

**The Highland Council**  
**ADULT & CHILDREN SERVICES COMMITTEE**

**19 February 2014**

Agenda Item	21.
Report No	ACS/35/14

**Scheme for Curators ad Litem and Reporting Officers**

**Report by Director of Health & Social Care and Head of Legal and Democratic Services**

**Summary**

The report seeks approval for an updated scheme for Curators ad Litem and Reporting Officers in Highland.

**1. Background**

- 1.1 Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 provides for the appointment of Curators ad Litem and Reporting Officers to provide independent reports to court on adoption and permanency plans for children. Often one person acts in both capacities.
- 1.2 The existing scheme operated by Highland Council has not been updated for a number of years, and requires to be reviewed. This includes bringing the standard fee into line with that now operated in neighbouring authorities.
- 1.3 It is also necessary to formalise the process of recruiting, appointing and supporting Curators ad Litem and Reporting Officers, who will need to be approved by the Sheriff Principal. The proposed scheme is set out in **Appendix One**.
- 1.4 People who currently act as Curators ad Litem and Reporting Officers will continue in that role, but become subject to this revised scheme.

**2 Implications**

**2.1 Resource Implications**

The proposed fees for 2014/15 are set out below:

- Joint appointment as Curator & Reporting Officer: £350
- Appointment as Curator or Reporting Officer only: £240

Second and subsequent children attract an additional 50% fee. The fees should increase annually at the level of inflation.

An additional fee beyond the usual fee can be paid in circumstances where a Sheriff has ordered the Curator/Reporting Officer to undertake additional duties – e.g. an updated Report and/or attendance at Court. The maximum

additional fee is 80% of the original fee due. The Chief Social Work Officer will consider the circumstances, in consultation with the Head of Legal and Democratic Services, to decide any additional fee that it is reasonable to pay.

The Highland Council rate should apply for mileage expenses, and standard rates applied for time spent while travelling.

Where a child is placed from outwith the Council area, the local authority for the specific area where the child goes to live will be responsible for the payment of Curator/Reporting Officer fees associated with court actions involving that child.

2.2 Legal and Risk Implications

Without Curators and Reporting Officers available to service cases, adoption and permanency plans for vulnerable children cannot be progressed in a timely fashion.

2.3 Other Implications

There are no climate change or equality implications.

**Recommendation**

The Committee is asked to agree the attached scheme for Curators ad Litem and Reporting Officers, including the level of fee set out in paragraph 2.1.

Bill Alexander  
Director of Health & Social Care

Stewart Fraser  
Head of Legal and Democratic Services

Date: 10 February 2014

## **Appendix One**

### **HIGHLAND COUNCIL SCHEME FOR CURATORS AD LITEM AND REPORTING OFFICERS**

#### **1. BACKGROUND**

The legal requirements for the establishment of a Panel of Curators ad Litem and Reporting Officers are set out in The Curators ad Litem and Reporting Officers (Panel) (Scotland) Regulations 2001.

The Highland Council is obliged to appoint new members to the Panel from time to time as may be required. The Council is obliged to seek nominations from:

- a) the Sheriff Principal; or
- b) other local authorities; or
- c) such other persons as the Council considers appropriate.

The Council may also make nominations.

#### **2. REQUIREMENTS FOR PANEL MEMBERSHIP**

Panel members require relevant knowledge, experience and an understanding of adoption law and processes such as:

- the Scottish legal system in relation to children;
- an understanding of best practice in relation to children separated from their families

#### **3. TERM OF APPOINTMENT**

Panel members will be appointed for a period not exceeding three years.

A person may be reappointed as a member of the Panel, subject to necessary further checks and consultation, and with the agreement of the Chief Social Work Officer and the Head of Legal and Democratic Services.

The Council has the right to terminate membership of the Panel at any time, where either: a) the Council is satisfied that the person is unable, unfit or unsuitable to continue as a member, or b) any of the courts report to the Council that the person is unable, unfit or unsuitable to carry out his or her functions.

#### **4. APPOINTMENT TO THE PANEL**

The Council shall, in consultation with the Sheriff Principal, keep under review the membership and operation of the Panel and shall ensure at all times that membership of the Panel is adequate for its purposes.

##### Stage One: Identifying prospective new Panel members

This will be co-ordinated by the Chief Social Work Officer and Head of Legal and Democratic Services as appropriate. Prospective Panel members can be identified by:

- a) Nomination in terms of section 1 above; or
- b) Noting their interest to the Council or the Court to be a Panel member; or
- c) Following public advertisement by the Council.

#### Stage 2: Initial selection process

Prospective panel members will be required to complete an application form which will address the person's relevant knowledge and experience.

Following receipt of the application form the applicant may be invited to an interview, and will be subject to the following formal checks.

- local authority checks going back 10 years;
- enhanced Disclosure Scotland; and
- two references.

#### Stage 3: Consultation with the Sheriff Principal

If any interview and formal checks confirm that the prospective Panel member is a suitable person, the Council will consult the Sheriff Principal about the proposed appointment. The Council shall provide the Sheriff Principal with a copy of the application form and references of the prospective Panel member.

#### Stage 4: Appointment

Providing the Sheriff Principal has no objections, the successful applicant will be advised in writing of their appointment to the Panel. The Council shall simultaneously advise the appropriate Sheriff Courts. The applicant will be provided with an Induction Pack.

### **5. MANAGEMENT OF THE PANEL**

The management and oversight of the operation of the Panel shall be undertaken jointly by the Chief Social Work Officer and the Head of Legal and Democratic Services.