

ANGUS COUNCIL**RESOURCES AND CENTRAL SERVICES COMMITTEE – 17 MARCH 2005****SAFEGUARDERS' FEES****REPORT BY DIRECTOR OF LAW AND ADMINISTRATION****ABSTRACT**

This Report recommends that an inflation linked increase of 2% be made to the fees payable to Safeguarders appointed by Children's Hearings and Sheriff Courts.

1. RECOMMENDATION

The Committee is recommended to increase the fees payable to Safeguarders by the inflationary rate of 2% with effect from 1 April 2005.

2. INTRODUCTION

As members will be aware, the Council has a statutory responsibility to establish and maintain a panel of persons to safeguard the interests of children, commonly known as the Panel of Safeguarders. The legal framework within which these panels function is contained within Section 101 of the Children (Scotland) Act 1995, as amended by Section 75 of the Regulation of Care (Scotland) Act 2001. The Regulations governing Panels of Safeguarders are laid out in the Panel of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001.

In Angus, responsibility for the recruitment and selection of individuals for appointment to the Panel has been delegated to the Director of Law and Administration.

3. PAYMENT OF FEES

In terms of the legislation, local authorities have the right to pay fees as they see fit. For some time, COSLA has set rates of fees, although these have always been regarded as recommendations only. Angus Council (and previously Tayside Regional Council) have always adopted them.

In 2003 COSLA developed a new Scheme of Fees, in consultation with the Scottish Safeguarders Association and the Policy and Resources Committee approved this new Scheme on 22 April 2003. Section 12 of the guidance makes reference to standard inflationary rates and the assumption that these inflationary rates will be applied after 31 March 2004, similar to other social work fee structures for children's services. Last year, the Committee approved an increase of 2.5%.

4. PROPOSAL

It is proposed that all fees payable to Safeguarders be increased by 2% with effect from 1 April 2005 which corresponds to the increase approved by the Social Work and Health Committee on 1 March 2005 in relation to children's services.

5. FINANCIAL IMPLICATIONS

Expenditure on Safeguarders' fees is met from the Children's Panel Section of the Miscellaneous Services Budget. As the appointment of Safeguarders is outwith Council control and is demand led, it is therefore difficult to predict the likely effect of this increase to fees. However, based upon previous years experience it is estimated this increase could amount to £1K additional expenditure in the financial year 2005/2006. It is also anticipated that this additional expenditure can be contained within the overall Miscellaneous Services Cash Limited Budget Provision.

6. HUMAN RIGHTS IMPLICATIONS

While the level of Safeguarders' fees is not in itself a human rights issue, the Council has a duty to ensure that appropriately qualified people are in place to act as Safeguarders to protect the interests of a child appearing before a Hearing or a Court.

7. CONCLUSION

This Report proposes rates that will ensure Angus Council payments to Safeguarders continue to be appropriate and in accordance with the previously approved Scheme.

8. CONSULTATION

The Chief Executive, Director of Finance and the Director of Social Work and Health have been consulted during the preparation of this Report.

CATHERINE A COULL
Director of Law and Administration

Note: The background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) which was relied on in preparing the above Report was a letter dated 16 October 2002 from COSLA.