
STATUTORY INSTRUMENTS

1991 No. 2051

CHILDREN AND YOUNG PERSONS

**The Guardians Ad Litem and Reporting
Officers (Panels) Regulations 1991**

Made - - - - 10th September 1991

Laid before Parliament 17th September 1991

Coming into force - - 14th October 1991

The Secretary of State in exercise of the powers conferred by sections 41(7) and (9) and 104(4) of the Children Act 1989(1) and section 65A(1) and (2) of the Adoption Act 1976(2) and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1991 and shall come into force on 14th October 1991.

(2) In these Regulations, unless the context otherwise requires—

“complaints board” means a board established under regulation 3(a) of these Regulations;

“panel” means a panel established under regulation 2(1) of these Regulations;

“panel committee” means a committee established under regulation 3(b) of these Regulations;

“relevant proceedings” means specified proceedings as defined in section 41(6) of the Children Act 1989(3) or proceedings on an application for any order referred to in section 65 of the Adoption Act 1976.

Panels of guardians ad litem and reporting officers

2.—(1) Each local authority shall establish a panel of persons in accordance with regulation 4 of these Regulations in respect of their area.

(2) Guardians ad litem and reporting officers appointed under section 41 of the Children Act 1989 for the purposes of relevant proceedings or under rules made under Section 65 of the Adoption Act 1976 must be selected from the panel established in respect of the local authority’s area in which the court is situated (unless selected from another local authority’s panel established under these Regulations).

(1) 1989 c. 41.

(2) 1976 c. 36. Section 65A was inserted by paragraph 29 of Schedule 10 to the Children Act 1989.

(3) See rule 4.2(2) of the Family Proceedings Rules 1991 (S.I.1991/1247) and rule 2(2) of the Family Proceedings Courts (Children Act 1989) Rules 1991 (S.I. 1991/1395).

(3) Each local authority shall ensure that so far as possible the number of persons appointed to the panel established in respect of their area is sufficient to provide guardians ad litem and reporting officers for all relevant proceedings in which guardians ad litem and reporting officers may be appointed and which may be heard in their area.

Complaints boards and panel committees

3. For the purpose of assisting them with matters concerning the membership of panels, the administration and procedures of panels and the monitoring of the work of guardians ad litem and reporting officers in relevant proceedings, each local authority shall establish—

- (a) a board “complaints board” in accordance with Schedule 1 to these Regulations, which shall have the functions conferred on them by regulations 5 and 6 of these Regulations;
- (b) a committee “panel committee” in accordance with Schedule 2 to these Regulations, which shall have the functions conferred on it by regulations 8 and 10(1)(a) of these Regulations.

Appointments to panels

4.—(1) The local authority in respect of whose area the panel is established shall appoint persons to be members of the panel.

(2) The local authority shall decide whether the qualifications and experience of any person who they propose to appoint to the panel are suitable for the purposes of that person’s appointment as a guardian ad litem or a reporting officer who they propose to appoint to the panel.

(3) The local authority shall in respect of any person whom they propose to appoint to the panel—

- (a) interview each such person,
- (b) consult the panel committee, and
- (c) obtain the names of at least two persons who can provide a reference in writing for the persons whom they propose to appoint and take up those references.

(4) The local authority shall notify in writing any person who is appointed to a panel of the appointment which shall, subject to regulation 5 of these Regulations, be for such period not exceeding three years at any one time as the local authority shall specify on making the appointment.

(5) Each local authority shall maintain a record of those persons whom they have appointed to be members of the panel established in respect of their area.

(6) Every local authority shall have regard to the number of children in their area who may become the subject of specified proceedings and the different racial groups to which they belong, in making appointments under this regulation.

Termination of panel membership

5.—(1) The local authority may terminate a person’s membership of the panel at any time where they consider that he is unable or unfit to carry out the functions of a guardian ad litem or a reporting officer.

(2) Before terminating a person’s membership of the panel the local authority shall—

- (a) notify him in writing of the reasons why it is proposed that his membership of the panel should be terminated;
- (b) give him an opportunity of making representations to the local authority.

(3) Where the local authority, having considered any representations made under paragraph (2) (b) of this regulation, still propose to terminate a person’s membership, they shall refer the matter to a complaints board.

(4) The complaints board shall make a recommendation to the authority after taking account of any representations of the person whose membership the local authority proposed to terminate.

(5) The local authority shall consider the recommendation of the complaints board, as to termination of a person's membership and decide whether or not to terminate membership and give notice to that person in writing of their decision together with their reasons for the decision.

Complaints about the operation of panels and members of the panels

6.—(1) For the purpose of monitoring the administration and procedures of the panel and the work of guardians ad litem and reporting officers in relevant proceedings each local authority shall establish a procedure for considering complaints about the operation of the panel in respect of their area, and about any member of that panel including refusal to reappoint a person to be a panel member.

(2) The local authority shall investigate any such complaint and if they cannot resolve it to the satisfaction of the person making it they shall refer it to the complaints board to make a recommendation to the authority about it in writing.

(3) Any person in respect of whom a complaint is made shall be notified by the local authority in writing of the complaint and they shall give him an opportunity of making representations to them and if the matter is referred to the complaints board they shall provide him with an opportunity to make representations to the complaints board.

(4) The local authority shall only make a decision on a complaint referred to the complaints board having taken into account the recommendation of the complaints board and they shall notify the person who made the complaint and any person in respect of whom the complaint was made in writing of their decision.

Administration of the panel

7.—(1) Each local authority shall appoint a person with such qualifications and experience as they consider appropriate to assist them with the administration of the panel in respect of their area and that person shall not participate in the local authority social services functions in respect of services for children and their families (other than the administration of the panel or an inspection unit established under the Secretary of State's directions under section 7A of the Local Authority Social Services Act 1970(4)).

(2) Each local authority shall ensure that records are kept in relation to the operation of the panel which shall include—

- (a) the name of each child in respect of whom a guardian ad litem or reporting officer is selected from the panel;
- (b) a description of the relevant proceedings in respect of which the selection is made;
- (c) the name and level of the court (whether High Court, county court or family proceedings court);
- (d) the name of any person selected from the panel and whether he has been appointed in specified proceedings or in proceedings under the Adoption Act 1976 as a guardian ad litem, or in proceedings under the Adoption Act 1976 as a reporting officer;
- (e) the date of each appointment, the date on which work started in respect of that appointment and the date on which it finished;
- (f) details of fees, expenses and allowances in each case in which there has been such an appointment;

(4) 1970 c. 42. Section 7A was inserted by section 50 of the National Health Service and Community Care Act 1990 (c. 19). The relevant direction establishing inspection units was issued with local authority circular LAC(90)13.

- (g) the result of the proceedings in each case in which there has been such an appointment.

Panel committee functions

8. The local authority shall make arrangements for the panel committee to assist with liaison between the local authority in their administration of the panel and the courts in the local authority's area and to advise on—

- (a) the standards of practice of guardians ad litem and reporting officers in relevant proceedings in their area;
- (b) the appointment and reappointment of guardians ad litem and reporting officers to the panel, termination of their appointment and review of their work;
- (c) the training of guardians ad litem and reporting officers; and
- (d) matters arising from complaints concerning guardians ad litem, reporting officers and the administration of the panel (but not the investigation of particular complaints).

Expenses, fees and allowances of members of panels

9.—(1) Each local authority shall defray the reasonable expenses incurred in respect of relevant proceedings by members of the panel established in respect of their area and pay fees and allowances for members of such panels in respect of relevant proceedings.

(2) No expenses, fees and allowances referred to in paragraph (1) of this regulation shall be defrayed or paid by local authorities by virtue of paragraph (1) in respect of a member of a panel who is employed under a contract of service by a local authority or probation committee for thirty hours or more a week.

Monitoring the work of guardians ad litem and reporting officers

10.—(1) For the purposes of monitoring the work of guardians ad litem and reporting officers each local authority which has established a panel in respect of their area shall—

- (a) obtain the views of the panel committee on the work of each member of the panel who has been appointed a guardian ad litem or reporting officer, and
- (b) review the work of each such member of the panel

at least once during the first year of an appointment to the panel.

(2) The results of each review shall be recorded by the local authority in writing and they shall send a copy of the results to the member of the panel to whom they relate.

Training

11. The local authority shall, having regard to the cases in which members of the panel have been or may be appointed as a guardian ad litem or reporting officer, identify any training needs which members of the panel may have and make reasonable provision for such training.

Revocation of the Guardian Ad Litem and Reporting Officers (Panels) Regulations 1983 and Amendment Regulations 1986

12. The Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983⁽⁵⁾ and the Guardians Ad Litem and Reporting Officers (Panels) (Amendment) Regulations 1986⁽⁶⁾ are hereby revoked.

(5) S.I. 1983/1908.

(6) S.I. 1986/3.

Signed by authority of the Secretary of State for Health.

10th September 1991

Virginia Bottomley
Minister of State,
Department of Health

SCHEDULE 1

Regulation 3(a)

Complaints Board

The complaints board shall consist of three persons, —

- (a) one of whom shall be a person who is neither an officer nor a member of a local authority;
- (b) another of whom shall be a person who is involved in the functions in respect of services for children and their families of a local authority which has not established the panel;
- (c) another of whom shall be a justices' clerk of a magistrates' court in the local authority's area.

SCHEDULE 2

Regulation 3(b)

Panel Committee

1. The panel committee shall consist of at least one of the following —
 - (a) a representative of the local authority;
 - (b) a justices' clerk of a magistrates' court in the local authority's area;
 - (c) a person who has relevant experience of child care who is neither an officer nor a member of a local authority;
 - (d) a representative of the panel established under regulation 2(1) of these Regulations.
2. The panel committee shall not be chaired by a representative of the local authority.
3. The membership of the panel committee shall not consist of a majority of representatives of the local authority.
4. Appointments to the panel committee shall be for such period not exceeding three years at any one time as the authority shall specify on making the appointment.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations make provision for the establishment of panels of guardians ad litem and reporting officers by local authorities (regulation 2); complaints boards and panel committees (regulation 3); appointments to panels (regulation 4); termination of panel membership (regulation 5); complaints about the operation of the panels and members of the panels (regulation 6); administration of panels (regulation 7); panel committee functions (regulation 8); expenses, fees and allowances of panel members (regulation 9); monitoring the work of guardians ad litem and reporting officers (regulation 10); training (regulation 11) and revocation of the Guardian Ad Litem and Reporting Officers (Panels) Regulations 1983 and the Amendment Regulations 1986 which these 1991 Regulations replace (regulation 12);

The principal changes from the arrangements in respect of panels under the 1983 Regulations are that a complaints board and panel committee are to be established to assist the authority in administration

of the panel and the procedure for termination of appointments to the panel and administration of the panel is specified in greater detail in the Regulations.