



**Centre for excellence**  
for looked after children in Scotland

# The Appointment of Safeguarders in the Children's Hearings System

**Research Report and Action Plan**

Andressa Gadda, Malcolm Hill, Emma Young, Vicki Welch  
CEL CIS

May 2015

## Acknowledgments

This study has counted on the support of a number of organisations and individuals. We would like to thank all panel members, safeguarders and social workers who have taken time out of their busy schedule to provide data for this study and, in some instances, assist us in organising local focus groups. We are very grateful to all those individuals in the relevant organisations who provided valuable advice during the setting up and execution of the study. Crucial to the development of this study have been the contributions from the Research Advisory Group (RAG) made up of representatives from Children's Hearings Scotland, Children 1st, Scottish Children's Reporter Administration, Scottish Government, participating Local Authorities and Safeguarders.

## Contents

1) Executive Summary .....	4
1.a) Background to the research .....	4
1.b) The study .....	4
1.c) Characteristics of safeguarders .....	5
1.d) Safeguarder appointment to cases: numbers and reasons .....	5
1.e) Performance of the safeguarding role.....	6
1.f) Comparative perceptions of safeguarder and social worker assessments and reports.....	6
1.g) Safeguarders and permanence .....	7
1.h) Time considerations.....	7
1.i) Conclusions and implications in relation to permanence cases.....	7
1.j) Key Messages from the Research.....	8
1.k) Action plan .....	8
2) Introduction .....	9
2.a) The evolving role of safeguarders.....	9
2.b) Permanence .....	9
2.c) The current study .....	10
3) Methods .....	11
3.a) Characteristics of the samples.....	12
3.b) Analysis .....	13
4) Who are Safeguarders? .....	13
4.a) Remuneration .....	14
4.b) The professional background of safeguarders and associated perceptions of suitability .....	15
4.c) Desirable skills and characteristics in a safeguarder.....	17
5) The safeguarders' role in relation to the child's interests and wishes.....	18
6) Appointment of safeguarders to cases.....	20
6.a) Circumstances and reasons for appointing safeguarders .....	21
6.a.i) Conflict .....	22
6.a.ii) Lack of information .....	23
6.a.iii) Complex or difficult recommendations and decisions.....	24
6.a.iv) To obtain the views of the child .....	24
6.b) Were appointments necessary?.....	25
6.c) The value of safeguarders and their impact on recommendations and decisions .....	26
7) Safeguarders' reports.....	27
8) Conclusions .....	29
9) Action plan .....	32
9.a) National Safeguarders Panel .....	32
9.b) The Children's Hearing Improvement Partnership .....	32
9.c) The valuable resource of safeguarders and multi-agency assessment reports to children's hearings..	32
9.d) Clarity re the role of the safeguarder .....	33
10) References.....	34
11) Appendices.....	35
11.a) Appendix 1: Characteristics of Safeguarders.....	35
11.b) Appendix 2: Skills and characteristics.....	36
11.c) Appendix 3: Functions.....	36
11.d) Appendix 4: Agree or disagree statements .....	37

# 1) Executive Summary

This executive summary draws out relevant points from across the whole study. It is necessarily brief and lacks some of the nuance of the detail in other sections of the report. We urge readers requiring a higher level of detail to consult the main body of this document; equally the authors would be happy to provide any further clarification where we can.

## 1.a) Background to the research

Safeguarders may be appointed by children's hearings or courts in cases where it is thought necessary in the interests of the child. Their primary role is to make an independent assessment of what plans and arrangements are in the child's best interests and to provide a report based on that assessment to assist decision-making. Since the introduction of safeguarders to the hearings system three decades ago, they have made a valued contribution. Some concerns were voiced by a number of local authority professionals to the CELCIS Permanence and Care team (PaCT) in 2013 about safeguarder appointments in relation to the permanence process. These included stated views that, in some cases, involvement of safeguarders may lead to 'unnecessary delays' and hamper the timely placement of looked after children with a permanent family.

The present study was carried out by the PaCT researcher to explore this further, to assess reasons for the appointment of safeguarders by the hearings and to examine the impact of their involvement on subsequent decisions about recommendations by panel members<sup>1</sup>. Whilst the research emanated from concerns about the permanence process, it explored perceptions of strengths and concerns in relation to the appointment and practice of safeguarders more generally.

The study took place at a time of significant changes to the way in which safeguarders are recruited, trained, appointed and managed with the introduction of new Regulations and the creation of a national Safeguarders Panel.

## 1.b) The study

Following approval from the research ethics committee at Strathclyde University in October 2013, the study commenced in December 2013. The research used mixed methods to generate data that was partly quantitative and partly qualitative. Online questionnaire surveys were conducted with safeguarders, panel members and social workers. In total, 122 panel members, 62 safeguarders and 45 social workers took part in the surveys. In addition the researcher met with smaller numbers from each group, for individual or group interviews. The focus of the study was on safeguarder appointments by hearings, not courts. Particular attention was given to experiences and views about cases where planning for permanence was relevant.

The mixed-methods approach means that we are able to present some issues quantitatively, for example, by giving percentages. We note that percentages are mostly based on small numbers and should be treated with caution. Other findings are more qualitative being derived from themes that emerged in participants' descriptions in open questions, focus groups or interviews. These findings are not described numerically, but

---

<sup>1</sup>. In the study, questions were posed about hearing decisions in general and most respondents referred to hearings making decisions. Legally, children's hearings make 'decisions' in most cases, but with respect to permanence they make 'recommendations' for Sheriffs to consider. The Report seeks to reflect this distinction, where applicable.

where possible we try to give a sense of how frequently a particular issue was raised.

The research phase was completed by the end of 2014, and the first draft report from the research was shared with the Research Advisory Group (RAG) in February 2015. Between February and May 2015, the RAG met three times to consider the report and to draw together recommendations for action from the report (see section 9).

### 1.c) Characteristics of safeguarders

When completing a questionnaire (during the latter months of 2014), about a quarter of the safeguarders indicated that they had been recruited within the last year, but most had begun this role under the previous arrangements through local authorities. Half had been safeguarders for more than 10 years. Usually the role was undertaken on an occasional basis and covered several local authority areas.

Two-thirds of the survey participants were female. Most were aged 55 or over, so had extensive professional and life experience, which in many cases included considerable prior involvement with the hearings system. In terms of professional history, half had a legal or social work background, though a smaller proportion than 15 years ago were solicitors. The next largest group comprised teachers.

These different backgrounds were portrayed as providing diverse expertise, skills and strengths. Unsurprisingly each group of participants tended to appreciate and foreground the importance of their own areas of expertise. For example, social work trained safeguarders prioritised the ability to work with children and knowledge of child development and legally qualified safeguarders prioritised knowledge of legal processes. Participants from all backgrounds tended to think that the ability to communicate with children and independence of judgement were the most useful skills for safeguarders to have.

### 1.d) Safeguarder appointment to cases: numbers and reasons

Most safeguarders had had between one and four hearing's appointments in the previous six months. Extrapolation of these figures and comparison with earlier research suggests that the appointment of safeguarders has increased in recent years.

In 1985 safeguarders could be appointed only in situations where there was a conflict between a parent and a child, but since 1995 appointments have been permitted whenever panel members think this is in the child's interest. In practice, conflicting viewpoints remain the most important reason, but nowadays the differences of opinion are normally between parents and social workers. In such circumstances, panel members believed that safeguarders could provide a fresh perspective and help the hearing to resolve differences or adjudicate between opposing views. Some thought that safeguarders would provide information that social workers had not. It was also a common perception of panel members that safeguarders would provide a better account of the child's views than social workers.

In focus groups and interviews many social workers reported a view that safeguarders added little that was new compared with their own assessments. This was on the one hand welcomed as it provided further support for social workers' own assessments. On the other hand, social workers were concerned that, if nothing new was added, the appointment of a safeguarder simply delayed the proceedings.

Understandably, few panel members (14%) thought that safeguarders were appointed when it was not absolutely necessary, but more substantial numbers of both social workers (69%) and safeguarders (37%) believed this was the case. It was recognised by all three types of participant that sometimes panel members looked to safeguarders to help them cope with strong representations by parents' solicitors, or to provide support for panel members when complex or difficult decisions regarding recommendations had to be made. Many safeguarders also noted that often appointments lacked a clear statement of reasons for the appointment. Some safeguarders said that on occasion they were asked to answer impossible questions or to undertake tasks beyond their expertise.

### 1.e) Performance of the safeguarding role

The majority of safeguarders stated that their main duty was to act in the child's best interests, which accords with the law; however, a minority gave priority to other aspects of their role, notably promoting the voice of the child.

Not uncommonly, safeguarders did not meet with the child, because s/he was too young or it was seen as unhelpful for the child to meet yet another person involved in the case. However, when seeing children was appropriate, safeguarders believed they were able to spend more time than social workers on ascertaining the child's views. Social workers, in contrast, tended to think safeguarders spent too little time with the children to fully capture or understand their views.

Panel members were usually very appreciative of safeguarders' work. They regarded them as both trustworthy and independent. Both panel members and safeguarders were divided in opinion as to whether or not the appointment of a safeguarder led to improved decision-making and more than one third were uncertain. Most social workers recognised that safeguarders are a valuable resource for hearings and were generally positive about the quality of their work. However, considerable numbers thought safeguarders did *not* generally improve decisions, mainly because they thought that safeguarders' assessments and reports largely duplicated their own.

### 1.f) Comparative perceptions of safeguarder and social worker assessments and reports

Seventy one percent of panel members in the questionnaire survey claimed to give equal weight to safeguarder and social work reports, but in interviews and discussions many suggested they regarded social work reports as biased whereas safeguarder reports were seen as impartial. Social workers mostly thought more weight was given to a safeguarder report at a hearing. They believed that panel members might lack confidence in social work assessments and underestimate the extent to which social work reports were based on plans designed and agreed with other professionals and agencies.

Even so, it was reported by various participants that safeguarder report recommendations were usually the same as in social work plans, so that it was only in a minority of cases when disagreement occurred that panel members would be required to decide between the two. Panel members, who discussed this point, generally agreed that in these circumstances they would tend to accept the safeguarder's conclusions. This is perhaps not surprising since panel members noted that they would normally appoint a safeguarder when the social worker's assessment and plans were being disputed by other parties. Additionally, safeguarders' reports were perceived to be more detailed, impartial and up-to-date than other reports. Many panel members also

emphasised that they regarded safeguarders as experts (although it was not clear on what). By contrast, some social workers believed that often panel members did not know safeguarders' professional background or training.

### 1.g) Safeguarders and permanence away from home

Only a small proportion of hearings cases involve children where an alternative permanent family placement is being considered. However, it was reported that in cases where this form of permanence was being discussed often a conflict occurs between parents and social workers, so that an independent assessment is particularly likely to be seen as helpful. Many panel members in the study acknowledged that recommendations in such cases could be particularly difficult, so that a safeguarder perspective would often be useful. In discussions, some panel members and safeguarders expressed views that safeguarders should always be appointed in such cases on account of the fraught and final nature of the with respect to permanence. However, many social workers and also some safeguarders thought that all cases where permanence away from home was being considered should be referred to the Sheriff Court directly.

### 1.h) Time considerations

Since the 2011 Act came into force safeguarders are expected to submit reports within 35 working days of the issue of case papers. They reported typically spending 20-30 days on making assessments and preparing reports, plus usually time spent attending the hearing. Longer periods were attributed, by those safeguarders involved in the research, to late arrival of papers or contact information, and difficulties in making arrangements to meet family members or professionals.

Allocating a safeguarder inevitably adds to the time taken before a hearing recommendation or decision is made. Several participants stated that a further delay sometimes occurred when safeguarder reports were not ready by the specified deadline. The majority of panel members and safeguarders agreed that the delay caused by appointing a safeguarder was justified because it made for better decision-making, whereas most social workers doubted that the delays were worthwhile. Opinions varied about the impact of delays. Some felt it made little difference to the overall time taken in planning for permanence, while others believed it negatively compounded the problems for children caused by a long wait to be in a family for life. Another view was that appointing a safeguarder saved time in some cases by reducing the likelihood of an appeal or contestation at a later stage.

### 1.i) Conclusions and implications in relation to cases where permanence away from home was being considered

The study confirmed that a considerable proportion (69%) of social workers think that involvement of safeguarders was sometimes unnecessary. However, panel members were usually not in agreement with this; only 14% suggested that this was the case. In fact, many were of the view that they should appoint safeguarders more frequently and some wanted to see the use of safeguarders extended to all cases considering this form of permanence. Social workers expressed concern about delays in the child's journey to permanence resulting from unnecessary appointments or late submissions of safeguarder's reports, whereas some panel members and safeguarders pointed to potential time savings resulting from appointments. There seems to be no easy way to reconcile these differences in perspective, though more dialogue to foster trust and greater understanding of each other's roles may bring them closer together.

Training of panel members could give more detailed attention to the role of safeguarders, particularly in cases considering permanence away from home. This training could also cover the role of social workers especially concerning their role in multi-agency assessment and planning for children.

Certain chairing panel members might welcome further preparation for handling 'hotly' contested hearings and adjudicating between opposing viewpoints. It may also be helpful if the allocation of particular safeguarders to cases where permanence is considered takes account of any specialist knowledge that is desirable. Where specific requests like this are made they can be met. Social work reports should emphasise and make clear the reasons why an early decision is desirable, when this is the case, and also describe the multi-agency processes that have contributed to the plan for permanence.

Possibly more contentious, is the suggestion from some participants that safeguarders should disclose their professional qualifications to panel members.

### 1.j) Key Messages from the Research

- The work of safeguarders is regarded very positively by panel members and social workers;
- Many social workers believed that appointments of safeguarders were at times unnecessary, duplicated their own assessments and led to avoidable delays. In contrast, panel members believed that the appointments were nearly always needed and could save time in the long run;
- Both social workers and safeguarders thought that in certain cases conflict at hearings could be better managed to reduce the need to appoint a safeguarder;
- Some panel members did not trust the objectivity of social work recommendations;
- Panel members tend to prefer the flexible and succinct formats used in safeguarder reports compared with social work reports;
- Social workers could make explicit the nature and extent of multi-agency contributions to their recommended plans;
- Some support was expressed for the idea that safeguarders ought to be involved in all cases considering permanence away from home, while an alternative view was that these should go directly to the Sheriff Court.

---

### 1.k) Action plan

An action plan has been drawn together by the Research Advisory Group who guided the study; this is reproduced in Section 9 of this document (page 32-3).

## 2) Introduction

This report provides an account of a study of safeguarders, appointed by children's hearings to safeguard the interests of the child and provide an independent assessment. More than ten years has passed since research was last carried out on safeguarders and there have recently been major structural changes in the organisational arrangements for safeguarders (Hill, Lockyer, Morton, Batchelor, & Scott, 2002a). Furthermore, some local authorities and professionals have questioned whether the involvement of safeguarders has been unnecessary in some cases. They have suggested that appointing a safeguarder can be an important factor in delaying plans for looked after children to achieve permanence (discussed below). Hence it was timely to find out reasons for children's hearings' appointments of safeguarders and the impact of their involvement.

### 2.a) The evolving role of safeguarders

Safeguarders were not part of the children's hearings system when this was established in 1971. The role was introduced in 1985, when each local authority was required to establish and support a panel of safeguarders. Hearings and courts were given the discretion to appoint a safeguarder, initially in cases where there was a conflict between parents and children's interests. Most of the people appointed to take on this role were solicitors and social workers, with the former most likely to take on court cases and the latter more often chosen by hearings (Curran, 1989; Lockyer, 1994).

Despite some initial scepticism about the value of safeguarders and limited use of them in the first few years of operation, they gradually became an accepted part of the system (Hill, Lockyer, Morton, Batchelor, & Scott, 2003; Lockyer, 1994). The Children (Scotland) Act 1995 widened the circumstances in which safeguarders could be appointed, i.e. whenever a Sheriff or panel thought it was necessary to safeguard the child's interest in the proceedings. Safeguarders in hearings cases were from then on always obliged to provide a written report within a prescribed timescale. Since individual safeguarders worked largely in isolation, a Safeguarders Association was set up and this produced an extensive set of guidelines in 1999. Among other things, these clarified that a safeguarder should normally ascertain children's wishes, but their role was not to act as representative or advocate. This was because children's views would on occasion be incompatible with their best interests, which should be the paramount consideration for safeguarders.

A study carried out in 2000-1 concluded that the work of safeguarders was widely respected by other key parties, but there were many inconsistencies and problems of quality control in the operation of local authority safeguarder panels (Hill et al., 2002a). Partly influenced by these findings, the Children's Hearings (Scotland) Act 2011 and accompanying regulations sought to strengthen and clarify the role of safeguarders and the nature of their reports. Safeguarders were also given a right to appeal to a Sheriff against a hearing's recommendation or decision. The Act established a national Safeguarders Panel so that arrangements for recruitment, support, training and remuneration would be more standardised. The Scottish Government has contracted Children 1<sup>st</sup> to manage the panel. Other innovations have included a more transparent selection process, clearer complaints procedures and a new training package (Schaffer, 2014).

### 2.b) Permanence

The concept of 'permanence' for looked after children came into prominence in the 1970s and 1980s

following concerns that looked after children were drifting in care without a clear plan or purposive action being taken to help them (Schofield, Beek, & Ward, 2012; Tilbury & Osmond, 2006). Permanence was defined by Triseliotis (1991) as a child living with a family for life, which provides a sense of security and belonging. Some commentators include return home in the concept of permanence, reflecting an early formulation by Maluccio, Fein, and Olmstead (1986), but for many it refers to residing in an alternative family. Permanence practice therefore can include planning how best to stabilise families before care is needed or supporting children's reunification with their families following an episode of care. When this is not possible the aim is then to ensure that children have a secure, stable and loving family (Schofield et al., 2012). Since permanency planning first became prominent in the 1980s there have been both strong advocates and critics of the principles and practices (Kirton, 2013).

In the UK, adoption and long-term foster care have historically been the preferred options for permanence when reunification with the birth family is not possible (Schofield et al., 2012). Permanence for looked after children is not, however, simply about the type of placement. It is also, and perhaps more importantly, about the continuity and stability of relationships, the quality of care provided to children and a commitment to offering 'family' membership (Munro & Hardy, 2006; Tilbury & Osmond, 2006). As well as good quality care and family membership, permanence should ideally be underpinned by legal security.

There is no readily available information on the number of children dealt with by hearings for whom permanence is pursued each year, although it clearly represents a small proportion of hearings cases. In 2011-12 only 292 Permanence Orders or Permanence Orders with Authority to Adopt were made and 522 Adoption Petitions were lodged with the Sheriff Courts. Of these, 70% and 89%, respectively, were granted (Gadda & Harris, 2014). This compares with about 19,000 children referred to the reporter in 2013/4, while over 11,000 were subject to a compulsory supervision order on 31<sup>st</sup> March 2014 (SCRA, 2014). About 6% of all children who cease to be looked after are adopted<sup>2</sup>.

When a local authority intends to seek through the Sheriff Court a Permanence or Adoption Order for a child subject to a supervision order from a hearing, then an advice hearing must be arranged and the panel has to provide a report for the court. Normally hearings make decisions in cases they hear, but in such permanence cases the panel makes a recommendation. Permanence cases that come before hearings are highly complex and emotive since the plan has not usually been initiated or accepted by parents. A permanence plan often, though not invariably, involves stopping contact with the birth family. This is justifiable when it is in a child's best interests, but there are tensions with a central principle of the 2011 Act (that of minimum intervention), as well as Article 8 of the European Convention on Human Rights (the right to respect for private and family life).

## 2.c) The current study

In 2012 the Scottish Government commissioned the Centre for Excellence for Looked after Children in Scotland (CELCIS) to set up a team tasked with the improvement of permanence processes, including the reduction of the time it takes to reach permanence for looked after children. Research has shown that delays in arranging adoptive placements can have negative effects on children, particularly those who have been

---

<sup>2</sup> 2013 Children's Social Work Statistics [www.scotland.gov/Publications/2014/03/8922](http://www.scotland.gov/Publications/2014/03/8922). It should be remembered that not all looked after children have been dealt with via children's hearings.

seriously abused (Quinton & Selwyn, 2006; Ward, Brown, & Westlake, 2012). The Permanence and Care Team (PaCT) was thus established to provide direct support to local authorities and other key agencies across Scotland with the aim of enabling more effective and efficient decision-making, and identifying and sharing good practice. As part of this remit, the PaCT engaged with local authorities and other stakeholders in order to identify key factors affecting planning for permanence and to consider ways in which to reduce delays. Some local authorities consulted by the PaCT suggested that, in a number of instances, safeguarders were being appointed too late in the process and/or without a clear reason for appointment, resulting in undue delays to the permanence process. Similar concerns had been raised by participants at the six regional events organised by the Looked After Children Strategic Implementations Group (LACSIG) in preparation for the setting up of the PaCT (LACSIG, 2012).

Responding to these concerns, a study was devised to explore the issues. The key aims of this research were to find out more about the reasons for, and the impact of, the appointment of safeguarders by children's hearings. Similar worries had not been voiced in relation to the courts, so in view of time and resource constraints, the study did not examine appointments made by Sheriffs, although it may be desirable for such work to be undertaken in further studies. The research also collected information about:

- safeguarders' characteristics
- individuals' understandings and their opinions about the role of safeguarders
- how safeguarders fulfil their role

### 3) Methods

Following consultation with various relevant agencies and approval of the research proposal by the University of Strathclyde's Ethics Committee, data collection began in October 2013 and continued until November 2014. Three methods of data collection were used: online questionnaires, group discussions and one-to-one interviews. Data on the number of appointments was also sought from Children 1<sup>st</sup>. Initially it was also intended to look at records of cases where a safeguarder had been appointed by a children's hearing, in order to examine reasons for the appointment, safeguarder reports and their impact on hearings' decisions or recommendations. After documentary analysis of two cases it was decided that it was not viable to carry out a comprehensive review, although it would be useful for such work to be undertaken in future.

There were three phases of data collection. Each focused on one group of participants and comprised an online questionnaire followed by group or one-to-one discussions:

- October 2013 to January 2014: questionnaires sent to all panel members in Scotland (N=2366<sup>3</sup>).
- February to May 2014: questionnaires sent to all safeguarders (N=178)
- June to November 2014: questionnaires sent to social workers in four local authorities (N=180)

Representatives from all three groups were asked to take part in group discussions, but where this was not practical an individual interview was offered.

---

<sup>3</sup> Total number of panel members provided by Children's Hearings Scotland as at 1<sup>st</sup> October 2013, provided by Children's Hearings Scotland. This is an estimate as numbers of panel members fluctuate.

### 3.a) Characteristics of the samples

Attempts were made to include all panel members and safeguarders in Scotland, as their respective organisations held a central database for contacting them. It was not logistically possible to try to include all local authority social workers. Instead a ‘convenience sample’ of six authorities with which the PaCT had established good relationships were asked whether they were interested in taking part in the research. Four accepted the invitation and were promised anonymity. Table 1 shows the number of eventual participants:

**Table 1: Number of participants in each stage of data collection per group and gender**

Type of person	Method	Female	Male	Total per method*
Panel members	Questionnaire	80	41	122
	Discussions/interviews	16	4	20
Safeguarders	Questionnaire	41	20	62
	Discussions/interviews	10	9	19
Social workers	Questionnaire	34	10	45
	Discussions/interviews	23	7	30

\* The total number is greater than the sum of female and male participants because three individuals chose the ‘prefer not to say’ option when asked about gender.

Response rates for the questionnaires were much lower than desirable, particularly as only 6% of all panel members responded. Closer to half of the other two groups took part: 45% of all safeguarders and 41% of contacted social workers. The low response rate may be partially explained by the fact that at the time of the research both Children’s Hearings Scotland (CHS) and Children 1st had only recently taken up their roles in managing panel members and safeguarders respectively. A number of panel members and social workers who took part in group discussions or interviews mentioned that they had never received the invitation to complete the online questionnaire. With regard to the personal meetings with the researcher, one panel member and one safeguarder were interviewed individually, with the rest taking part in group discussions. For practical reasons, more social workers were seen on their own (17) than took part in groups (13). Some of those who took part in these face to face discussions had completed a questionnaire.

Panel members who took part were linked to 17 of the 22 different Area Support Teams (AST)<sup>4</sup>, so provided a good spread across the country. The largest numbers worked<sup>5</sup> for Central and West Lothian (29), Glasgow (22), Ayrshire (14), Edinburgh (12) and Tayside (9). The four local authorities contributed between 8 and 14 social workers each to the sample.

As the numbers of participants per AST or local authority were relatively small, the data analysis did not make a distinction between different areas. Women predominated in all three groups of participants; two-thirds of panel member and safeguarder participants in the questionnaire survey were female, while more than three-quarters of the social workers were women.

<sup>4</sup> Area Support Teams replaced local authority Children’s Panel Advisory Committees in June 2013 to ‘carry out functions on behalf of the National Convener to support members of the Children’s Panel’.

<sup>5</sup> We note that panel members ‘work’ in a voluntary capacity

The individuals who took part in the research varied widely in levels of experience in their current roles (Table 2). More than half of panel members and social workers had been in place for more than five years, while safeguarders divided almost equally between those with fewer than five years' experience and those with more than 10 years:

**Table 2: Years of experience in role (questionnaire participants)**

Type of participant	1 year or less	Over 1 but less than 5	Over 5 but less than 10	10 years or over
Panel member	17	39	33	32
Safeguarder	13	14	-	26
Social worker	-	14	11	17
Total	30	67	44	75

### 3.b) Analysis

Both qualitative and quantitative analyses were used. For the most part, quantitative analysis consisted of producing summary statistics such as percentages and totals; the response rate was too low to facilitate extensive inferential analyses to try to identify statistically significant differences, for example, between groups. Generally qualitative analysis involved the identification of explanatory insights and common themes. Where the data allow we try to give a sense of the extent or strength of qualitative comments by using words such as 'many' or 'few'. However, it is not our intention to imply that these are quantitatively reliable, and further research would be required to test the level of agreement with any specific point.

## 4) Who are Safeguarders?

There are now 197 safeguarders, slightly more than 15 years ago<sup>6</sup>. Most transferred from the local authority safeguarders panels to the new national panel managed by Children 1st which required an ability to meet the agreed set of competences.

In this study the reasons people gave for applying to be a safeguarder mostly fell into two categories. Firstly they had a desire to work with, advocate for and help children and their families and secondly they wished to use their knowledge and skills. Quite commonly both forms of motivation applied to the same person. Other reasons cited included being attracted to the independence or flexibility offered by the role and wishing to supplement personal income.

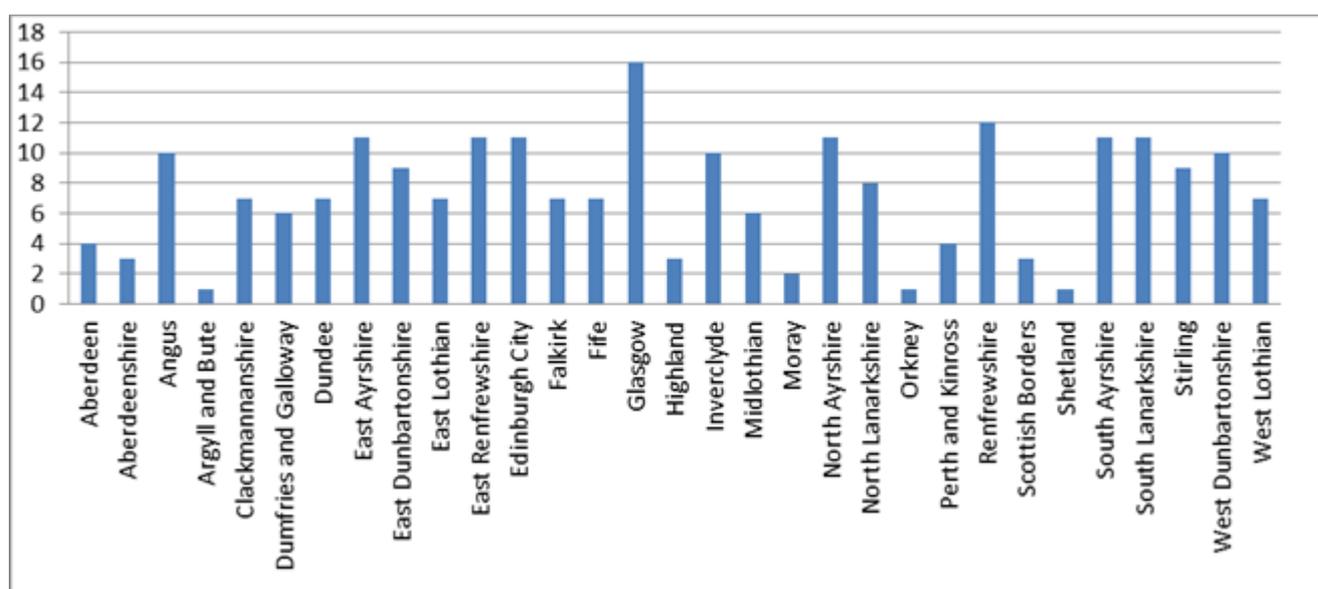
<sup>6</sup> This and later comparisons with the year 2000 are based on Hill et al. (2002a)

Previously, safeguarders could serve on one or more local panels and the new regulations still enable them to cover several areas if they prefer. In fact, only one in six serve only one area, while nearly a third are linked to five or more areas (Table 3):

**Table 3: Number of local authorities covered by individual safeguarders (n=59)**

Number of local authorities covered	Number of safeguarders
1	10
2 - 4	32
5 or more	17
Total	59

The safeguarders in the sample covered all local authorities apart from Na h-Eileanan Siar (Figure 1). The local authorities with the largest numbers (more than 10 in this sample) were in order: Glasgow, Renfrewshire, South Ayrshire, South Lanarkshire, East Renfrewshire, Edinburgh and North Ayrshire.



**Figure 1: Number of safeguarders covering each local authority**

Most of those who completed the questionnaire were 55 years of age or older and only three were aged under 45; apparently this is a set of people who had considerable experience. Over a third described themselves as self-employed, slightly fewer were employed by others and most of the rest were retired (Appendix 1). Only one in five of participants stated that their work as a safeguarder was their main job, which is to be expected since appointments are not regular. Just over half said it was an occasional job (Appendix 1) compared with 70% in 2000. A sizeable majority of safeguarders were women (Table 1), as in 2000.

#### 4.a) Remuneration

The topic of financial compensation arose in a number of questionnaire responses and conversations with safeguarders, as it did in 2000. Some noted that they viewed being a safeguarder as being like voluntary work, because the financial compensation was relatively meagre in relation to the hours needed to carry out the role. One elaborated on the actual and potential consequences of the time demands:

*Whilst I had initially anticipated this being an occasional job, the rigours of some appointments and the time required, if the job is to be done well, means that more time is ultimately spent on safeguarding. (Safeguarder, questionnaire)*

Several safeguarders with a legal background expressed concern about the flat fees paid. They proposed that complex and contested cases should have higher fees attached to them as more work and specialised skills were required.

#### 4.b) The professional background of safeguarders and associated perceptions of suitability

Safeguarders taking part in this research came from a variety of occupational backgrounds, including: social workers, solicitors, teachers and educationists, health professionals, police, counsellors, ex-children's reporters and ex-panel members. Only a very few had jobs that entailed no involvement with children or the law (e.g. personal assistant, banker). Just over half were either solicitors, often with experience of family and child law, or social workers, which compares with about two-thirds in 2000. National figures indicate that almost 50% of the overall safeguarder group in Scotland are legally qualified, so they were under-represented in our sample.

The skills and knowledge that these professionals possess, along with their professional contacts, meant that many had been encouraged to take up the safeguarder role by Sheriffs, reporters or local authority staff, or had taken up the role following a colleague's suggestion that their skills would be suitable for the role. Only four of the safeguarders who completed the questionnaire (n=61) had first heard about the safeguarder role through an online or press advertisement.

Due to their professional backgrounds most safeguarders reported that they had a good understanding of the Children's Hearing System prior to becoming safeguarders. The great majority of safeguarders (49 out of 54) reported having attended mandatory Induction Training and all but one of them found this to be quite or very useful. Of those who had not attended Induction Training, three had been safeguarders for 10 or more years but two had taken up the role in the last year. In general, panel members and social workers did not know what training, if any, was compulsory for safeguarders. Panel members expected safeguarders to be highly trained professionals.

Those who had attended Induction Training also reported availing themselves of a variety of other learning opportunities on topics like child neglect and development, child law and policy, court procedures, writing skills and working with hostile families. Local authorities had provided some of these training events but most were arranged by other agencies such as CHILDREN 1<sup>ST</sup>, Cl@n childlaw, CELCIS, NSPCC and the Scottish Child Law Centre, which indicates that individual safeguarders actively pursued continuous professional development. This reflects the fact that in the past not all local authorities provided post-induction training and when it was provided this was infrequent (Hill et al. 2003).

Safeguarders' professional background was, for some participants, a point of contention. During group discussions and interviews, a number of panel members and social workers indicated that they usually did

not know the professional background of the safeguarder in the case, though some believed they could infer if a safeguarder was a solicitor or social worker from the way in which reports were written and presented. Many panel members said that the professional background of safeguarders mattered little. Of greater importance to them was whether the safeguarder was child-focused or not. Moreover, panel members often referred to safeguarders as 'experts' regardless of professional identity. Social workers, by contrast, could not understand how panel members accepted safeguarders' expertise when the safeguarders' qualifications and experience were not known. This was linked to resentment that sometimes they believed panel members did not see social workers as experts. These concerns were similar to those highlighted for England by OFSTED (2012) in the report *Right on time: exploring delays in adoption*. These issues were consistent with evidence given to the Scottish Parliament Education and Culture Committee by various agencies' representatives<sup>7</sup>.

Furthermore, in focus group discussions, many social workers, along with some panel members and safeguarders, indicated a belief that safeguarders' professional background was significant and had an effect on the performance of the role. It is perhaps to be expected that different groups of participant would be attuned to particular aspects of the safeguarding role and therefore value different characteristics of safeguarders.

In discussions social workers often made a clear distinction between safeguarders with a legal background and other professionals who had worked closely with children, such as social workers and teachers. Many were of the view that most legal professionals were not suited to the role because of what they perceived as a lack of training in child development, attachment theories or effective communication with children. However, certain social workers did recognise that some individuals without this training could still successfully perform the safeguarder task. And in some focus groups and interviews they also acknowledged that not all social workers possessed the requisite level of knowledge and skills.

A related opinion put forward by some social workers, panel members and social work trained safeguarders was that the conventional approach of the legal profession was generally incompatible with the ethos of the hearings system. Many of the (non-legal) participants in this study felt that some solicitors, though not all, adopted an adversarial attitude that was at odds with the broadly consensual aims of the hearing:

*...a solicitor who is being very [...] abrasive can actually make a huge difference to a hearing. (Panel member, interview)*

This point has previously been made in respect of safeguarders from legal backgrounds and similar points have been made about wider legal representation in hearings (Lockyer & Stone, 1998; Mooney & Lockyer, 2012).

In addition some participants raised a concern that a 'conflict of interest' arose if a practising solicitor acted both as a safeguarder and as a legal representative in hearings, even though this would necessarily be in different cases:

*...one of our Safeguarders [...] he's also a legal rep, so you can have him in a hearing one week, not*

---

<sup>7</sup> 5 See for example Education and Culture Committee 2013, 10th Report (Session 4) pp. 9-10

*working, in my opinion, in the best interests of the child. [...] he's sitting there for mum and dad ...the next again week (Panel member group discussion)*

Safeguarders themselves also tended to regard their professional background as a significant influence on their ability to perform the role, but drew varying conclusions from this. For example, some legally trained safeguarders stated that they should be the only ones appointed to court cases, due to the often complex technical nature of such cases and the specialised skills required, or that all safeguarders should be legally trained (cf. Curran 1989). It was also suggested that Sheriffs often felt more comfortable with a legally qualified safeguarder:

*Sheriffs, generally speaking, like people they have known and trust, [...] . (Safeguarders, group discussion)*

Other safeguarders disagreed; one reported that Sheriffs were supportive of non-solicitor safeguarders. Another commented:

*We might not have a legal background but very often we bring different talents to [court hearings]. (Safeguarder, group discussion)*

#### 4.c) Desirable skills and characteristics in a safeguarder

The foregoing discussion about appropriate professional background is connected with ideas about the qualities needed by a safeguarder, on which again opinion was divided. In principle, anyone can apply to be a safeguarder. Legislation and guidance governing the role of safeguarders does not specify requirements for the role. Until the establishment of a unified national Safeguarders Panel, it was up to individual local authorities to decide how they would recruit safeguarders, and the desirable attributes a safeguarder should possess. Previously only half of local authorities devised written criteria for the role (Hill et al. 2003). Partly to fill these gaps, the Safeguarders Association Guidelines (SSA, 1999) suggested a number of essential and desirable qualities in a safeguarder. These included the abilities to communicate in a non-threatening way with children and parents, to gain the confidence of agencies which support the Children's Hearings and Court systems without compromising the safeguarder's independence, to raise and confront delicate issues and construct a comprehensive written report using terminology which is comprehensible to panel members and separates fact from opinion. Also necessary was a reasonable knowledge of relevant legislation, procedures and rules. In their study, Hill et al. (2002a) found that 90% of the safeguarders they consulted had been given a copy of this guidance.

Since the establishment of the Safeguarders Panel, all new recruits are expected to meet the selection criteria agreed by the Scottish Government with Children 1<sup>st</sup>. These are set out in the application form for the Safeguarders Panel<sup>8</sup> and correspond to a considerable degree with the 1999 recommendations:

- Fulfil statutory responsibilities, work within procedures and agreed timescales.
- Work effectively as an individual.

<sup>8</sup> See <http://bit.ly/1w2trOv>

- Communicate purposefully and effectively with children, young people, their families, panel members and professionals within the children’s hearings system.
- Have the courage to recognise, raise and confront difficult and relevant issues.
- Construct a comprehensive, written report, which includes analysis of the information and facts, keeping the child’s best interest at the centre of any recommendation.
- Consolidate experience, knowledge and understanding in order to develop own skills.

Furthermore, new recruits must also possess appropriate experience and have successfully completed pre-appointment training. However, currently most safeguarders in the new Safeguarders Panel, including those who took part in the survey, were engaged in the previous system, therefore these selection criteria did not apply to them, and it will be interesting in the future to assess their impact on the quality of applicants.

Participants in this study were asked to indicate what were the skills and characteristics they thought to be most important in safeguarders. Questionnaire participants were presented with a list of 10 attributes (see Appendix 2) and asked to rate which ones they thought to be most useful for a safeguarder. The responses of panel members, safeguarders and social workers largely agreed on what are the most and least desirable skills and characteristics in a safeguarder. The two attributes most commonly chosen by all three groups of participants were the ability to communicate with children of all ages and independence of judgement. In the case of panel members, the ability to gain the trust of children was the third most important skill. This was somewhat distantly followed by the ability to gain the trust of families and an understanding of children’s needs. Safeguarders also rated the ability to gain the trust of children as the third most important skill. This was closely followed by an understanding of children’s needs and an understanding of child development, which were rated by social workers as the third and fourth most important skills a safeguarder should have. Social workers rated the ability to gain the trust of children as significantly less important than these two skills. Overall, panel members, safeguarders and social workers rated knowledge of the legal system and the child care system and good writing and presentation skills as less crucial than others. During group discussions and interviews, participants almost always identified safeguarders’ independence as their most important characteristic.

## 5) The safeguarders’ role in relation to the child’s interests and wishes

Although both Curran (1989) and Hill et al. (2002a) concluded that greater clarification was required about the safeguarder role and how it should be exercised, the law remains quite vague on these aspects. The 2011 Act does specify that the central feature of safeguarding is to act in the best interests of the child. In keeping with this, all participants agreed that a key function of safeguarders is to ‘safeguard the child’s best interests’. Amongst safeguarders, three-quarters (39 out of 54) chose this as the most important from a list of possible functions (Appendix 3). Ten participants selected ‘allowing the child’s views to be heard’, which is important but in law a secondary function, as we noted earlier. Interestingly, five participants chose neither of these, but preferred to highlight the manner in which they assisted a hearing by producing an independent view (3), presenting a full picture of the case to the hearing (1) and allowing time and space to help reach consensus (1).

Interestingly, most questionnaire participants were of the view that to resolve conflict was not a key function of safeguarders. However, as shall be further discussed, the most common reason for safeguarders' appointments was conflict.

During focus group discussions, safeguarders often talked about the importance of having the child at the centre of everything they do. Commonly, and perhaps surprisingly, it was acknowledged by safeguarders that in a number of cases they did not consult directly with the child, but ascertained the views of the child from third parties. The main reasons given for this were that: the child was too young; already too many professionals were involved with the child; and that it could disrupt or compromise investigations of abuse. Finally, a few children did not want to engage with them and they respected their wishes.

When they did speak with children, safeguarders usually spoke to them at school or at home. This was partly to help put the child at ease in familiar surroundings, though, equally, not all safeguarders have an office-base the child could attend. Some heated debates took place about the pros and cons of meeting with a child at home or at school. Home visits were seen as offering insights into the child's circumstances. One view was that seeing a child at school could be disruptive and stigmatising, but some safeguarders preferred the school as a neutral environment where a child might speak more openly about their wishes and family.

A number of safeguarders described 'child-friendly' methods used to consult with children, such as using pictures, drawing or puppets, but others felt that it would not be appropriate for them to use these methods, as they had not been trained in them:

*I mean I've heard of some safeguarders saying that they'll try and make use of drawings, and the rest of it. But I'm not trained in that skill. You know, that's a pretty specialised skill being able to use that kind of stuff. (Safeguarder, focus group)*

It was noted that a safeguarder might recommend referral to a specialist with the skills required to consult with the child in an appropriate and non-threatening way. Some safeguarders believed that, because they were independent, children were more likely to open up to them than to social workers. A few safeguarders said they were able to spend more time in an interview with the child than social workers (though normally the latter will have known children for a much longer period than safeguarders). One stated:

*Often, as a safeguarder - I feel it has been the first time the children's' views and opinions have been taken into account. (Safeguarder questionnaire)*

Most panel members also thought that safeguarders were often more effective in obtaining the views of the child. They explained this in terms of children feeling more comfortable because they regarded the safeguarder as being neutral compared with the agencies they were familiar with. Furthermore it was believed that safeguarders tended to possess special skills. For example, one panel member talked about how safeguarders would go into a family's home and spend time playing with the child in order to create rapport.

By contrast, many social workers believed that safeguarders on the whole did little differently from themselves when obtaining the views of the child and often discovered nothing new, though a minority of

social workers acknowledged that a child might well open up more to the safeguarders as an independent person. Some social workers said that safeguarders did not spend enough time with children and their families, and a small number of safeguarders also stated that the time allowed was insufficient. A few social workers expressed concern that certain safeguarders misinterpreted children’s responses due to a lack of understanding about their circumstances, or about attachment or child development theories.

Hill, Lockyer, Morton, Batchelor, and Scott (2002b) found that some children had indeed put their trust in their safeguarders. However, most had at best a partial understanding of the safeguarder’s role and its independence, while a few could not distinguish a safeguarder from a social worker. Further research should focus on children and young people’s understanding and views about safeguarders.

## 6) Appointment of safeguarders to cases

Before the establishment of the national Safeguarders Panel data about the number of appointments made by the hearings and courts were not systematically collected. At the time of their study, Hill et al. (2002a) noted that the Scottish Courts Service did not collate details of court appointments, nor did local authorities collect the number of court or hearings appointments. The researchers obtained approximate figures for the number of appointments made by hearings and courts in 1998/1999 and 1999/2000 from SCRA based on scrutiny by reporters of their records. The figures showed that appointments were being made in around 500 cases per year (9% of cases). For the present study a request was made to obtain an up-to-date figure. The number of safeguarder appointments made by the hearings between June and December 2014 (a period of seven months) was 460, such that we might expect a total of 750-800 appointments for a 12-month period.

In the survey questions, safeguarders were asked to indicate how many appointments with the children’s hearing they had had in the previous six months, i.e. roughly between June and December 2014, which corresponded with the first six months of the introduction of the national Safeguarders Panel. Of the safeguarders who responded, most had a few appointments (1-4) in that period (Table 4):

**Table 4: Number of appointments with the children’s hearings safeguarders had in the previous six months (N=48)**

Number of cases	Responses	%	Estimated approx. total of cases <sup>97</sup>
0-1	12	25%	6
2-4	19	40%	57
5-7	10	21%	60
More than 7	7	15%	56
Total	48	100%	179

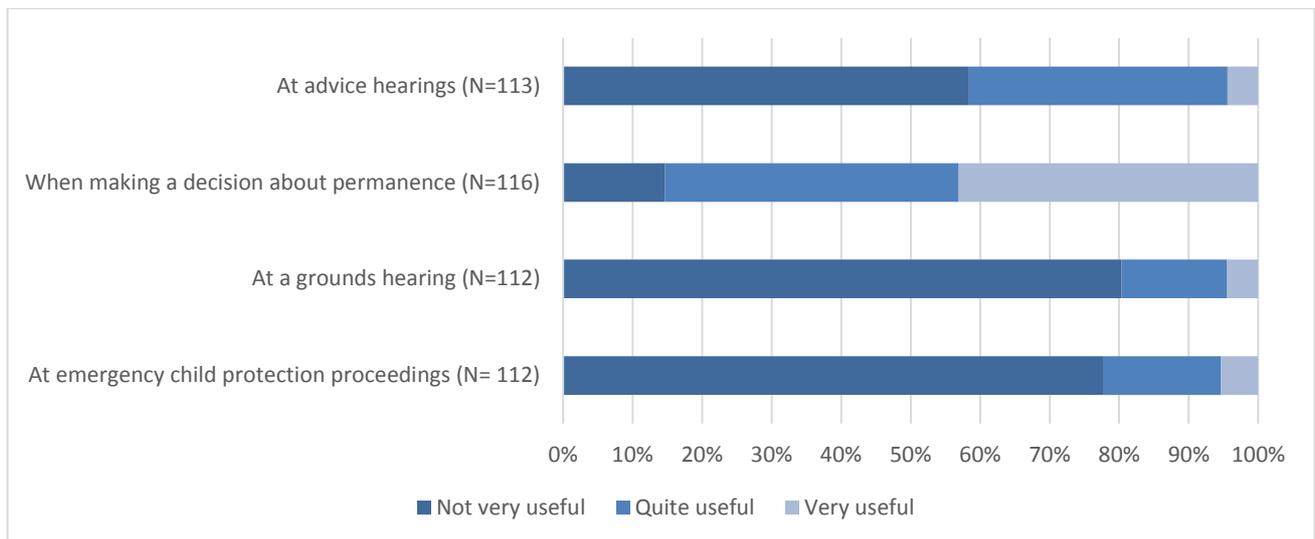
In total, we estimated these safeguarders were appointed to close to 180 cases in 6 months. Extrapolating to a period of 12 months, these safeguarders might receive around 360 appointments. Our survey participants represented 45% of all safeguarders. Consequently, we would calculate an annual figure for all safeguarders of around 800 appointments, which tallies well with the information above. The CHILDREN 1<sup>ST</sup> annual report

<sup>9</sup> Participants were given grouped numbers to choose from, i.e. 0-1, 2-4 etc., so it was not possible to multiply and find the exact total.

provides an even higher figure of 1,043 appointments for the period from June 2013 to April 2014. Thus there seems to have been a considerable increase in the overall annual number of appointments compared to the earlier figure of around 500 in 2000.

## 6.a) Circumstances and reasons for appointing safeguarders

In the questionnaires panel members were asked to indicate how useful it would be to appoint a safeguarder at emergency child protection proceedings, at grounds and advice hearings and when making a recommendation about permanence:



**Figure 2: How useful is it to appoint safeguarders at the following stages?**

As Figure 2 suggests, only a minority would seem likely to support routine appointment of safeguarders in most of these instances. For example, few felt safeguarders would be useful in emergency protection proceedings. Just under half of panel members (and some safeguarders) felt that it could be quite or very useful to appoint safeguarders for advice hearings, but several safeguarders referred to an ‘unwritten rule’ against panel members appointing at this stage. However, when it came to recommendations about permanence a large majority of panel members thought it would be useful, with nearly half stating it would be very useful.

Permanence cases often involve conflict between parents and social workers. Conversations with panel members indicated that many found it difficult to make recommendations in this situation. Reasons for this included the importance and finality of the recommendation: a child for whom legal permanence is obtained may be adopted, while permanence and residence orders are other possibilities. Also, some thought that parents’ perspectives and wishes were often ignored by professionals pursuing legal permanence for the child.

Not uncommonly, a social work plan for permanence includes little or no contact with parents as this has been assessed as being detrimental to the child’s welfare. In such cases, a safeguarder’s report can give a

second opinion on the soundness of the social work assessment<sup>10</sup>, and so may weaken objections by parents and legal representatives, as this quote illustrates:

*[An] Independent report is useful to provide panel with idea of contact in the context of overall life of child, and is also a good indicator to the relevant persons (and their legal representatives/solicitors if involved) that the panel have thoroughly examined the case before making a significant decision [sic]. (Panel member, questionnaire)*

Some panel members, safeguarders and social workers talked about a safeguarder being appointed by hearings when recommendations about permanence for a child had to be made, and described this as being a way to avoid later appeals in court. Panel members and safeguarders suggested that this immediate delay might save a longer delay later.

For these reasons, many panel members and safeguarders expressed the view that a safeguarder should always be appointed when social work departments propose a plan to pursue legal permanence for a child. In contrast, a number of social workers and safeguarders thought that, where the plan is to seek an alternative permanent family placement for a child, the case should be referred to the Sheriff Court directly.

In group and one-to-one discussions, participants were invited to elaborate on the reasons for appointment. During these discussions there were four key, interlinked, reasons for appointing a safeguarder: conflict, lack of information, complex cases and difficult recommendations or decisions, and to obtain the views of the child.

#### 6.a.i) Conflict

When asked about appointments actually made, all agreed that the most common reason for appointing safeguarders was conflict, particularly between parents and social workers. This finding echoes those of the 2000 study. Quite commonly the disagreements were about contact between the child and the family, perhaps because of a social work plan to reduce or stop contact as part of the move towards an alternative permanent placement:

*Panel member 1: And quite frequently I find that that level of contact comes from, conflict, contact...*

*Panel member 2: Conflict comes from contact, yeah, that's what I would say.*

*Panel member 1: ... or termination of contact, in particular when you're going onto permanence cases. (Panel members, group discussion)*

In conflictual cases, safeguarders were often described as being helpful because they could provide an independent view:

*The safeguarder is only appointed if you really need that independence. And often it's where there's a*

---

<sup>10</sup> Triseliotis (2010) claimed that the information on which social workers made judgements about the desirability of contact was sometimes inadequate.

*level of conflict. (Panel member, group discussion)*

It was thought that safeguarders would provide a ‘fresh pair of eyes’ when it was difficult to choose between competing viewpoints:

*So the social worker will have given you one view, the family will give you another view and, as you said, you may get a third party like the health visitor, gives you a slightly different view – and you just don’t know where the truth of the matter lies, and you get a safeguarder. (Panel member, group discussion)*

Participants also believed that in these circumstances safeguarders could often function as arbitrators, smoothing the way for better or renewed relationships between families and social workers and other professionals, as noted by Hill et al. (2002b). In addition, some panel members observed that in these instances safeguarders could be a support to parents, which would in turn be beneficial to the child:

*We do know that quite often they can be a support to the parents and a calming influence, because they’re not that social worker that the (parents) have had the constant argo with. (Panel member, group discussion)*

Participants from all three backgrounds made statements in open survey responses or during discussions to the effect that panel members were appointing safeguarders as a result of pressure from legal professionals who were present at hearings and were opposing social work plans on behalf of parents.

#### 6.a.ii) Lack of information

In interviews and focus groups, another frequently raised explanation for appointments was lack of information:

*It seems to me that the social work reports vary and if you haven’t got a very thorough report and clarification as to why they don’t think contact is, increased contact, say, is a good idea, then you know, then you’re, it’s very difficult. (Panel member, interview)*

On the other hand, many Panel members noted that lack of information per se did not justify the appointing of a Safeguarder, when the information was available from other sources:

*I would never appoint a safe guarder if I think there’s information we need to get at but it can be obtained from the people that would normally be involved, mainly because I’ve got a feeling that you should not introduce yet another person into the children’s lives, unless it’s necessary. (Panel member, group discussion)*

Sometimes, though, panel members were uncertain how much credence to give to the information before them and wondered, ‘Who is telling the truth?’ Hence they were not so much seeking additional information as corroboration or otherwise of the information already presented. Some panel members also noted that when families and social workers and/or other professionals provided conflicting information, they did not want to be seen as always siding with social workers. The appointment of a safeguarder in these instances

could, in their view, give families more confidence that the system will be fair:

*Even if you feel, as a panel member, that increased contact would be a bad idea and not in the best interests of the child. If you haven't got reasons to stand up, then of course this situation is appealable and so then you feel, well, you know, can they appoint Safeguarders to get further information, which would be another, I suppose, another opinion as to why contact should or shouldn't be increased.*  
(Panel member, interview)

Some safeguarders and social workers suggested that panel members lacked the confidence to make a recommendation or which might upset or go against the wishes of parents.

#### 6.a.iii) Complex or difficult recommendations and decisions

Although most panel members agreed that safeguarders should not be appointed simply because it was difficult to make a recommendation or decision, it was generally agreed that this did indeed happen in some instances. This might well result in unnecessary delay:

*I think that in the very challenging circumstances faced by so many of our hearings just now, it can be easy to default to a Safeguarder if faced with aggressive or belligerent parents. I also think that we can use them as 'belts and braces' option when we are at the end of permanency planning routes. I worry that we may, only on occasion, delay proceedings unnecessarily when firm and confident decisions can be made on the basis of SWS [Social Work Department] reports. I suppose I worry that we can abdicate responsibility on occasion when we shouldn't, or needn't. But our hearings are becoming so challenging (because we're getting better at removing children when we need to?) and so legalistic (with more solicitors then ever attending, and not quietly!) that it is becoming very hard to be a panel member!*  
(Panel member, questionnaire response)

This quote provides a typical example of participants' descriptions of panel members' use of safeguarders to provide support for decision-making in the most complex and contested circumstances. In particular, many panel members, safeguarders and social workers suggested that the pressure from parents and solicitors could sometimes be so intense that panel members choose to appoint a safeguarder in order to defer their making a recommendation or decision or to the next hearing rather than sooner on the basis of the social work report alone.

The ways in which legal representation may protect individual rights or not, or hamper the hearing or not, has been contentious since the inception of the hearings system (Hill & Taylor, 2012). Solicitors are commonly seen as being skilled and practised at presenting arguments for and against a course of action. Since social workers and children do not usually have legal representation at hearings considering permanence cases, the presence of a solicitor advocating on behalf of parents may be seen as unbalanced or unfair. A further consideration was that if a safeguarder provided supportive evidence this would reduce the likelihood of an appeal to the Sheriff Court.

#### 6.a.iv) To obtain the views of the child

Another key reason for appointing a safeguarder was to obtain the views of the child. It is a primary aim or duty for a range of personnel to ascertain the views of children, including social workers, the Reporter, and

panel members. A common opinion expressed by panel members was that safeguarders had particular skills or abilities to obtain the views of the child:

*But there's something just sometimes with the safeguarder that's a lot more natural and things come out that maybe wouldn't... Although it all gets reported back to panel anyway but somehow just occasionally the safeguarder does seem to tap into something that the child often feels they don't want to disclose. (Panel member, group discussion)*

As noted above, however, it was not always possible for safeguarders (as it is not always possible for other professionals) to consult directly with children and young people. Panel members in some areas indicated that if they needed to obtain the views of the child they would get a local children's rights officer involved. Both panel members and social workers described children's rights officers in their areas as being extremely skilful in consulting with children. In some localities, however, panel members were not aware of the existence of a children's rights officer.

Additionally, some panel members noted that safeguarders should be appointed only when there is a clear reason for their appointment. Despite the requirement for hearings to provide reasons for their decision to appoint a safeguarder, a number of safeguarders said that these could be imprecise. Some confided that they often substituted their own goals for the vague or even impossible questions put forward by panel members.

## 6.b) Were appointments necessary?

Overall there was a sharp difference in perspective on whether hearings appoint safeguarders only when it is absolutely necessary (Appendix 4). A significant majority of panel members (66% in the survey) believed this is the case, whereas only a small number of safeguarders and social workers agreed (14%). The reasons for this emerged in the focus group discussions and interviews.

Safeguarders conveyed that panel members often made appointments at the wrong time (i.e. too early or too late in the proceedings) or for the wrong reasons (e.g. to provide an assessment or information that should be provided by another professional) because they did not fully understand the safeguarder role. Social workers agreed with this view and added that appointments were often being made because panel members lacked confidence in social work recommendations:

*If a safeguarder is appointed it is usually because panel members do not feel they can make a decision based on what the social worker has said or written...(Social worker, questionnaire)*

Social workers believed that one of the reasons for that related to panel members' lack of understanding about the multi-agency process which now formed the basis of recommendations.

Both social workers and safeguarders commented that in some instances appointments were made due to pressure from family solicitors, some of who had apparently threatened to appeal unless a safeguarder was appointed. One suggestion was that panel members should receive better training about when to appoint safeguarders, and that this should include input from safeguarders.

Almost half of panel members and over half of social workers agreed that safeguarders were not usually

necessary as there were others that could look after children's interests in a hearing (Appendix 3). Unsurprisingly, the majority of safeguarders disagreed with this. It could well be that panel members and social workers were here considering all hearings, whereas safeguarders were thinking of the much smaller number of cases where they were actually involved and where the issues are unusually complex. Certainly in discussions, panel members described safeguarders' appointments as usually vital, because otherwise they could not have decided on the validity of social work assessments or reached a well-founded decision or recommendation.

Many social workers suggested that hearings wrongly appointed safeguarders because the child was absent from a hearing or panel members were concerned that resource availability was influencing social work recommendations. The latter has been a long-standing tension (Lockyer & Stone, 1998).

### 6.c) The value of safeguarders and their impact on recommendations and decisions

Survey participants were presented with a number of multiple-choice questions about the effects of safeguarder appointments (Appendix 4). Opinions often differed according to role. Nearly all panel members (95%) and safeguarders (94%) agreed that safeguarders are a valuable resource for hearings, whilst only about half (54%) of social workers did so, with many uncertain and a few actively disagreeing. A few panel members suggested greater use was desirable:

*I think they're (Safeguarders) undervalued. I think they're underused and I think that, really, is something that we should, you know, our training is good about the use of safeguarders, but I think we should probably use them more. (Panel member, group discussion)*

Under half of panel members and safeguarders agreed that the appointment of a safeguarder usually results in better decision-making. However, more than half of panel members and safeguarders agreed that the delay introduced by the appointment of a safeguarder was justifiable as it resulted in better decision-making. A related view was that planning processes were multiple and time-consuming anyway, so that the additional time of safeguarder appointment made little difference:

*I mean there are so many delays anyway. I'm just thinking of this last case where [...] we really seriously nearly did appoint a safeguarder. And would it have made a difference from the delay point of view? I don't think it would because things are of necessity delayed all the way along the process. (Panel member, interview)*

Social workers were more likely to think that appointing a safeguarder leads to unjustifiable delay. One example showed very negative consequences for a child, also indicating that the time taken by a safeguarder could extend well beyond the prescribed timetable:

*I had a wee boy [...] our recommendation was very clear all along, that he needs to be in a permanent place, it needs to be adoption, but because of delays with Safeguarder reports and, kinda, independent social worker reports, it then got to a stage where he was too old to get adopted. [...] it's completely changed the plan [...] Just because of their delays. Because they're not putting their reports in within the specified time. They're not turning up to hearings. When they are putting their reports in, the recommendations are not clear, so then they're asked to do additional reports, and it's just going round*

*and round in circles. (Social worker, group discussion)*

Whilst most safeguarders agreed that they provided a valuable check on social workers' views, less than a third of panel members and only one social worker agreed. During discussions, however, many social workers noted that the extra scrutiny was valuable as it provided another 'check and balance' on their recommendations and potentially rendered these more robust (at least when the safeguarder recommendations agreed):

*... [Panel members] can err on the side of, I support, if they bring in somebody else's view and it delays it, it merely delays it. Aye, it's frustrating from our point of view but I support it doesn't take away from the fact, though, you know, generally as a rule I would welcome, you know, safeguarders. Just because it is a final...it's a further check and balance. (Social worker, group discussion)*

Agreement between safeguarders' and social workers' recommendations increased panel members' confidence in making the right decision for the child and, they believed, also increased parents' confidence in the fairness of the decision:

*... I think it just removes the disagreement and confusion that it can cause panel members because, unfortunately, you can maybe sometimes have a social worker who's slightly overzealous with things as well. And they might, the safeguarder might come back and say, 'well, I don't quite agree with this but, overall, I still agree with the social worker's decision.' So it gives something back to parents, as well, because we're not all right all the time. (Panel member, group discussion)*

## 7) Safeguarders' reports

On the one hand, all agreed that safeguarders' reports are highly regarded by panel members and have a considerable impact on their recommendations. On the other, there were differing views about the value and impact of safeguarder reports, which naturally reflected more general attitudes to the appointment of safeguarders. In the survey most panel members (71%) reported that safeguarders' and social work reports are given the same weight. However, during focus group discussions it emerged that panel members often made very clear distinctions between the trustworthiness of the two reports. Many described social workers as 'biased', 'prejudiced' or as 'having an agenda'. In contrast, safeguarders were portrayed as 'independent', 'factual', 'unbiased', 'impartial' and 'more thorough'. It was suggested that safeguarders consult with all relevant people, implying that social workers do not, and that they can spend more time with a child than a social worker can:

*Safeguarders' reports are more detailed in that they have interviewed all persons connected with the child and, because they are independent, their views can be more objective. (Panel member, questionnaire)*

*Safeguarders are independent of all other parties and their advice is impartial and based on a wealth of experience. They have time to spend with all relevant parties to ensure they get all the information they need to be able to provide a balanced recommendation to panel members. (Panel member, group discussion)*

Some safeguarders from the legal profession also viewed the social background report as prejudiced against the family and saw their role as redressing the balance from the perspective of the family.

Both safeguarders and social workers in the survey agreed that safeguarder reports had a strong sway with panel members in all or most cases, with social workers nearly all believing that greater weight was given to the safeguarder report. All parties agreed that, more often than not, panel members accepted the safeguarders' recommendations. Some social workers and panel members expressed concerns that safeguarder recommendations may on occasion be accepted uncritically because of the perception that safeguarders are experts.

All agreed that safeguarders' reports were clearer, more succinct and focused. A key advantage of safeguarders' reports according to participants is their format and the way in which information is presented. Many panel members and safeguarders said they preferred the flexible formats of safeguarders reports, compared with the pro-forma usually used by social workers. This is interesting since the shift to more standardised social background reports arose in part because of criticisms from panel members, reporters and Sheriffs about their variability:

*As a safeguarder you can use your skills in terms of writing a report, to produce a report that suits a situation. I'm afraid the poor social workers don't have that choice now. (Safeguarder, focus group)*

*I would be very concerned if a template was produced for safeguarders' reports. (Safeguarder, questionnaire)*

Panel members found that the format of safeguarders' reports provided them with a much clearer picture of the child's and family's circumstances than a social background report did. Other comments indicated that social work reports could be too long or complicated:

*The reports you get now in for the children's hearings from social work are these child plans, and they're really... There's lots of fantastic information in them but it's not easily accessible by panel members, or by the family, or for the child, and even for myself as a safe-guarder, you know. Sometimes, it's only after re-reading them, 'God there's lots of stuff in this, but I didn't catch that the first time'. We've got the wonderful joy in safeguarding that we've got the choice of how we write the reports, and we can change our style of report, horses for courses. (Safeguarder, focus group)*

With regard to the content of safeguarder reports, all panel members agreed that the views of the child should, as far as possible, be clearly stated. Almost all agreed that the views of the parent(s) or any other relevant person(s) should always be included, and that the report should make clear recommendations. Many also agreed that the view of other relevant parties (e.g. social workers, teachers, doctors) should always be included. Over a third disagreed that the report should only include the information requested by the children's hearings. This viewpoint recognised that safeguarders should have the discretion to explore additional matters they felt appropriate.

Social workers felt that, in terms of content, safeguarders' reports often did not add much to the information

contained within social background reports. This was, on the one hand, considered positive as it meant that safeguarders' reports backed up social background reports and their recommendations. On the other hand, it added what social workers perceived as unwarranted delays to the decision-making process.

Panel members agreed that safeguarders' reports may often add little new information; but, they noted that safeguarders' reports still made a significant contribution in such cases because they provided the independent overview required to resolve the conflict which had caused the delay in the first place.

In the survey most safeguarders said they typically spent 20-30 days on preparing and completing their reports, well within the 35 day maximum allowed for this. The longest time it had taken to complete a report ranged from 14 to 100 days. The most common reasons given for delays by those safeguarders who took part were late arrival of papers or contact information, and difficulties in making arrangements to see family members or professionals.

Nearly all safeguarders who responded to the questionnaire said that their reports ensured that the views of the child were taken into account all of the time (17) or most of the time (27). Safeguarders often highlighted, however, that their recommendations did not always agree with the child's views. In fact, almost 90% of questionnaire participants indicated that they had made recommendations that went against the child's expressed wishes:

*It is important to let (the) child know that you hear their views, and wishes yes, but that is not to say these wishes will be granted by Panel, or even that I may agree with (them). But their views are respected. (Safeguarder, questionnaire)*

Hill et al. (2002b) found that most children were in favour or accepting of safeguarder conclusions, but some were resentful and felt that their views or circumstances were misrepresented.

In the present study, social workers wanted to see safeguarder reports before a hearing took place, so they could prepare their response. It was their view, shared by some panel members, that safeguarders should state their professional background and experience in the reports<sup>11</sup>. Some panel members would like to have access to safeguarders' reports prepared for previous hearings.

## 8) Conclusions

The findings of this study resonate with those of the last national research conducted 15 years ago. This study has given particular insights into the effects of safeguarder involvement in cases where the social work department has plans for an alternative permanent family placement.

The timing of this study is important as the questionnaire surveys and focus groups ran just following the establishment of the national safeguarding panel in 2013. It was too early for this significant organisational change to have had much impact. The action plan which has been developed to ensure action is taken from learning available in the research reflects this (see next section in this report).

---

<sup>11</sup> Though social workers do not usually do this themselves

The great majority of safeguarders have had extensive relevant experience in work related to children, the law or both. Opinions differ on the relevance of legal qualifications compared with social work or teacher training. Some local authority social workers and panel members think that some legally trained safeguarders have insufficient understanding of children's needs or act in an overly formal and combative way in hearings.

Issues remain about remuneration and training, though it is not clear whether these affect the late production of reports that sometimes occurs. The changes to recruitment, training and management of safeguarders were introduced as a result of the 2011 Act at the time of the research and it will be interesting to see how these impact on the general operation of safeguarders in the future.

While caution is needed because of the low response rate in our national survey, the evidence is that most participants agreed that safeguarders were a valuable resource for hearings and the quality of their reports was generally seen as very good. For the most part, panel members accept safeguarders as experts, even though they are often unaware of individuals' qualifications for the role. They were also seen as neutral, whereas in some instances social workers were perceived as biased. Social workers questioned the validity of these assumptions and believed that fewer safeguarder appointments would be needed if panel members trusted social worker assessments and recommendations more, and if they recognised that these might well be based on multi-agency consultations.

It would appear that safeguarders are appointed more often than formerly. This may partly result from a small but significant growth of complex, contested cases where contact and permanence are at issue. Comments from each type of participant indicated that the increased presence of legal representation has probably amplified conflict at hearings where parents disagree with a social work plan. This in turn means that panel members may be more inclined to appoint a safeguarder even when they are persuaded by the social worker recommendation. Then the safeguarder report may provide a check on the social work assessment and conclusions, but may also help families accept recommendations and decisions more readily and can ultimately save time if an appeal is thereby avoided. When permanence for a child is a social work goal, the social workers indicated that they were keen not only to obtain the assent of hearings, but to do so as soon as possible to avoid a child staying in a temporary placement longer than necessary. The study confirmed that many social workers believed that avoidable delays had occurred. Firstly, they tended to think that the involvement of a safeguarder had often not been needed, because it added little to their own assessments and made little difference to the hearing's recommendation or decision. Instances were cited of delays partly caused by safeguarder appointments having negative effects on the outcomes for an individual child. Social workers also observed that on occasion safeguarders took too long to prepare their reports.

By contrast, most panel members and safeguarders thought that in many instances the time taken was justified by making better recommendation or decision, increased confidence that the conclusion reached was right, greater acceptance of the plan by the family, and reduced likelihood of an appeal or contested decision later. A number of panel members and safeguarders thought that safeguarders should always be appointed to permanence cases in view of their complexity and difficulty. On the other hand, many social workers and safeguarders thought that such cases might be better dealt with by the courts.

Among specific points to arise from the study, some social workers would like individual safeguarders'

credentials to be known to the hearing. By the same token, it would be helpful if all social work reports made clear the nature of the consultations with other agencies that form the basis of their recommendations and the extent to which there is multi-agency support for the plan. The rationale for recommendations could also be explained more lucidly.

Panel members were not asked about their training in relation to safeguarders, but comments made in passing indicated that some at least had been encouraged to be stringent about avoiding any unnecessary appointment of a safeguarder. Possibly the training could give more detailed attention to the role of safeguarders, particularly in permanence cases. Certain panel chairs might welcome further preparation for handling strongly disputed hearings and adjudicating between opposing viewpoints. It may also be helpful if the allocation of particular safeguarders to permanence cases took account of the specialist knowledge that is needed.

---

## 9) Action plan

This action plan has been drawn together by the RAG who guided the research. The action plan responds to the key findings of the study. It also reflects the fact that during the period of 14 months between the start of the research and its final reporting, actions have been taken to address some of the issues covered by the study.

### 9.a) National Safeguarders Panel

Children 1<sup>ST</sup> is contracted by the Scottish Government to assist Scottish Ministers with the management and operation of the National Safeguarders Panel in terms of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012. Changes to recruitment, training and management of safeguarders were introduced as a result of the 2011 Act at the time of the research and it will be interesting to see how these impact on the general operation of safeguarders in the future. Their role includes recruitment and selection, training, managing appointments, complaints and monitoring performance of safeguarders across Scotland. Children 1st work with the Scottish Government, safeguarders and all those involved in the Children's Hearing System to ensure that a child's best interests are at the heart of any children's hearing or related court proceeding.

Action 1: The National Safeguarders Panel is currently developing national standards. The national standards will make the role and expectations clear for all, improving the accountability of safeguarders.

### 9.b) The Children's Hearing Improvement Partnership

The Children's Hearing Improvement Partnership (CHIP) was reconstituted in February 2014. The fundamental purpose of the partnership is to deliver better outcomes for children across the Children's Hearing System.

Action 2: The CHIP is supporting the improvements necessary in relation to national training and awareness of children panel members. The CHIP is asked to consider whether the training should give more detailed attention to the role of safeguarders, particularly in cases considering permanence away from home. Certain chairs might welcome further preparation for handling strongly disputed hearings and adjudicating between opposing viewpoints. It may also be helpful if the allocation of particular safeguarders to cases concerning this form of permanence took account of any specialist knowledge that is needed.

### 9.c) The valuable resource of safeguarders and multi-agency assessment reports to children's hearings

The evidence is that most participants agreed that safeguarders were a valuable resource for hearings. For the most part, panel members accept safeguarders as experts, even though they are often unaware of individuals' qualifications for the role. Social workers questioned the validity of these assumptions and believed that fewer safeguarder appointments would be needed if panel members trusted social worker assessments and recommendations more, and if they recognised that these might well be based on multi-

agency consultations.

Among specific points to arise from the study, some social workers would like individual safeguarders' credentials to be known to the hearing. By the same token, it would be helpful if all social work reports made clear the nature of the consultations with other agencies that form the basis of their recommendations and the extent to which there is multi-agency support for the plan. The rationale for recommendations being made as early as possible could be explained more lucidly, when applicable.

Action 3: Support to two local authorities. The RAG recommend that the CHIP support the proposal that 2 Local Authorities are approached to take part in a facilitated exercise which will focus on making improvements to the pro formas used, and materials contained in, a multi-agency assessment children's hearing report. This will include clear detail about the fact that the social work report is a multi-agency view report and of the steps taken to gather these views.

#### 9.d) Clarity re the role of the safeguarder

A number of panel members and safeguarders thought that safeguarders should always be appointed to permanence cases in view of their complexity and difficulty. On the other hand, many social workers and safeguarders thought that such cases might be better dealt with by the courts. In light of this, it would be helpful to create further opportunities for social workers, safeguarders, panel members, health and education staff to understand each other's roles with greater clarity.

Action 4: To this end, the RAG seeks the CHIPs support for the proposal that the 2 Local Authority areas (identified at action 3 above) are supported to undertake facilitated work to focus on the roles of safeguarders and other key partners in order to improve the relationships of trust and partnership which should underpin the work of the Children's Hearings System.

## 10) References

- Curran, J. (1989). *Safeguarders in the Children's Hearing System*. Edinburgh: Central Research Unit, Social Work Services Group.
- Gadda, A., & Harris, R. (2014). Reviewing the impact of the Permanence and Care Team: Up to September 2014. Glasgow: CELCIS.
- Hill, M., Lockyer, A., Morton, P., Batchelor, S., & Scott, J. (2002a). *The role of safeguarders in Scotland*. Edinburgh: The Scottish Executive. Available at: <http://www.scotland.gov.uk/Resource/Doc/46905/0024042.pdf>.
- Hill, M., Lockyer, A., Morton, P., Batchelor, S., & Scott, J. (2002b). Safeguarding children in Scotland: the perspectives of children, parents and safeguarders. *Representing Children*, 16(3), 169-183.
- Hill, M., Lockyer, A., Morton, P., Batchelor, S., & Scott, J. (2003). Safeguarding children's interests in welfare proceedings: the Scottish experience. *Journal of Social Welfare and Family Law*, 25(1), 1-21.
- Hill, M., & Taylor, R. (Eds.). (2012). *The Kilbrandon Lectures*. Edinburgh: The Scottish Government.
- Kirton, D. (2013). 'Kinship by design' in England: reconfiguring adoption from Blair to the coalition. *Child and Family Social Work*, 18, 97-106.
- LACSIG. (2012). Analysis of LACSIG Care Planning and Permanence Regional Events Programme 2012. Glasgow: CELCIS. [http://www.celcis.org/resources/entry/analysis\\_of\\_lacsig\\_care\\_planning\\_to\\_permanence\\_regional\\_events\\_programme\\_20](http://www.celcis.org/resources/entry/analysis_of_lacsig_care_planning_to_permanence_regional_events_programme_20).
- Lockyer, A. (1994). Interests and Advocacy: Identifying the Role of Safeguarders in the Scottish Children's Hearings System. *Children & Society*, 8(1), 55-68.
- Lockyer, A., & Stone, F. (Eds.). (1998). *Juvenile Justice in Scotland*. Edinburgh: T & T Clark.
- Maluccio, A., Fein, E., & Olmstead, K. (1986). *Permanency Planning for Children*. London: Tavistock.
- Mooney, A., & Lockyer, A. (2012). Children's Representation. In M. Hill, G. Head, A. Lockyer, B. Reid & R. Taylor (Eds.), *Children's Services*. Harlow: Pearson.
- Munro, E. R., & Hardy, A. (2006). Placement stability: a review of the literature. Report to the DfES. Loughborough: Centre for Child and Family Research
- OFSTED. (2012). Right on time: Exploring delays in adoption. Manchester: OFSTED.
- Quinton, D., & Selwyn, J. (2006). Adoption: Research, policy and practice. *Child and Family Law Quarterly*, 18(4), 459-477.
- Schaffer, M. (2014). Kilbrandon – then, now and in the future. *Scottish Journal of Residential Child Care*, 13(3).
- Schofield, G., Beek, M., & Ward, E. (2012). Part of the family: Planning for permanence in long-term family foster care. *Children and Youth Services Review*, 34(1). doi: 10.1016/j.childyouth.2011.10.020
- SCRA. (2014). Children whose first Supervision Requirements or Orders are at home with their parent(s): Analysis of data held by the Scottish Children's Reporter Administration. Stirling: Scottish Children's Reporter Administration. [http://www.scra.gov.uk/cms\\_resources/Children%20on%20SR%20at%20home%20%2D%20June%202014%2Epdf](http://www.scra.gov.uk/cms_resources/Children%20on%20SR%20at%20home%20%2D%20June%202014%2Epdf)
- SSA. (1999). *Practice guidelines for safeguarders*: Scottish Safeguarders Association.
- Tilbury, C., & Osmond, J. (2006). Permanency Planning in Foster Care: A Research Review and Guidelines for Practitioners. *Australian Social Work*, 59(3), 256-280.
- Triseliotis, J. (1991). Perceptions of permanence. *Adoption & Fostering*, 15(4), 6-15.
- Triseliotis, J. (2010). Contact between looked after children and their parents: A level playing field? *Adoption & Fostering*, 34(3), 59-66.
- Ward, H., Brown, R., & Westlake, D. (2012). *Safeguarding babies and very young children*. London: Jessica Kingsley.

## 11) Appendices

### 11.a) Appendix 1: Characteristics of Safeguarders

**Table 5: Safeguarders per age group and employment status (Questionnaires' responses only, n=58)**

	18-24	25-34	35-44	45-54	55-64	65 or older	Prefer not to say	Total
In full-time employment	0	1	0	3	6	1	0	11
In part-time employment	0	0	0	1	8	0	0	9
Self-employed	0	0	2	8	6	7	0	23
Out of work and not currently looking for work	0	0	0	1	0	0	0	1
A homemaker	0	0	0	1	0	0	0	1
Retired	0	0	0	0	4	7	0	11
Doing something else	0	0	0	0	1	0	0	1
Prefer not to say	0	0	0	0	0	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>14</b>	<b>25</b>	<b>15</b>	<b>1</b>	<b>58</b>

	Main job	Regular second job	Occasional job	Other	Total
In full-time employment	0	3	8	0	11
In part-time employment	0	4	6	0	10
Self-employed	9	3	7	5	24
Out of work and looking for work	0	0	0	0	0
Out of work and not currently looking for work	1	0	0	0	1
A homemaker	0	0	1	0	1
A student	0	0	0	0	0
Retired	1	0	10	0	11
Doing something else - please specify	0	0	0	1	1
Prefer not to say	0	0	1	0	1
<b>Total</b>	<b>11</b>	<b>10</b>	<b>33</b>	<b>6</b>	<b>60</b>

## 11.b) Appendix 2: Skills and characteristics

Participants in this study were asked to indicate what were the skills and characteristics they thought to be most important in safeguarders. Questionnaire participants were presented with a list of 10 attributes and asked to rate which ones they thought to be most useful in a safeguarder. These were:

- Ability to communicate with children of all ages
- Ability to gain the trust of children
- Ability to gain the trust of families
- An understanding of child development
- An understanding of children's needs
- An understanding of children's rights
- Independence of judgement
- Good writing and presentation skills
- Knowledge of the child care system
- Knowledge of the legal system

## 11.c) Appendix 3: Functions

Participants in this study were asked to rank the follow 10 functions of a safeguarder in order of importance:

- Allow the child's views to be heard
- Identify solutions
- Present a full picture of the case to the hearing
- Produce an independent view
- Safeguard the child's interests
- Help clarify different perspectives
- Allow time and space to help reach consensus
- Support/promote fair and objective decision-making
- Resolve conflict
- Other (please specify)

## 11.d) Appendix 4: Agree or disagree statements

NB Percentages are given to facilitate comparison between groups. They are based on small numbers and should be interpreted with some caution.

Safeguarders are a valuable resource for Hearings:

	Agree	Disagree	Not sure	Total
Panel members	112 (95%)	0	6 (5%)	118
Safeguarders	46 (94%)	0	3 (6%)	49
Social workers	19 (54%)	5 (14%)	11 (31%)	35

Safeguarders are not usually necessary because others (i.e. panel members, social workers, reporters) can look after children's interests in a hearing:

	Agree	Disagree	Not sure	Total
Panel members	56 (47%)	50 (42%)	12 (10%)	118
Safeguarders	7 (14%)	32 (65%)	10 (20%)	49
Social workers	22 (62%)	7 (20%)	6 (17%)	35

Safeguarders provide a valuable check on social workers' views:

	Agree	Disagree	Not sure	Total
Panel members	31 (26%)	69 (58%)	18 (15%)	118
Safeguarders	33 (68%)	10 (21%)	5 (10%)	48
Social workers	1 (3%)	29 (83%)	5 (14%)	35

Hearings only appoint safeguarders when it is absolutely necessary:

	Agree	Disagree	Not sure	Total
Panel members	78 (66%)	17 (14%)	23 (19%)	118
Safeguarders	7 (14%)	18 (37%)	24 (49%)	49
Social workers	5 (14%)	24 (69%)	6 (17%)	35

Appointing a safeguarder usually results in better decision making:

	Agree	Disagree	Not sure	Total
Panel members	57 (48%)	19 (16%)	42 (36%)	118
Safeguarders	28 (57%)	2 (4%)	19 (39%)	49
Social workers	2 (6%)	22 (63%)	11 (31%)	35

The delay introduced by the appointment of safeguarders is justifiable as it results in better decision making:

	Agree	Disagree	Not sure	Total
Panel members	66 (56%)	13 (11%)	38 (32%)	117
Safeguarders	35 (71%)	3 (6%)	11 (22%)	49
Social workers	4 (11%)	23 (66%)	8 (23%)	35

## About CELCIS

CELCIS is the Centre for Excellence for Looked After Children in Scotland. Together with partners, we are working to improve the lives of all looked after children in Scotland. We do so by providing a focal point for the sharing of knowledge and the development of best practice, by providing a wide range of services to improve the skills of those working with looked after children, and by placing the interests of children at the heart of our work.

## For more information

Visit: [www.celcis.org](http://www.celcis.org)  
Email: [celcis@strath.ac.uk](mailto:celcis@strath.ac.uk)