

AGENDA ITEM No. 3 REPORT

To: SOCIAL WORK COMMITTEE		Subject: PANEL OF SAFEGUARDERS FOR NORTH LANARKSHIRE	
From: DIRECTOR OF ADMINISTRATION			
Date: 2 August 2002	Ref: MH/CW		

1. Purpose of Report

The purpose of this report is to seek authority to appoint six legally qualified persons to serve on the Panel of Safeguarders for North Lanarkshire.

2. Background

- 2.1. In terms of the Social Work (Scotland) Act 1968, the Social Work (Panel of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984, the Children (Scotland) Act 1995 and The Children's Hearings (Legal Representation) (Scotland) Rules 2002 the Council is required to appoint Panels from which persons may be appointed to safeguard the interest of children at a Children's Hearing or before the Sheriff.
- 2.2. Following a Court of Session case in which it was held that the absence of provision of state funded legal representation before Children's Hearings was, in certain circumstances, a breach of Article 6 of the European Convention on Human Rights, the Scottish Executive have brought forward a statutory Instrument making the provision for legally qualified Safeguarders or Curators *ad litem* to fulfil that role.
- 2.3. The Committee, at its meeting on 20 December 2001 agreed that the Director of Administration be authorised to advertise for the recruitment of additional legally qualified persons to be members of the North Lanarkshire Panel of Safeguarders and make arrangements in the interim to interview and consider applications from legally qualified persons who had expressed an interest in appointment in the period since the last appointment of persons to the Panel of Safeguarders.

3. Proposals

- 3.1. Adverts were placed in all North Lanarkshire newspapers seeking interest from legally qualified persons who wished to be considered for inclusion on the Panel of Safeguarders, in addition, adverts were also passed to the Dean of the Hamilton Faculty of Solicitors and the Dean of the Airdrie Faculty of Solicitors for expressions of interests from their members. Eight applications were received. All eight applicants were considered suitable for interview.
- 3.2. The necessary references were taken up and, as required by statute, the Chair of the Children's Panel, the Sheriff Principal and the Authority Reporter were consulted as was the Director of Social Work.
- 3.3. Two of the applicants were unable to attend the interviews due to other commitments.

- 3.4. As a result, the six remaining applicants were interviewed by an interview panel consisting of the Vice-Convener of the Social Work Committee, the Sheriff Principal, a Member of the Children's Panel representing the Chair and officers from the Department of Administration and Social Work.
- 3.5. Attached as Appendix 1, is a list of the six persons interviewed for appointment to the Panel of Safeguarders for North Lanarkshire with the recommendations of the interview panel in the final column that all six persons interviewed be appointed.
- 3.6. Also attached, as Appendix 2, is a list of the two persons unable to attend their interview.

4. Recommendation

- 4.1. That the persons recommended by the interview panel as detailed in Appendix 1 be appointed to the Panel of Safeguarders for North Lanarkshire with effect from 1 October 2002 until 31 December 2005.
- 4.2. That the names of the persons listed in Appendix 2 to the report be held on file for future reference should there be any further necessity to extend the Panel of Safeguarders for North Lanarkshire.


Director of Administration

Encl.

SAFEGUARDERS

Name	DOB/ Age	Qualifications	Employment Status	Experience	Recommendation
1. Mr. Kenneth S. Bonnington	10.05.55 46	LL.B. (Hons), N.P.	Solicitor Robert Carty and Company 17 Main Street Wishaw	22 years experience as a Solicitor. Dealt with a large number of family related cases including representing children in proceedings and also appointed as a reporter in a number of cases. Qualified as a Family Law Mediator.	Recommended for appointment
2. Mrs. Debra H. Clapham	13.04.63 39	B.A. (Hons) M.Phil. LL.B., Dip.L.P. N.P, Solicitor	Solicitor 79 West Regent Street (Ground Floor) Glasgow	13 years experience as a Solicitor. Dealt with a number of family related cases. Formerly employed by Scottish Children's Reporter Administration. Currently a Safeguarder with Inverclyde, East Ayrshire and North Ayrshire Councils.	Recommended for appointment
3. Ms. Linda E. George	12.10.51 50	B.A. (Hons) Dip.L.P. Certificate in Child Forensic Psychology	Solicitor T.J. and W.A. Dykes 105 Cadzow Street Hamilton.	Reporter to Hamilton Sheriff Court - 2 years. <u>Curator Ad litem</u> at Hamilton Sheriff Court - 8 years. Law Society of Scotland Accreditation in Child and Family Law. Studying for Diploma in Child Forensic Psychology.	Recommended for appointment
4. Mr. Richard Hutchison	29.06.56 45	Solicitor, N.P. B.A; LL.B.	Solicitor Messrs. Malcolm and Hutchison 32 Stirling Street Airdrie	Principally involved in matrimonial and family law. Regularly involved in Children's Panel work including referrals to Sheriff Court. Has been appointed as <u>Curator Ad litem</u> and Reporter to prepare adoption reports.	Recommended for appointment
5. Mr. David A. Johnstone	14.03.66 36	LL.B. Hons. Diploma in Legal Practice N.P.	Solicitor Messrs. Sneddon Morrison 156 Station Road Shotts	18 years experience as a Solicitor. Mainly family related cases including Children's Panel Hearings. Currently Safeguarder with West Lothian Council - 5 years.	Recommended for appointment
6. Mrs. Catherine Monaghan	23.11.66 35	LL.B. Hons. Diploma in L.P.	Solicitor Robert Carty and Company 26 Etrick Walk Cumbernauld	7 years experience as a Solicitor. Principally involved in family related law. child protection cases, adoption cases and contact disputes and attendance at Children's Panel Hearings.	Recommended for appointment

SAFEGUARDERS

Name	DOB/ Age	Qualifications	Employment Status	Experience	Action
1. Mr. William N. Coats	17.05.43 58	LL.B.	Solicitor Messrs. Freelands 36 Muir Street Motherwell	28 years experience as a Solicitor Involved in adoption hearings and Children's Panel Hearings. Formerly involved in preparation of court reports in family related cases.	Unable to attend interview
2. Mr. Ian S. Smart	10.09.58 43	LL.B. N.P.	Solicitor Ian S. Smart and Company 3 Annan House Cumbernauld	20 years experience as a Solicitor predominately as a family law practitioner including experience in Children's Panel Hearings. Member of Council of the Law Society of Scotland and Convener of Law Society of Scotland Legal Aid Committee. Also involved in negotiating the terms of the legally qualified Safeguarder with Scottish Executive.	Unable to attend interview