

**REPORT TO: CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE 26
OCTOBER 2011**

SUBJECT: FEES FOR SAFEGUARDERS

BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1. REASON FOR REPORT

- 1.1 The purpose of this report is to ask the Committee to homologate past payments of fees for members of the Panel of Safeguarders for the Moray Council area and to approve fees for future payments until national fees are introduced by regulations made under the Children's Hearing (Scotland) Act 2011.
- 1.2. This report is submitted to the Committee in terms of paragraph D (2) of the Council's Administrative Scheme relating to the functions of the Council in terms of the Children (Scotland) Act 1995.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (a) homologates past payments of fees for Safeguarders in the Moray Council area by reference to scales outlined in Appendix 1 to this report; and**
- (b) agrees to maintain fees at current levels until national fees are introduced by regulation made under the Children's Hearing (Scotland) Act 2011.**

3. BACKGROUND

- 3.1 In terms of regulation 3 of the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001, the Council is obliged to maintain a Panel of Safeguarders from which persons to safeguard the interests of children can be appointed for the purposes of section 41 of the Children (Scotland) Act 1995 ("**the 1995 Act**"). Safeguarders are generally appointed by the court or a Children's Hearing to report on matters relative to the welfare of a specific child.
- 3.2 Under section 41(4) of the 1995 Act the Council is obliged to pay fees and meet the reasonable expenses of Safeguarders in carrying out their functions.
- 3.3 Fees for Safeguarders have historically been set by COSLA. However, in 2006 COSLA ended this practice and it has since been left to each local authority to determine the level of fees. Since that time most authorities have continued to pay fees by reference to the COSLA scale fees, simply increasing the scale fees annually. In Moray fees have been increased annually in line with recommendations made by the Fostering Network. Although this practice was not formally approved, reference has been made to it in a number of reports including report by the Director of Community Services circulated at the Children and Young People's Service Committee on 18 August 2010.

- 3.4 In 2010/11 budget management arrangements were amended and the budget for Safeguarders fees was transferred from the Children and Families budget grouping to the Legal and Committee Services budget grouping.
- 3.5 The Scottish Government is currently undertaking a consultation on the draft Children's Hearing (Scotland) Act 2011 Safeguarder Panel Regulations 2012. The Regulations propose to harmonise procedures across Scotland for the appointment, training and remuneration of Safeguarders.
- 3.6 It is anticipated that the Regulations will enter into force on 2 April 2012. If the Regulations enter into force in their current form, from that date the Council will no longer be responsible for maintaining a Panel of Safeguarders for the Moray Council area and all appointments (and re-appointments) will be made by the Scottish Government. The Council may be invited to nominate individuals to the Scottish Ministers for appointment to the national panel. In addition, the Council will no longer be obliged to meet the fees and reasonable expenses incurred by Safeguarders in the course of their duties. These will be met from the Scottish Government budget from that date.
- 3.7 As they stand the Moray Council's fees are the highest across the Highland and former Grampian Council regions. Given the significant changes ahead, it is recommended that fees for Safeguarders in the Moray Council area are maintained at current levels until arrangements are made for fees to be set and paid at a national level.

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/ Service Improvement Plan

This report relates to National Outcome 8 of the Single Outcome Agreements: improving life chances of children at risk

(b) Policy and Legal

The legal implications have been outlined above.

(c) Resources (Financial, Staffing and Property)

Financial

The financial implications have been outlined above.

Staffing and Property

There are no staffing or property implications associated with this report.

(d) Equalities

There are no equalities issues arising in this report.

(e) Consultations

Margaret Forrest, Acting Service Manager (Litigation & Licensing) has been consulted and her comments have been incorporated into the report. Deborah Brands, Principal Accountant has also been consulted. She agrees with the contents of the report.

5. CONCLUSION

5.1 It is recommended that the Committee:-

- (a) homologates past levels of fees for Safeguarders in the Moray Council area as outline in Appendix 1 to this report; and**
- (b) agrees to maintain fees at current levels until national fees are set under the Children's Hearing (Scotland) Act 2011.**

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Background Papers: There are no background papers