

Appendix

Scheme for Curator ad Litem and Reporting Officers' Panel

South Lanarkshire Council requires to appoint a panel of persons from which Curators ad Litem ("Curators") and Reporting Officers may be appointed. This scheme and attached appendices outline the appointment process for Curators and Reporting Officers and the terms of appointment.

Definitions

"Local Authority" means South Lanarkshire Council

"Panel Member" means a person appointed to a panel of persons established in accordance with Regulation 3(1) of the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001.

"Relevant Experience" means having a minimum of 5 years, demonstrable experience in (i) Family Law; (ii) Social Work working with children and their parents and carers (including experience of dealing with adoption and other long term substitute care arrangements and the issues associated with those arrangements); or (iii) Teaching working with children and their parents and carers, and having relevant experience of court practice and procedures and dealing with Family Law matters (including experience of dealing with adoption and other long term substitute care arrangements and the issues associated with those arrangements).

"Relevant Legislation" includes but is not limited to Adoption and Children (Scotland) Act 2007, Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 as amended, Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009, Children (Scotland) Act 1995, Children's Hearings (Scotland) Act 2011, Social Work (Scotland) Act 1968 and all subsequent amending legislation.

"Relevant Qualifications" means being a (i) Solicitor or Solicitor Advocate, holding a current or who has previously held a practising certificate from the Law Society of Scotland; (ii) Advocate, being a practising Member of the Faculty of Advocates; (iii) Social Worker, holding or who has previously held a registration with the Scottish Social Services Council; or (iv) Teacher, holding or who has previously held a registration with the General Teaching Council for Scotland.

"Services" means Curator ad Litem and Reporting Officer services

1. Qualifications and Experience

The Panel Member shall, when submitting an application, confirm that he / she has:-

1. the Relevant Qualifications;
2. the Relevant Experience;
3. knowledge of the Relevant Legislation; and
4. the capacity to perform the duties of the role as identified in Paragraph 12 of the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children) (Scotland) Act 2007) 2009

2. Process for Nominations and Appointment to the Panel

- (i) The Local Authority shall invite nominations for persons as potential members of the panel from Sheriffs, other local authorities and such other persons as it may consider appropriate;
- (ii) The Local Authority may take such steps as it considers appropriate after consultation with the Sheriff Principal, including advertisement to secure the nominations of panel members, including making nominations itself; and
- (iii) Appendix 2 outlines the Nomination Application process.

3. Scheme Membership

1. The Panel Member acknowledges and agrees that her or she is appointed by the Court. The appointment is a public appointment, and the Panel Member is deemed to be a public office holder;
2. The Panel Member acknowledges that:-

- (a) the scheme membership does not constitute a contract of employment;
- (b) when providing the Services, he/she will be acting in an individual capacity; and
- 3. The Panel Member undertakes to disqualify himself/herself from appointment in cases where he /she has prior personal knowledge of any of the parties to the case or if the appointment in any way represents a conflict of interest, actual or perceived.
- 4. The Panel Member undertakes to submit reports in accordance with Paragraph 12(d) of the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009.

4. Length of appointment

- (i) The initial appointment will be for a period not exceeding three years, or for such other period as the Sheriff Principal and the Local Authority consider appropriate.
- (ii) A Curator or Reporting Officer may apply to be re-appointed. Any application for re-appointment should be sent in advance to the Local Authority for consideration by it and the Sheriff Principal. Up to date information confirming the applicant's continuing eligibility for appointment will be required. Any re-appointment shall be for a period not exceeding three years as determined by the Local Authority after consultation with the Sheriff Principal.

5. Termination of Appointment

The Local Authority shall be entitled to terminate any appointment with immediate effect, without written notice, where: -

- (i) the Local Authority is satisfied that the Panel Member is unable, unfit or unsuitable to continue to carry out the functions of a Panel Member;
- (ii) the Sheriff Principal or any Sheriff or Summary Sheriff in the Sheriffdom reports to the Local Authority that the Panel Member is unable, unfit or unsuitable to continue to carry out the functions as Panel Member; or
- (iii) the Panel Member no longer meets the standard of qualifications or experience specified in Condition 1.

6. Confidentiality & Data Protection

- (i) The Panel Member will not include any information specifying prospective adopters' or foster carers' identity, location or employment in any report prepared in respect of the Services;
- (ii) The Panel Member will not specify in any report prepared in relation to the Services, the name of any child or children's nursery, school or any other information that may lead to the identification of the prospective adopters or foster carers
- (iii) The Panel Member acknowledges that he/she will comply with the Data Protection Act 2018 as amended.

7. Expenses and fees

- (i) Payment for the provision of the Services will be made at the rates stated in the Fees and Expenses Table (Appendix 1], as revised from time to time, or as judicially determined by the Court at the option of the Panel Member.
- (ii) Claims for payment should be submitted to the Local Authority using the Fee Claim Form (Appendix 3) accompanied by a breakdown of hours worked and receipts for reasonable expenses.

8. Insurance, Liability and indemnity

- (i) The Panel Member agrees to indemnify the Local Authority from and against any loss, damage, costs or liability incurred by the Local Authority from any breach by the Panel Member of his/her duties or inappropriate or negligent use of any of the data or information supplied to the Panel Member.

Signed by Panel Member: _____

Print Name: _____

Date: _____

APPENDIX 1			
Fees and Expenses Table			
1	Joint Appointment as Curator ad Litem and Reporting Officer (Appointment Fee)	Fixed fee £600	Covers the first 10 hours of work which includes: Investigation, written report including interim report, written and verbal communications, attendance at hearings and meetings, contribution and administrative expenses.
2	Single Appointment as either Curator ad Litem or Reporting Officer (Appointment Fee)	Fixed fee £550	Covers the first 10 hours of work which includes: Investigation, written report including interim report, written and verbal communications, attendance at hearings and meetings, contribution and administrative expenses.
3	Additional Child appointment fee - Joint Appointment as Curator ad Litem and Reporting Officer (Appointment Fee)	Fixed fee £200	Covers the first 10 hours of work which includes: Investigation, written report including interim report, written and verbal communications, attendance at hearings and meetings, contribution and administrative expenses.
4	Additional Child appointment fee - Single Appointment as either Curator ad Litem or Reporting Officer (Appointment Fee)	Fixed Fee £150	Covers the first 10 hours of work which includes: Investigation, written report including interim report, written and verbal communications, attendance at hearings and meetings, contribution and administrative expenses.
5	Daily Court attendance fee	£30 per hour up to a maximum of £150 per day	To be paid only after the first 10 hours referred to in the Appointment Fee have been completed. Includes the time spent travelling to and from a Court hearing and time spent at the hearing.
6	Additional Work not covered in paragraphs 1-5 above	£30 per hour	To be paid only for additional work not already covered or referred to in paragraphs 1-5 above which includes, but is not limited to, further investigation, additional written report, or further written/verbal communications. The Panel Member must seek prior authorisation from the Local Authority before commencing work on the foregoing.
7	Mileage	£0.45 per mile	Mileage
8	Exceptional accommodation or transport	To be agreed with Relevant Local Authority	Cannot be claimed retrospectively and can only be paid where the Panel Member has sought and received prior authorisation from the Local Authority.

APPENDIX 2

Guide for Application - Curator ad Litem and / or Reporting Officer Panel for South Lanarkshire Council (“the Local Authority”) (“the Panel”)

This guide is based on the rules for application and appointment set out in the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001/477 (Scottish SI).

Nomination Process

Please submit your application for Nomination to the Local Authority. This should be clearly marked for the attention of Administration and Legal Services, Finance and Corporate Resources, South Lanarkshire Council, Floor 11, Council Offices, Almada Street, Hamilton, ML3 0AA only. In order to avoid a conflict of interest your application will not be viewed or considered by any other official in any other Resource of the Local Authority.

You need to list your qualifications and experience in the application. For guidance, please see the Contractual Terms and Conditions where the required “Relevant Experience” and “Relevant Qualifications” are defined.

Please note that the Local Authority cannot accept your application unless you are able to demonstrate that you possess the relevant qualifications and experience.

You also require to demonstrate that you have a Protecting Vulnerable Groups (PVG) Scheme Membership. Guidance on how to obtain membership can be found here; www.mygov.scot/pvg-scheme.

You can apply to be a member of more than one panel if you wish.

Once your application has been received, it will be processed by Administration and Legal Services of the Local Authority. If your application is accepted it will be passed to the Sheriff Principal. The Sheriff Principal and the Local Authority may consult Sheriffs, Summary Sheriffs, Sheriff Clerks, local Faculties/Bar Association and representatives of Local Authority’s Administration and Legal Services and Social Work Resources and others as he/she/it considers necessary with respect to the suitability of your appointment.

If you are called for an interview; this will take place before the Sheriff Principal. The Sheriff Principal may invite representatives of the Local Authority’s Administration and Legal Services to attend.

The Local Authority will notify you of the outcome of your application. If your application is approved, the Sheriff Principal will nominate the candidate and the Local Authority will appoint the applicant to the Panel.

The Sheriff Principal may, independently from this process, nominate individuals with the necessary qualifications and experience to the Panel. The Local Authority will upon receipt of nomination by the Sheriff Principal appoint that individual to the Panel

Any decision in respect of your application is final and not subject to appeal.

APPENDIX 3

Fee Claim Form

To: SOCIAL WORK DEPARTMENT - CHILDCARE			
			COUNCIL
CLAIM FORM – CURATORS <i>AD LITEM</i> AND REPORTING OFFICERS ¹			
Name			
Address			
(to which payment will be forwarded)			
Court			
Serial No. of Petition			
FEES			
(1)	Reporting Officer ²	£	
(2)	Curator <i>ad litem</i>	£	
(3)	Combined Duties	£	
(4)	Other expenses ³	£	
(5)	VAT (where appropriate)	£	
V.A.T. Registration No.			
Total Amount Claimed		£	
OTHER EXPENSES			
(i)	Travelling		
(a)	Fares – Bus/Train/Ferry/Air	£	

¹ This form should be returned to the Court with the report

² Amount entered at (1), (2) or (3) above should be taken from the current list of fees

³ Items included should be expenses directly incurred in carrying out the duties of Curator *ad litem* / Reporting Officer and detailed overleaf

	Details of Journeys			
(b)	Car travel			
		miles at		p per mile £
	Parking fees		£	
	Details of journeys			
(ii)	Meals / Overnight Accommodation ⁴		£	
(iii)	Postage / Telephone Expenses ⁵		£	
(iv)	Miscellaneous ⁶		£	
	TOTAL		£	⁷
Signature of Claimant				
Date				

To be completed by Sheriff Clerk's Office		To be completed by Social Work Department	
I hereby certify that we are in receipt of the above report			
Signature		Signature	
Designation		Designation	
Date		Date	

⁴ Details of costs incurred, receipts should be attached in respect of accommodation

⁵ To be claimed at actual cost

⁶ Any other direct expenses incurred may be claimed here. Please detail the expenditure and indicate why it was necessary

⁷ This figure should be shown in (4) on previous page