

# **EAST AYRSHIRE COUNCIL**

## **POLICY AND RESOURCES COMMITTEE – 20 FEBRUARY 2003**

### **PANEL OF SAFEGUARDERS: FEE STRUCTURE**

#### **Report by Depute Chief Executive/Director of Corporate Resources**

#### **1. PURPOSE OF REPORT**

- 1.1 To advise the Committee of the most recent review by CoSLA of the fee structure in respect of Safeguarders and to recommend the implementation of revised fees for 2003/2004.

#### **2. BACKGROUND**

- 2.1 The Council has, from time to time, considered revisions recommended by CoSLA to the scheme of fees payable to Safeguarders appointed by Children's Hearings and Sheriff Courts. Fee structures recommended by CoSLA are not compulsory but have generally have been adopted by local authorities to ensure consistency in the way in which fees are paid to Safeguarders, particularly given that a Safeguarder may operate in more than one local authority area. The Council's current fee structure is based on the rates which have been in effect from 2000/01 (Appendix I).

#### **3. CURRENT POSITION**

- 3.1 During 2000, the Convention of Scottish Local Authorities, together with the Scottish Safeguarders Association, undertook a comprehensive review of the fee structure paid to Safeguarders. This followed the publication of "Practice Guidelines for Safeguarders" by the Scottish Safeguarders Association in 1999 and the publication of research into the operation of the Safeguarders system, "The Role of Safeguarders in Scotland" by the Scottish Executive in April 2002, both of which highlighted that the fee structure required to be addressed.
- 3.2 The outcome of CoSLA's review has resulted in the recommended rates detailed in Appendix II.

#### **4. CONCLUSION**

- 4.1 The revised fee structure would represent a significant increase in expenditure estimated at approximately 70% overall. However, the other local authorities in East Ayrshire's "family" of similar-sized authorities have been canvassed and, of those which responded, all have indicated that they do intend to implement the revised fee structure. Therefore, if East Ayrshire is to attract the services of Safeguarders, some of whom work in more than one local authority area, it would seem prudent to retain a level of consistency and implement the new rates.

## **5. LEGAL IMPLICATIONS**

- 5.1** The Council is required, in items of Section 41 of the Children (Scotland) Act 1995 to maintain a Panel of Safeguarders

## **6. FINANCIAL IMPLICATIONS**

- 6.1** The Panel operates in accordance with the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001 which require local authorities to defray and pay to members such fees and allowances as they see fit.

- 6.2** The average per annum expenditure over the last six years has been £7,400.00 and it is estimated that the revised fee structure will result in annual expenditure of £12,500.00. Accordingly, the Council in its recent budgetary review for 2003/04 has made provision to meet the anticipated increases in expenditure.

## **7. PERSONNEL IMPLICATIONS - Nil**

## **8. RECOMMENDATION**

- 8.1.** The Committee is asked:-

- (i) to approve the implementation in 2003/2004 of the revised fee structure for Safeguarders detailed in Appendix II to the report;
- (ii) to note that, other than inflationary increases which would be implemented in the normal way, any future proposed amendments to the fee structure will be reported to Committee for its consideration; and
- (iii) that it be remitted to the Depute Chief Executive/Director of Corporate Resources to undertake the necessary arrangements for the implementation of revised rates.

Fiona Lees  
Depute Chief Executive/Director of Corporate Recourses

4 February 2003

## **BACKGROUND PAPERS**

- 1.** Correspondence from CoSLA in respect of proposed revised rates payable to Safeguarders.
- 2.** Electronic mail correspondence with other local authorities in respect of the proposed revised rates.

Any persons wishing to inspect the background papers relative to this report should contact Melanie Anderson, Administrative Officer, on telephone number (01563 576094). Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on Telephone (01563) 576135.

**Implementation Officer: Bill Walkinshaw**

**APPENDIX I**

**EXISTING RATES FOR SAFEGUARDERS**

	Fee (Exclusive of VAT)
Fixed sum payable to Safeguarders reporting to Courts or Hearings.	£98.00
Fixed sum payable to Safeguarders submitting a supplementary report.	£49.00
Fixed sum payable to Safeguarders in respect of attendance at Court and or Hearing in relation to that specific appointment but not entering the proceedings as a party.	£39.00
Fixed sum payable to Safeguarders entering court proceedings as a party (payable on a daily basis).	£98.00
Travelling expenses as per Council elected Members scheme.	£0.493 per mile

## APPENDIX II

### RECOMMENDED REVISED RATES FOR SAFEGUARDERS 2003/2004

#### APPOINTMENTS FOR CHILDREN'S HEARINGS

**1. The Fixed Appointment Fee**

A fixed appointment fee of £200 payable to reflect the investigative work involved in the appointment and the drawing up and submission of the report.

**2. The Fixed Attendance Fee**

A Fixed Attendance Fee of £100 payable for attending each hearing that takes place in the course of the Safeguarders appointment. This fee to be fixed regardless of the number of children involved.

**3. Fixed Fee for Report Provided for Continued Hearings**

A fee of 50% of the Fixed Appointment Fee (£100) payable for each continued Children's hearing where the Safeguarder submits a written supplementary report and 25% (£50) for an oral report. This fee is to cover the additional investigative work and, where appropriate, the drawing up and submission of the supplementary report.

**4. Fixed Fee in respect of Second and Subsequent Children**

In multiple appointments, given the additional work and time involved, an additional appointment fee of 50% of the Fixed Appointment Fee (£100) should be payable in relation to each of the second and subsequent children only where they live separately from the first child and 25% (£50) when they live together. This fee should relate to the initial appointment and also to continued hearings based on the fees at para 3 i.e. 50% of £50 for a written supplementary report and 50% of £25 for an oral supplementary report.

#### APPOINTMENTS BY THE SHERIFF

**5. The Fixed Appointment Fee**

A Fixed Appointment fee of £200 payable when the Safeguarder enters the proceedings as a party and a fee of 25% of this (£50) when the Safeguarder does not enter proceedings as a party.

**6. The Fixed Attendance Fee**

Where a Safeguarder enters the proceedings as a party a Fixed Attendance Fee of £100 should be payable on a daily basis, regardless of the number of children involved.

## **7. Fixed Fee for Continued Court hearings**

When a Safeguarder enters proceedings as a party a fee of £50 is payable for each continued diet to reflect the additional work. No fee should be payable to a Safeguarder not entered as a party.

## **8. Fixed Fee for Second and Subsequent Children**

In order to acknowledge the additional work and time involved where the safeguarder enters the proceedings as a party in multiple appointments, an additional appointment fee of 50% of the Fixed Appointment Fee (£100) should be payable in relation to each of the second and subsequent children only where they live separately from the first child and 25% (£50) when they live together. These fees relate to the initial appointment. For continued hearings the fees should be based on 50% of the fees noted at paragraph 7 i.e. 50% of £50 where the second and subsequent children live separately from the first child and 50% of £25 when they live together.

To acknowledge additional work and time involved where the Safeguarder does not enter the proceedings as a party in multiple appointments an additional appointment fee of £25 should be payable in relation to each of the second and subsequent children irrespective of their living situation. This fee relates only to the initial appointment and does not apply to continued diets or to attendance at courts as Safeguarders not entering as a party will not as a rule attend courts.

## **9. Appeals**

In circumstances where a sheriff appoints a Safeguarder for the first time at the appeal stage this should be treated as a fresh appointment and fees will be payable in accordance with the terms above.

In circumstances where appeals against hearing or court decisions are pursued and the same Safeguarder is maintained throughout the appeal process this should be treated as a continued case and fees paid accordingly.

## **TRAVEL, SUBSISTENCE AND OTHER OUTLAYS**

### **10. Travel and Subsistence**

Safeguarder's travel and subsistence allowances should remain tied to the local authorities scheme for elected members.

### **11. Other Outlays**

Having regard to the proposals to revise the scheme and also having regard to the wide variance of approaches evident across Scotland it is proposed that no additional payments be made and that other outlays such as telephone calls, production of reports etc should be covered as part of the fixed appointment fees detailed above.

In exceptional circumstances however Councils have discretion to approve reimbursement of specific expenditure incurred with each case judged on its merits and subject to prior approval.

## **12. Links to Inflation**

Following implementation of fees for 2003/2004, CoSLA assumes that the standard inflationary rates will be applied as they are to other Social Work fee structures.