



THE SCOTTISH OFFICE

Social Work Services Group

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Circular No SWSG 15/95

Chief Executives, New Local Councils

Copy to: Chief Executives, Regional and Islands Councils
Chairmen of Children's Panel Advisory Committees
Chairmen of Children's Panels
Regional Reporters
Principal Reporter, SCRA

28 August 1995

Dear Chief Executive

**LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994
CHILDREN'S HEARINGS SYSTEM**

1. This Circular advises the new councils of their responsibilities for maintaining a children's panel advisory committee and a children's panel for their areas.
2. From 1 April 1996 responsibility for establishing and maintaining children's panel advisory committees and children's panels passes to the new councils. From that date the appointment of reporters to children's panels ceases to be a function of the local authority and the reporter service becomes the responsibility of the Scottish Children's Reporter Administration (SCRA). The board for the Administration and the Principal Reporter have already been appointed and are proceeding with the arrangements for the introduction of the service from 1 April 1996.
3. Annexes A and B outline the role and function of Children's Panel Advisory Committees and children's panels respectively and explain the responsibilities of the local authority. A copy of Schedule 3 to the Social Work (Scotland) Act 1968 as amended by the Local Government etc (Scotland) Act 1994 is attached as Annex C for ease of reference.
4. In the period of transition up to 1 April 1996 the new councils are asked to give their attention to the following detailed but significant issues.
 - (a) constitution of the CPAC: it is for councils to decide whether to establish CPACs for their own area or establish, with other councils, joint CPACs for their areas;

- (b) support for the new CPACs: a clerk should be appointed for each so that (s)he can make the necessary administrative and accommodation arrangements;
- (c) financial provision for new CPACs and panels: in practice regional and islands councils have located budgetary responsibility in social work or reporters' departments: in view of the changes introduced by the 1994 Act and the relationship of the children's hearings systems to several service departments, it is suggested that future budgetary responsibility should be maintained separately by the new councils;
- (d) administrative support for panel chairmen and office accommodation: these remain the responsibility of local authorities, while the SCRA provides accommodation for children's hearings to meet: the new councils should assess what support they should provide for panel chairmen directly or in consultation with the SCRA;
- (e) appointment of new CPACs and panels for new council areas: this process will proceed as outlined in Annexes A and B: when the new committees and panel members are appointed, it will be necessary to liaise with the staff of existing authorities to ensure smooth transfer of responsibilities from predecessor committees and panels by 1 April 1996.

5. It would be appreciated if you could provide by end-September brief responses to issues (a)-(d) and any others which you regard as important for the future operation of the children's hearing system in your area. These responses should be addressed to David C Macnab at this office (telephone number: 0131-244 5320). He will also be glad to deal with any enquiries you may have about this circular.

Yours sincerely



✓ J W SINCLAIR

Encl.

CHILDREN'S PANEL ADVISORY COMMITTEES

1. Under Schedule 3 to the Social Work (Scotland) Act 1968 as amended by the Local Government Etc (Scotland) Act 1994 each local authority has to establish a Children's Panel Advisory Committee. Alternatively, 2 or more authorities may form a joint committee for their areas.

Functions

2. Under the Act the children's panel advisory committee is under a duty to:
- a. Submit names of possible panel members to the Secretary of State.
 - b. To advise the Secretary of State as required on the suitability of persons referred to him as possible members.
 - c. To advise the Secretary of State on such matters relating to the general administration of panels as he may refer to them."

Membership

3. Schedule 3 indicates that each Children's Panel Advisory Committee (CPAC) shall consist of 2 members nominated by the local authority and 3 members nominated by the Secretary of State. In practice most local authority nominees have been members of the social work committee. The Secretary of State nominees have not always been former children's panel members. In making nominations the Secretary of State endeavours to achieve as wide a balance of experience, age, and geographical locality within the area as possible. That approach will be continued after reorganisation.

4. The chairman of the CPAC is appointed by the Secretary of State from those whom he has nominated for membership of the advisory committee. The chairman must reside within the local authority area.

Constitution of CPACs

5. If a new authority concludes that its CPAC has a very heavy workload or large geographical area to cover, then under the terms of paragraph 3(a) of Schedule 3 it may request an increase in the membership of the committee. Alternatively, the CPAC may exercise its statutory power to appoint sub committees and to appoint to any such sub committee individuals who are not members of the CPAC.

Support

6. Administrative support for the CPAC is provided by the local authority. The committee acts on behalf of the authority to arrange for recruiting and recommending possible new members of the children's panel to the Secretary of State. Usually, support has

been provided from within the chief executive's office or from the administration or legal department of the Regional or Islands Council.

7. An individual within the local authority is designated as clerk to the CPAC and is responsible for the administration of its work. This is not likely to be a full-time post and its duties may be linked with others, with routine tasks delegated to junior staff. The local authority is also responsible for making available suitable accommodation for meetings of the CPAC both during but mainly outwith normal office hours since the members of the committee are volunteers usually with a full-time occupation. The clerk or his representative normally attends these meetings.

Finance

8. Schedule 3 also indicates that the local authority may pay the expenses of CPAC members while on committee business and this includes members of any sub committee whether or not they are CPAC members. These expenses are usually in relation to meetings of the CPAC, attendance at children's hearings in order to monitor the performance of individual panel members and occasionally attendance at national seminars or national meetings of office bearers.

Transitional Arrangements

9. The Secretary of State intends to nominate his representatives to each CPAC in the next 2 months. The local authority is requested to nominate their representatives by the same time.

10. The new CPAC will require to liaise with the office bearers of the existing regional CPAC regarding the number of panel members likely to be required for their area. It is intended that panel members who are in the middle of their terms of appointment should be appointed to the panel for the appropriate new authority.

11. In many cases the panel members to be transferred will be resident in the area of the panel. There are however a number of areas where someone residing outwith that area may be appointed. To meet current requirements within regions a number of panel members do not serve in the area in which they live but in an area which is convenient to them. Often they work in that area and it is more convenient to attend the nearest hearing centre or the lines of transport make it more convenient. In order to ensure that there is an experienced panel available on 1 April 1996 it will be necessary to appoint some of these individuals to the area in which they currently serve.

12. Regional and Islands authorities are undertaking recruitment of members in 1995 backed by the national recruitment campaign which is being held now. Regional CPACs are aware of the need to take account of the likely requirements of new authorities when making recommendations for panel membership to the Secretary of State. As this process takes place in the September-November period, the regional CPAC will have the opportunity for discussion with their successors CPACs.

CHILDREN'S PANELS

1. Schedule 3 to the Social Work (Scotland) Act 1968 as amended by the Local Government Etc (Scotland) Act 1994 makes provision for the appointment of children's panel members for each local authority.

2. The children's hearing system - which is unique to Scotland - is the Scottish juvenile justice and welfare system and is regarded as a tribunal under the Tribunal and Inquiries Act 1992. The 3 individuals conducting each children's hearing in respect of a child are drawn from the list of children's panel members maintained by a local authority. The actual selection of individuals to conduct each hearing is the responsibility of the chairman of the children's panel for the local authority.

Membership

3. It is the responsibility of the local authority to provide support to the children's panel members for the work which they undertake on behalf of the local authority and the Secretary of State. While the individual panel members are appointed by the Secretary of State it is on the recommendation of the local children's panel advisory committee (CPAC). That committee is responsible for ensuring that there are sufficient panel members of both sexes, who represent the whole geographical area, and an even spread of age and of occupational background.

4. The chairman of the children's panel is appointed from among those members by the Secretary of State. His or her formal role is to select individual members to carry out each children's hearing. In a large urban area this can be a major task as in such areas there tends to be hearings on a regular weekly basis.

5. Over the years however the chairman's role has evolved and now includes many administrative tasks in relation to the panel and to liaison with other agencies on whom the children's hearings system relies for reports and for resources for the disposal of cases referred to a hearing. Members of the Regional Children's Panel who currently serve in the area of the new authority are likely to be appointed for the remainder of their existing term to the panel for that new authority. The Secretary of State will appoint the Chairman from among these members.

6. With the exception of some of the larger regional authorities where separate accommodation and support staff - in some instances on a part-time basis - are provided by the local authority the majority of the current children's panel chairmen and members are provided with secretarial resources and such accommodation as is required by the reporter's department which currently is based in the local authorities. With the advent of the Scottish Children's Reporter Administration, which will be responsible for the provision of accommodation for children's hearings but will no longer be local authority-based, it will fall to the local authority to provide or to arrange secretarial support for the children's panel. It is likely that the children's panel in respect of any of the new local authority areas will require part-time secretarial support and there would be a requirement for some form of

accommodation for the chairman and for the children's panel to meet outwith normal working hours. Similarly arrangements will require to be made for the provision of financial and administrative support.

7. Any secretarial support should not be linked with the administrative support provided to the CPAC. The children's panel and the advisory committee provide separate services for the local authority and while there requires to be close liaison between the CPAC and the panel members it would not be appropriate for one individual to be providing services to both groups.

8. Schedule 3 to 1968 Act indicates that the local authority may pay the expenses of children's panel members. These are mainly in connection with attendance at a hearings centre to conduct a children's hearing and involve travelling expenses, and occasionally financial loss allowance or subsistence. They also cover the attendance at meetings of the children's panel and national meetings of office bearers. The expenses incurred in attending training sessions and the national school for children's panel members would also fall to be reimbursed by the local authority.

9. It will therefore be necessary for the local authority to introduce financial arrangements for the children's panel which will include assessing of budgets and arrangements for monitoring of finance and reimbursement of claims.

Training

10. A key aspect of children's panel membership is training. The responsibility for training of panel members is that of the local authority and of the Secretary of State. The Secretary of State discharges his responsibility by financing the provision of 7 children's panel training organisers throughout Scotland based at 4 of the universities. The training organisers are responsible for organising pre-service and new member training in respect of those who have been selected by the CPAC and appointed by the Secretary of State. They also organise "in-service" training for panel members throughout their period of service. Training Organisers are also responsible for monitoring and evaluating the quality of panel training. It is therefore important that local authorities set a suitable budget to enable their panel members to attend training - in some instances of a residential nature - and to meet the costs incurred in financing venues and speakers. Currently the training organisers can provide a budget in respect of each of the regional and islands authorities for which they are responsible.

11. In view of local government re-organisation it will be necessary to consider the areas for which each training organiser will have responsibility in future. However, they will be able to provide to the new authorities within the regions for which they are responsible with an indication of the current training costs.

12. Each authority will wish to consider whether to form a training committee and if so whether it should be established jointly with another authority. At present committees are often sub-committees of the CPACs and include members of the children's panel and of other agencies who can assist in assessing the training needs of panel members. Such support services are normally provided by the local authority through the medium of the clerk to the

CPAC. In some areas the children's panel take responsibility for the training committee. It is however advisable to have a committee which can deal with training matters and assess panel training needs. Secretarial support for the CPAC should be arranged locally as this is not a function of the Training Organiser.

Section 33

Children's Panels

NOTE

¹ Saved by the Local Government (Scotland) Act 1973, s.161(9).

Appointment

1. The Secretary of State shall appoint such number of members of children's panel for each local authority area as he considers appropriate and from among these members he shall appoint a chairman and a deputy chairman.

2. A member of a children's panel shall hold office for such period as is specified by the Secretary of State, but may be removed from office by the Secretary of State at any time.

Children's Panel Advisory Committee

¹3. [Subject to paragraph 5B below] each local authority shall form a Children's Panel Advisory Committee consisting of

- (i) [Repealed by the Local Government etc (Scotland) Act 1994, Sched. 13, paragraph 76 (25)]
- (ii) two members nominated by the local authority and three members nominated by the Secretary of State.

NOTE

¹ As amended by the Local Government (Scotland) Act 1973, Sched. 27, Pt. II, para. 187, and Sched. 29. Saved by *ibid.*, s. 56(9)(d). Extended by the Local Government (Scotland) Act 1975, s. 23(2). [As amended by the Local Government etc (Scotland) Act 1994, Schedule 13, para. 76(25)].

¹3A The Secretary of State may, at the request of the local authority provide for an increase in the membership of the Children's Panel Advisory Committee for the area of the authority by such number, not exceeding five, of additional members as the authority specify in relation to their request, the additional members to be nominated as follows -

- (a) the first, second and fourth additional members, by the Secretary of State;
- (b) the third and fifth additional members, by the local authority.

015/KNE00689

NOTE

¹As amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, s. 24.

4. The Chairman of the Children's Panel Advisory Committee shall be appointed by the Secretary of State from among the member he has nominated, and shall be resident in the area of the local authority.

5. It shall be the duty of the Children's Panel Advisory Committee -

- (a) to submit names of possible panel members to the Secretary of State;
- (b) to advise the Secretary of State as required on the suitability of persons referred to him as possible members; and
- (c) to advise the Secretary of State on such matters relating to the general administration of panels as he may refer to them.

¹5A. The Children's Panel Advisory Committee shall have power -

- (a) to appoint sub-committees;
- (b) to appoint to any such sub-committee persons who are not members of the Children's Panel Advisory Committee; and
- (c) to refer all or any of the duties set out in paragraph 5 above to any such sub-committee for their advice;

and the provisions of paragraph 8 below shall apply to any persons appointed under sub-paragraph (b) above as they apply to members of the Children's Panel Advisory Committee.

[25B. - (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children's Panel Advisory Committee for their areas (hereafter referred to as a "joint advisory committee").

(2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.

(3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and the local authorities shall comply with any such direction.

(4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children's Panel Advisory Committee formed under the said paragraph 3.]

NOTES

¹Added by the Local Government (Scotland) Act 1973, Sched. 27, Pt. II, para. 187.

²[*Inserted by the Local Government etc (Scotland) Act 1994, Sched. 13, para. 76(25).*]

Recruitment and Training of Panel Members

6. The Secretary of State may make such arrangements as he considers appropriate to recruit and train members or possible members of children's panels.

17. Each local authority [shall] make such arrangements as they consider appropriate -

- (a) to enable the Children's Panel Advisory Committee to obtain names for sub-mission to the Secretary of State as possible panel members, and
- (b) to train panel members or possible panel members.

NOTE

¹[*As amended by the Local Government etc (Scotland) Act 1994, Sched. 13, paragraph 76(25).*]

Expenses of Panel Members

18. - (1) A local authority may pay -

- (a) to a member or possible member of the children's panel in respect of his attendance to a children's hearing or at training arranged under paragraph 6 or 7 of this Schedule;
- (b) to a member of the Children's Panel Advisory Committee, who is not also a member of a body to which section 45 and 46 of the Local Government (Scotland) Act 1973 apply, in respect of his attendance at a meeting of the Committee;
- (c) to a member or possible member of the children's panel or to such a member of the Children's Panel Advisory Committee as aforesaid in respect of doing by him of anything approved by the authority, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the panel or Committee, as the case may be;

allowances, in the nature of those payable under sections 45(4) and 46(1) of the said Act of 1973, being payments of such reasonable amounts as they may determine in any particular case or class and not exceeding the amounts prescribed under the said section 45(4) and specified under the said section 46(1) for the corresponding allowances under those provisions.

(2) A local authority may pay to a member of the Children's Panel Advisory Committee who is also a member of a body to which sections 45 and 46 of the said Act of 1973 apply -

- (a) in respect of his attendance at a meeting of the Committee;

015/KNE00689

(b) in respect of the doing by him of anything approved by the authority, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Committee; allowances, in the nature of those payable under the said section 45 and subsection (1) of the said section 46, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under the said section 45 as specified under subsection (1) of the said section 46 for the corresponding allowances under those provisions.

NOTE

¹As substituted by the Local Government (Scotland) Act 1975 (c. 30), s. 33. Prospective substitution of para. 8 in the Local Government and Housing Act 1989 (c. 42), Sched 11, para. 15:

"8. A local authority may pay -

- (a) to a member or possible member of the children's panel,
- (b) to a member of the Children's Panel Advisory Committee,

such allowances as may be determined by the Secretary of State; and he may determine differently in relation to different cases or classes of case."

13
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AGENDA ITEM No.
NORTH LANARKSHIRE COUNCIL

Social Work Department

Source Director of Social Work

Destination Chief Executive

Subject Local Government etc. (Scotland) Act, 1994-
Childrens Hearing System

Committee Submission (if applicable) Interim Executive

Date 12th September, 1995.

My Ref DMcK/HS

Your Ref

Distribution Director of Administration
Colin Philip, Administration, MDC (for agenda)
File

Background

The Local Government etc. (Scotland) Act, 1994 requires the local authority to be responsible for maintaining a childrens panel advisory committee and a childrens panel for their areas. Circular No. SWSG 15/95 asks the new local authorities to provide brief responses to the undernoted issues.

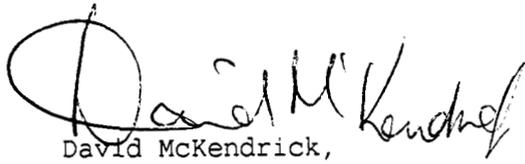
- (a) Constitution of the CPAC. While councils are able to establish joint childrens panel advisory committees it is recommended that this Council does not engage in the joint CPAC but establishes a CPAC for North Lanarkshire Council alone.
- (b) Support for the new CPACs. While the new CPAC will require clerical and administrative support this is not thought likely to be a full-time post and it is suggested that its duties may be linked with others of a routine nature. The local authority will also be expected to make available suitable accommodation for meetings of CPAC. It is recommended that these responsibilities be acknowledged and the detail be referred to the director of administration and the director of social work.
- (c) Financial provision for new CPACs and Panels. The local authority is expected to pay the expenses of the CPAC members while on committee business. These expenses are usually in relation to meetings of the CPAC or attendance at childrens hearings in order to monitor performance of individual panel members. It is not thought likely that there will be a onerous financial responsibility and it is recommended that future budgetary responsibility should be located within the social work department.



- (d) Administrative support for panel chairman and office accommodation. These remain the responsibility of local authorities and it is recommended that such responsibilities be accepted by this Authority with the detail being referred for resolution by the director of administration and the director of social work.

Conclusion and Recommendations

from 1st April, 1996 responsibility for establishing and maintaining childrens panel advisory committees and childrens panels passes to this Council. It is recommended that Social Work Services Group be advised of the above recommendation and that the nomination of two members by the local authority to the childrens panel advisory committee should stand referred to the first available meeting of the Social Work Committee.



David McKendrick,
Director of Social Work.