can be accommodated in future years.

5. **Recommendations**

It is recommended that the Committee

- (1) agree the recommended fees for Safeguarders as detailed in paragraph 3.3, and
- (2) note the position and give consideration to the budget in respect of Safeguarder fees.

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Director of Administration

Members seeking further information on the contents of this report are asked to contact Mark Hamill on extension 2430.