STATUTORY INSTRUMENTS

1984 No. 1442 (S.119)

CHILDREN AND YOUNG PERSONS

The Social Work (Panels of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984

Made - - - -	*28th August* 1984
Laid before Parliament	*18th September* 1984
Coming into Operation	*30th June* 1985

In excercise of the powers conferred on me by section 103 of the Children Act 1975 (**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:–

PART I

GENERAL

Citation, commencement and extent

1.— (1) These regulations may be cited as the Social Work (Panels of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984 and shall come into operation on 30th June 1985.

(2) These regulations shall apply only to Scotland.

Interpretation

2. In these regulations unless the context otherwise requires—

"the 1968 Act" means the Social Work (Scotland) Act 1968(**b**);

"the 1975 Act" means the Children Act 1975;

"local authority" means a regional or islands council and "local authority area" shall be construed accordingly;

"panel" means a panel of persons established under regulations 3 or 11 below, as the case may be, for a local authority area;

"Sheriff Principal" means the Sheriff Principal or the Sheriffs Principal, as the case may be, within whose jurisdiction the local authority area, or the relevant part of the local authority area, lies;

"the chairman of the children's panel" means the person appointed by the

(**a**) 1975 c. 72; section 103 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 2, paragraph 28.
(**b**) 1968 c. 49.

Secretary of State for each local authority area by virtue of paragraph 1 of Schedule 3 to the 1968 Act;

PART II

PANELS FOR THE PURPOSES OF SECTION 34A OF THE 1968 ACT

Establishment of panels for the purposes of section 34A of the 1968 Act

3.— (1) Subject to paragraph (2) below there shall be established for each local authority area a panel of persons from whom persons to safeguard the interests of children may be appointed for the purposes of section 34A of the 1968 Act(**a**).

(2) A local authority may, after consultation with the chairman of the children's panel and the Sheriff Principal as to the desirability of their doing so, establish for their area more than one such panel.

Appointment to panel

4.— (1) Subject to paragraphs (2) and (3) below and regulations 5, 6 and 7 below, each local authority shall from time to time, appoint such number of persons to be members of a panel as, after consultation with the chairman of the children's panel and the Sheriff Principal, they consider adequate for the purposes for which the panel is established.

(2) A person may be appointed as a member of more than one panel.

(3) A local authority shall appoint persons as members of a panel in accordance with regulations 5 and 6 below.

(4) Before seeking nominations under regulation 5, a local authority may determine the experience, aptitudes and standard of any qualifications which should be possessed by persons who may be appointed to safeguard the interests of children for the purposes of section 34A of the 1968 Act, and any such determination shall be made after consultation with the chairman of the children's panel and the Sheriff Principal.

Nominations

5.— (1) Before a local authority make any appointment they shall invite nominations for persons as potential members of a panel from—

(a) the chairman of the children's panel;

(b) the Sheriff Principal; and

(c) such other bodies or persons as the local authority may consider appropriate.

(2) A local authority may take such steps, including public advertisement, as they consider appropriate, to secure the nomination of a sufficient number of

(**a**) Section 34A was inserted by section 66 of the Children Act 1975.

persons as potential members of a panel, and may themselves make nominations.

6.— (1) Before appointing any person to a panel a local authority shall—

(a) satisfy themselves, either generally, or, having regard to any determination made under regulation 4(4), that the experience, aptitudes and standard of any qualifications possessed by each person whom they propose to appoint are appropriate to his appointment for the purposes of section 34A of the 1968 Act; and

(b) consult the chairman of the children's panel, the Sheriff Principal and such other nominating bodies and persons as they consider necessary with respect to the suitability of each of the proposed appointees.

(2) A local authority shall not appoint any person to a panel who is—

(a) a member of that local authority;

(b) employed by that authority in connection with any of the functions specified in section 2 of the 1968 Act;

(c) a member of a children's panel appointed by the Secretary of State by virtue of paragraph 1 of Schedule 3 to the 1968 Act; or

(d) a member of a Children's Panel Advisory Committee formed by a local authority by virtue of paragraph 3 of Schedule 3 to the 1968 Act (a).

Term of appointment

7.— (1) Subject to paragraph 2 below, the appointment under regulation 4 above of a person as a member of a panel shall be for such period not exceeding 3 years as the local authority in consultation with the chairman of the children's panel and the Sheriff Principal consider appropriate.

(2) A person may be re-appointed as a member of a panel.

(3) A person's membership of a panel shall be terminated by a local authority at any time where the local authority, with the agreement of the chairman of the children's panel and the Sheriff Principal, are satisfied that he is unable, unfit or unsuitable to continue to carry out the functions of his membership.

Review of panels

8. A local authority shall in consultation with the chairman of the children's panel and the Sheriff Principal keep under review the membership and operation of every panel established for their area under regulation 3 and shall ensure at all times a membership of the panel adequate for the purposes for which the panel is established.

(a) Paragraph 3 of Schedule 3 to the 1968 Act was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, paragraph 187.

Inform the Chairman of the Children's Panel, the Sheriff Principal etc.

9. A local authority shall inform the chairman of the children's panel, the Sheriff Principal and such other persons as the local authority consider necessary, of the names, addresses and qualifications or experience of each member of a panel established under regulation 3 for the area of the local authority, and of any change with respect to that membership.

Expenses, fees and allowances

10. Subject to section 34A(3) of the 1968 Act, the local authority shall defray the expenses incurred by a member of a panel established for their area under regulation 3, and shall pay to him such fees and allowances as they think fit.

PART III

PANELS FOR THE PURPOSES OF SECTION 18A OF THE 1968 ACT

Establishment of panels for the purposes of section 18A of the 1968 Act

11.— (1) Subject to paragraph (2) below there shall be established for each local authority area a panel of persons from whom persons to safeguard the interests of children may be appointed for the purposes of section 18A of the 1968 Act(**a**).

(2) A local authority may, after consultation with the Sheriff Principal as to the desirability of their doing so, establish for their area more than one such panel.

Appointment to panel

12.— (1) Subject to paragraphs (2) and (3) below and regulations 14 to 16 below, each local authority shall from time to time, appoint such number of persons to be members of a panel as, after consulation with the Sheriff Principal, they consider adequate for the purposes for which the panel is established.

(2) A person may be appointed as a member of more than one panel.

(3) A local authority shall appoint persons as members of a panel in accordance with regulations 14 and 15 below.

(4) Before seeking nominations under regulation 14, a local authority may determine the standard of qualifications or experience which should be possessed by persons who may be appointed to safeguard the interests of children for the purposes of section 18A of the 1968 Act, and any such determination shall be made after consultation with the Sheriff Principal.

13.— (1) A local authority may, with the agreement of the Sheriff Principal and subject to regulation 15(3) below, determine that any panel or panels

(**a**) 1968 c. 49; section 18A was inserted by section 78 of the Children Act 1975 and amended by section 7(3) of the Health and Social Services and Social Security Adjudications Act 1983.

established by virtue of the Curators Ad Litem and Reporting Officers (Panels) (Scotland) Regulations 1984(a) shall constitute a panel or panels as the case may be for the purposes of regulation 11 above.

(2) Where regulation 13(1) applies regulations 14, 15(1), (2) and 16 to 18 below shall not apply.

Nominations

14.— (1) Before a local authority makes any appointment they shall invite nominations for persons as potential members of a panel from—

(a) the Sheriff Principal;

(b) such other bodies or persons as the local authority may consider appropriate.

(2) A local authority may take such steps, including public advertisement, as they consider appropriate, to secure the nomination of a sufficient number of persons as potential members of a panel, and may themselves make nominations.

15.— (1) A local authority shall appoint to a panel any person nominated by the Sheriff Principal provided that person's qualifications or experience are not inconsistent with any standard which may have been determined in accordance with regulation 12(4) above.

(2) Before appointing any other person to a panel a local authority shall—

(a) satisfy themselves, either generally, or having regard to any determination under regulation 12(4), that the qualifications or experience possessed by each person whom they propose to appoint are appropriate to his appointment for the purposes of section 18A of the 1968 Act; and

(b) consult the Sheriff Principal and such other nominating bodies and persons as they consider necessary with respect to the suitability of each of the proposed appointees.

(3) A local authority shall not appoint to any panel established for the purpose of regulation 11 a person who is

(a) a member of that local authority; or

(b) employed by that authority to perform any function under the Local Government (Scotland) Act 1973(b).

Term of appointment

16.— (1) Subject to paragraph (2) below, the appointment under regultion 12 above of a person as a member of a panel shall be for such period not exceeding 3 years as the local authority in consultation with the Sheriff Principal consider appropriate.

(a) S.I. 1984/566.
(b) 1973 c. 65.

(2) A person may be reappointed as a member of a panel.

(3) A person's membership of a panel shall be terminated by a local authority at any time where *(a)* the local authority are satisfied that he is unable, unfit or unsuitable to continue to carry out the functions of his membership, or *(b)* any court to which he has been appointed under section 18A of the 1968 Act so reports to the local authority.

Review of panels

17. A local authority shall in consultation with the Sheriff Principal keep under review the membership and operation of every panel for their area established under regulation 11 and shall ensure at all times a membership of the panel adequate for the purposes for which the panel is established.

Inform Sheriff Principal etc.

18. A local authority shall inform the Sheriff Principal and such other persons as the local authority consider necessary, of the names, addresses and qualifications or experience of each member of a panel established under regulation 11 for the area of the local authority and of any change with respect to that membership.

Expenses, fees and allowances

19. A local authority shall defray the expenses incurred by a member of a panel established for their area under regulation 11 and shall pay to him such fees and allowances as they think fit.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
28th August 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Regulations make provision for the establishment in the area of each Regional and Islands Council of a panel or panels of persons to safeguard the interests of children in proceedings before a children's hearing or before the Sheriff for the purposes of section 34A of the Social Work (Scotland) Act 1968, (regulation 3), and in proceedings before the Sheriff for the purposes of section 18A of the 1968 Act, (regulation 11).

Regulations 3 to 10 make detailed provision for panels established for the purposes of section 34A. Regulation 3(2) provides that the local authority, after consultation with the chairman of the children's panel and the Sheriff Principal may establish more than one panel in their area while regulation 4 requires that the local authority consult the chairman of the children's panel and Sheriff Principal on the size of panels which should be appointed so that this is adequate for the functions to be performed. Regulation 4 also empowers the local authority to consult with the chairman of the children's panel and the Sheriff Principal as to the experience which should be possessed by persons nominated to serve on any panel for the purposes of section 34A of the 1968 Act.

Regulations 5 and 6 set out the procedure to be followed by the local authority in seeking nominations and making appointments to panels to be established in their area for the purposes of section 34A of the 1968 Act, subject to regulation 6(2) which disqualifies certain persons from being appointed. Regulation 7 makes provision for the term of appointment, re-appointment, and termination of appointment, in certain circumstances, of panel members. Regulation 8 requires the local authority in consultation with the chairman of the children's panel and the Sheriff Principal to keep under review the membership and operation of every panel established for their area for the purposes of section 34A of the 1968 Act. Regulation 9 requires the local authority to maintain records of those persons appointed to such panels and to inform the chairman of the children's panel, the Sheriff Principal and such other persons as they consider necessary about panel membership and any changes in membership of panels.

Regulation 10 requires the local authority, subject to section 34A(3) of the 1968 Act, to defray the expenses of panel members and to pay panel members such fees and allowances as they think fit.

Regulations 11–19 make detailed provision for the establishment of panels for the purposes of section 18A of the 1968 Act. Regulation 11(2) provides that the local authority, after consultation with the Sheriff Principal, may establish more than one panel in their area while regulation 12 requires that the local authority consult the Sheriff Principal on the size of panel which should be appointed so that this is adequate for the functions to be performed. Regulation 12 also empowers the local authority to consult with the Sheriff Principal as to the standard of qualifications or experience which should be attained by persons nominated to serve on any panel.

Regulation 13 empowers the local authority with the agreement of the Sheriff Principal and subject to regulation 15(3) to determine that any panel or panels established by virtue of the Curators Ad Litem and Reporting Officers (Panels) Scotland Regulations 1984 shall constitute a panel or panels for the purposes of regulation 11.

Regulations 14 and 15 set out the procedure to be followed by the local authority in seeking nominations and making appointments to panels to be established in their area, subject to regulation 15(3) which disqualifies certain persons from being appointed. Regulation 16 makes provision for the term of appointment, re-appointment, and termination of appointment, in certain circumstances of members of panels established for the purposes of section 18A of the 1968 Act. Regulation 17 requires the local authority in consultation with the Sheriff Principal to keep under review the membership and operation of every panel established for their area for the purposes of section 18A of the 1968 Act. Regulation 18 requires the local authority to maintain records of those persons appointed to such panels and to inform the Sheriff Principal, and such other persons as they consider necessary, about panel membership and any changes in membership of panels.

Regulation 19 requires the local authority to defray the expenses of members of panels established for the purposes of section 18A of the 1968 Act and to pay panel members such fees and allowances as they think fit.

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