STATUTORY RULES OF NORTHERN IRELAND

1996 No. 128

CHILDREN

The Guardians Ad Litem (Panel) Regulation (Northern Ireland) 1996

Made - - - -	*26th March 1996*
Coming into operation	*1st May 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 60(7) and (9) of the Children (Northern Ireland) Order 1995(**1**) and Article 66A(1) and (2) of the Adoption (Northern Ireland) Order 1987(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996 and shall come into operation on 1st May 1996.

(2) In these Regulations—

"the Agency" means the Northern Ireland Guardian Ad Litem Agency;

"complaints board" means a board established under regulation 3(*a*);

"panel" means a panel established under regulation 2(1);

"panel committee" means a committee established under regulation 3(*b*);

"relevant proceedings" means specified proceedings as defined in Article 60(6) of the Children (Northern Ireland) Order 1995 or proceedings on an application for any order referred to in Article 66(1) of the Adoption (Northern Ireland) Order 1987(**3**).

Panel of guardians ad litem

2.—(1) The Agency shall establish a panel of persons in accordance with regulation 4.

(2) Guardians ad litem appointed under Article 60 of the Children (Northern Ireland) Order 1995 or under Article 66 of the Adoption (Northern Ireland) Order 1987 must be selected from the panel established by the Agency under this regulation.

(**1**) S.I.1995/755 (N.I. 2)
(**2**) S.I. 1987/2203 (N.I. 22); Article 66A was inserted by paragraph 166 of Schedule 9 to S.I. 1995/755 (N.I. 2)
(**3**) S.I. 1987/2203 (N.I. 22); paragraph 166 of Schedule 9 to S.I. 1995/755 (N.I. 2) substituted a new Article 66

(3) The Agency shall ensure that, so far as possible, the number of persons appointed to the panel is sufficient to provide guardians ad litem for all relevant proceedings in which guardians ad litem may be appointed and which may be heard in a court in Northern Ireland.

Complaints board and panel committee

3. For the purpose of assisting it with matters concerning the membership of the panel, the administration and procedures of the panel and the monitoring of the work of guardians at litem in relevant proceedings, the Agency shall establish—

(a) a board ("complaints board") in accordance with Schedule 1, which shall have the functions conferred on it by regulations 5 and 6;

(b) a committee ("panel committee") in accordance with Schedule 2, which shall have the functions conferred on it by regulations 8 and 10(1).

Appointments to the panel

4.—(1) The Agency shall appoint persons to be members of the panel.

(2) The Agency shall decide whether the qualifications and experience of any person whom it proposes to appoint to the panel are suitable for the purposes of that person's appointment as a guardian ad litem.

(3) The Agency shall in respect of any person whom it proposes 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 Agency shall notify in writing any person who is appointed to the panel of the appointment which shall, subject to regulation 5, be for such period not exceeding three years at any one time as the Agency shall specify on making the appointment.

(5) The Agency shall maintain a record of those persons whom it has appointed to be members of the panel.

(6) The Agency shall have regard to the number of children who may become the subject of relevant proceedings in making appointments under this regulation.

Termination of panel membership

5.—(1) The Agency may terminate a person's membership of the panel at any time where it considers that he is unable or unfit to carry out the functions of a guardian ad litem.

(2) Before terminating a person's membership of the panel the Agency shall—

(a) notify him in writing of the reasons why it is proposed that his membership of the panel should be terminated; and

(b) give him an opportunity of making representations to the Agency.

(3) Where the Agency, having considered any representations made under paragraph (2)(*b*), still proposes to terminate a person's membership, it shall refer the matter to a complaints board.

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

(5) The Agency 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 its decision together with its reasons for the decision.

Complaints about the operation of the panel and members of the panel

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

(2) The Agency shall investigate any such complaint and if it cannot resolve the complaint to the satisfaction of the complainant, it shall refer the matter to the complaints board.

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

(4) The complaints board shall—

(a) consider any matter referred to it under paragraph (2), taking into account any representations made in accordance with paragraph (3); and

(b) make a recommendation about the matter to the Agency in writing.

(5) The Agency shall only make a decision on a complaint referred to the complaints board having taken into account the recommendation of the complaints board and it shall notify the person who made the complaint and any person in respect of whom the complaint was made in writing of its decision.

Administration of the panel

7.—(1) The Agency shall appoint a person with such qualifications and experience as it considers appropriate to assist it with the administration of the panel, and that person shall not participate in the social services functions of a Health and Social Services Board or of a Health and Social Services Trust in respect of services for children and their families.

(2) The Agency 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 at litem 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 court of summary jurisdiction);

(d) the name of any person selected from the panel and whether he has been appointed as a guardian at litem in specified proceedings or in proceedings under the Adoption (Northern Ireland) Order 1987;

(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;

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

Panel committee functions

8. The Agency shall make arrangements for the panel committee to assist with liaison between the Agency in its administration of the panel and the courts in Northern Ireland and to advise on—

(a) the standards of practice of guardians at litem in relevant proceedings;