

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 6: Miscellaneous

Panels

Section 75: Panels for curators ad litem, reporting officers and safeguarders

189. Section 41 of the Children (Scotland) Act 1995 requires a children's hearing (or sheriff) to consider whether to appoint a person to safeguard the interests of the child in certain proceedings before them. Such individuals are known as "safeguarders". Panels of persons from which safeguarders may be appointed, exist at local authority level. Appointments are made, following consultation with the sheriff principal and the chairman of the local authority children's panel. The primary role of the safeguarder is to provide an independent opinion on the child's circumstances and recommend what he or she considers is in the best interests of the child. In doing so the safeguarder must take into account the child's wishes and feelings and, if necessary, represent them to the hearing or court. Safeguarders may belong to more than one panel.
190. **Section 75** clarifies the arrangements for the training of safeguarders and for the payment of their fees, allowances and expenses. Section 101 of the 1995 Act currently permits the Scottish Ministers to make regulations on certain matters in respect of a single panel. This is amended to allow for the establishment and running of panels at local authority level. A duty is placed on local authorities to provide training for safeguarders and the Scottish Ministers may, as they do for children's panel members, assist with training.

Section 76: Amendment of Children (Scotland) Act 1995: Children's Panel Advisory Committees

191. This section amends the Children (Scotland) Act 1995 to place a duty on local authorities to train members of Children's Panel Advisory Committees and their sub-committees, and to give Scottish Ministers the power to assist in that training.