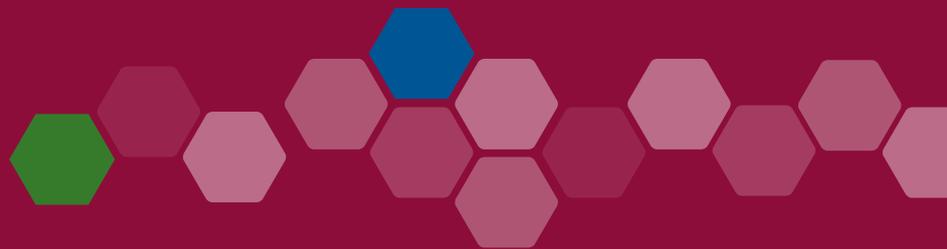




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# The Role of the Safeguarder in the Children's Hearing System



CHILDREN, EDUCATION AND SKILLS



# **THE ROLE OF THE SAFEGUARDER IN THE CHILDREN'S HEARINGS SYSTEM**

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# 1 Introduction

## 1.1 Background

In 2013, under the auspices of the Children’s Hearings (Scotland) Act 2011 (‘the 2011 Act’) responsibility for safeguarder recruitment, appointment and administration was transferred from local authorities to the Scottish Ministers and a national voluntary organisation, Children 1<sup>st</sup>, was contracted to set up and administer a national Safeguarders Panel. In September 2016, the Scottish Government commissioned the University of Strathclyde to undertake this study to understand the role of the safeguarder in the children’s hearings system. There have been two such previous studies: *The Role of the Safeguarder in Scotland* (Hill *et al*, 2000) and *Safeguarders Research* (Gadda *et al*, 2015). As in the 2000 study, the current research team was able to conduct interviews with sheriffs and to include them in the data collected through a questionnaire, thereby offering some further information on the safeguarder role in court proceedings. This current project has also been able to consider some aspects of the framework put in place by Children 1<sup>st</sup> to promote consistency and quality in performance of the role. There is little academic discussion of the role though it is covered by Sutherland (2008: 10-026 - 10-028) and by Norrie (2013: 2-21 – 2-33). The Scottish Government has also published *Practice Notes on the Role of the Safeguarder* (Scottish Government, 2016) which is a comprehensive statement, for safeguarders themselves, of the work which they should undertake. In implementing this, together with the statement on the *Practice Standards for Safeguarders* (Scottish Government, 2015), Children 1<sup>st</sup> has done much to ensure that the context in which safeguarders operate is clearly defined.

## 1.2 Aims and Objectives of the Research

The aims of the research were as follows:

1. “to identify and quantify the added value that safeguarders bring to decisions relating to children and young people in children’s hearings proceedings from the perspective of practitioners and professionals (including safeguarders themselves); and
2. to inform future development and support requirements for the role of safeguarder within the children’s hearings system through delivering an understanding of how the role of a safeguarder is perceived in practice and how the role impacts on decision-making, both positively and negatively”.

The research questions were:

- to explore how the current system of safeguarders operates, and is managed, from all agency perspectives;
- to elicit safeguarder and other agency perspectives of the role and effectiveness of safeguarders and how that role interacts/overlaps with other key roles in the children’s hearings system;
- to identify the skills and qualifications deemed essential to the effectiveness of the safeguarder role; and

- to identify the type and extent of management, support and training needs currently in place and potentially required to ensure the future effectiveness of the safeguarder role and safeguarder panel.

In this report, Chapter 2 describes the methods used and outlines the demographics of the various respondents who participated in the fieldwork. Chapters 3 – 6 present findings, with some discussion at the end of each. Chapter 3 offers an understanding of how the safeguarder role is conceived in practice. Chapter 4 examines the reasons for appointment of safeguarders as part of its exploration of how the current system of safeguarding operates and ways in which the role impacts on decision-making. Chapter 5 continues this exploration from all agency perspectives through an examination of the work which safeguarders actually undertake including investigation, reporting and recommendations, and views of stakeholders on aspects of this. It also looks specifically at the structure, content and quality of safeguarder reports (by comparison also with social work reports). Chapter 6 explores stakeholder views on administration of the current system for safeguarders and also identifies skills and qualifications required for fulfilment of the role of safeguarder and safeguarders' management, support and training needs. The final Chapter, Chapter 7, provides further analysis of the findings including in relation to the effectiveness and added value of safeguarders.

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- Scottish Government (2015) *Practice Standards for Safeguarders* (available at: <https://www.children1st.org.uk/media/6048/practice-standards-for-safeguarders.pdf>)
- Sutherland, Elaine E (2008) *Child and Family Law* (2<sup>nd</sup> ed) (Edinburgh: W Green)

# 2 Research methods

## 2.1 Introduction

This research used a mixed methods approach, comprising questionnaires, documentary analysis, face-to-face interviews and focus groups with key stakeholders in the children's hearings system, including sheriffs, panel members, social workers, solicitors, reporters, managers from Children 1<sup>st</sup> (the organisation contracted by the Scottish Government to manage the national Safeguarders Panel) and safeguarders.

This Chapter details ethical issues as well as the access arrangements to, and demographics of, the various samples drawn on in the study, including the ways in which the samples were selected and more detail on the way in which methods were applied.

## 2.2 Ethics

This work was conducted in line with the University of Strathclyde Ethics Committee's Code of Practice following ethical approval by the Law School Ethics Committee UEC16/71.

**Electronic data:** all electronic data were stored on secure servers based at the University of Strathclyde, Glasgow. The data files were accessed using password – protected computers by members of the research team. User specific permissions were used to limit data file access to the appropriate member of the research team.

**Interview and focus group data:** interview recordings were transferred from the recording device to a password-protected computer, after which the original recording was permanently deleted. A professional transcriber, subject to a confidentiality agreement, was used to transcribe the interviews prior to analysis.

**Sample and paired report data:** anonymised records of cases where safeguarders have been appointed by hearings and sheriffs was obtained from both SCRA and Children 1<sup>st</sup>. Data related to the paired social work and safeguarder reports were made available by a local authority following separate ethical approval. Data were extracted manually by a member of the research team and anonymised at the time of extraction.

Informed consent was received at each stage of the project and all data will be permanently deleted within five years.

## 2.3 Project phases

### 2.3.1 Phase 1: Scoping interviews

To help inform the latter phases of the project and arrange/address access, scoping interviews were conducted with a sheriff and five senior managers, one from each of the key stakeholder groups: Children 1<sup>st</sup>, Children's Hearings Scotland, Scottish Children's Reporter Administration (SCRA), the Scottish Legal Aid Board (SLAB) and a local authority social worker.

### 2.3.2 Phase 2: Questionnaires

The online survey software Qualtrics was used to gather opinions on the role of the safeguarder from 472 individuals from various stakeholder groups across Scotland (Appendix 1). The various agencies involved in overseeing or administering the work of the

relevant stakeholders i.e. SCRA (children's reporters), Scottish Courts and Tribunals Service (SCTS) (sheriffs), Children 1<sup>st</sup> (safeguarders), SLAB (solicitors), Children's Hearings Scotland (panel members) and Social Work Scotland (social workers) assisted the research team in identifying ways of advising the stakeholders that the questionnaire was available. A modified version of the questionnaire was used to collect responses from sheriffs (Appendix 1). The questionnaires used both open and closed question types, such as: scales (i.e., extent of agreement on a scale of 0 – 10), categories (i.e., yes/no), and free-text responses, the latter of which were coded to enable more in-depth analysis.

### ***Summary information on questionnaire respondents***

Ninety-nine safeguarders (21%), 357 non-safeguarders (77%) and 16 sheriffs (2%) responded.

In terms of the demographics for safeguarders, the most common categories were: female gender (n = 64, 65%), age 60 – 69 years (n = 48, 48%), never been a panel member (n = 86, 87%), had more than 10 years' experience as a safeguarder (n = 39, 39%), fulfilled the role in 3 areas (n = 30, 30%) and retired as main occupation (n = 42, 44%) (Appendix 2 Tables 201 – 207).

For non-safeguarders, the most common categories were female gender (n = 250, 70%), age 50 – 59 years (n = 95, 27%), main role in children's hearings process was panel member (n = 145, 47%) and fulfilled the role in one area (n = 278, 78%) (Appendix 2 Tables 208 – 215). Nine of the non-safeguarders had previously been safeguarders.

For sheriffs, the most common categories were 10 years working as a sheriff (4/13), had appointed safeguarders (12/13) and had safeguarder involvement in 1 – 10 cases before them (5/13) (Appendix 2 Tables 213 – 215).

All responses were analysed using the statistical software package Minitab Version 17.

### ***2.3.3 Phase 3: Documentary analysis***

This phase involved the analysis of cases where safeguarders had been appointed within the past 24 months.

A sample of 50 cases in which safeguarders had been appointed by sheriffs (hereinafter "the sheriff sample") and 50 cases in which safeguarders had been appointed by children's hearings (hereinafter "the SCRA sample") were selected to examine the reasons for safeguarder appointments. Whilst the sheriff sample was restricted to reasons for safeguarder appointments, much more information was provided in the SCRA sample. This allowed the research team to "track" the 50 cases in the SCRA sample through the children's hearings process from safeguarder appointment to substantive decision and, where appropriate, appeal.

A separate sample of safeguarder reports was also analysed alongside, and compared with, the corresponding social work reports in 17 individual cases (hereinafter referred to as the "paired report analysis").

## **Selecting reasons for appointment records**

The sheriff and SCRA samples were taken from three areas in Scotland. These areas were chosen by reference to the *Children 1<sup>st</sup> Safeguarder Panel Annual Report 2015/16*<sup>1</sup> because of the contrasting levels of safeguarder appointments made by sheriffs versus hearings: one area had a high sheriff appointment rate, one had a high hearings appointment rate, and one had a relatively equal number of both sheriff and hearings appointments. The paired report sample was drawn from one of these areas.

The SCRA *Statistical Analysis 2015-16*<sup>2</sup> was used to ensure that the sheriff and SCRA samples had an age and gender distribution consistent with these overall Scottish statistics. An overall set of records was identified in both cases by application of these criteria (ie area, gender and age of child, 24-month timescale) and the appropriate number of records with the specific characteristics was randomly sampled. The main aim of this exercise was to provide a comprehensive, albeit not representative, overview of the specific reasons for which safeguarders were appointed by children's hearings and sheriffs.

### **The sheriff sample**

For the sheriff sample, the SCTS indicated that sheriffs' reasons for safeguarder appointments were unlikely to be specified in court documents, and a request was therefore made to Children 1<sup>st</sup> for access to anonymised safeguarder allocation forms. Fifty such forms were identified as above. The variables identified in Appendix 2, Table 216 were extracted for analysis (although, almost all of these forms merely supplied the rationale for sheriff appointments of safeguarders).

Twenty-four (48%) of the sheriff sample were male and 26 (52%) were female. The ages ranged from 2 weeks to 15 years, with 20 (40%) in the range 0-5 years; 12 (24%) 6-10 years and 18 (36%) 11-15 years. In 28 (56%) of the sheriff sample, more than one child was included in the referral to the safeguarder. There was no indication as to the grounds of referral but 47 (94%) related to proof proceedings, with the remainder relating to appeals.

### **The SCRA sample**

The SCRA sample was collected and anonymised by SCRA. These data not only included reasons for appointment, but also demographic information on the child(ren) to which cases applied, grounds of referral, type of order and measures in place, purpose of hearing at which a safeguarder had been appointed, the safeguarder's recommendation, the substantive decision and any appeal outcomes. Significantly more data was collected in this sample than the sheriff sample. A much richer analysis was therefore possible for the SCRA sample and the data sets are not comparable, other than information collected pertaining to the stated reason for the appointment of safeguarders by hearings and sheriffs. Data was aggregated under four headings or stages: background; safeguarder

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<sup>1</sup> Safeguarders Panel Team (2016) *Summary Annual Report 2015-16* (Edinburgh: Children 1<sup>st</sup>) at p. 5. Available from: <http://www.children1st.org.uk/media/5660/summary-annual-report-2015-16.pdf>

<sup>2</sup> SCRA (2016) *Statistical Analysis 2015-16* (Stirling: SCRA).

appointment; substantive hearing decision; and, appeals. The variables identified in Appendix 2, Table 217 were extracted for analysis.

Twenty-four (48%) of the sample were male and 26 (52%) were female. The ages ranged from 1 year to 16 years, with 18 (36%) aged 0-5 years, 16 (32%) aged 6-10 years and 16 (32%) aged 11-16 years. The vast majority (n = 47, 94%) were already subject to a formal order, most often a Compulsory Supervision Order (CSO) (n = 34, 68%). Ten (20%) were subject to interim measures and a few were subject to a Child Protection Order. Children subject to compulsory measures prior to safeguarder appointment had been on these from between two days and nine years.

A single accepted/established ground of referral was listed in 36 (72%) of the cases, 2 such grounds applied in 11 (22%) cases and 3 in 3 (6%) cases. Overall 38 (76%) cases related to the lack of parental care ground. All accepted/established (as opposed to new) grounds were care and protection rather than related to offending.

### ***Paired report analysis***

A sample of 17 anonymised paired reports, one of each pair having been submitted by the safeguarder and the other by the social worker for the same child in the same case were selected in order to compare their style, structure, content and recommendations as well as provide a better understanding of any added value provided by the safeguarder reports. Analysis was done manually, using a coding sheet and the variables identified in Appendix 2, Table 218 were extracted for analysis.

Nine (53%) of the sample were male and 8 (47%) were female. The ages ranged from 1 year to 13 years. The majority (n = 11, 65%) were aged 6-10 years. Twelve (71%) related to a single child, rather than multiple siblings. Sixteen (94%) of the 17 reports related to children who were already subject to CSOs and all related to care and protection grounds rather than offence grounds. The majority (n = 15, 88%) were 'looked after and accommodated' by the local authority.

### ***2.3.4 Phase 4: Interviews***

In November and December 2016, 38 interviews with key stakeholders were conducted across Scotland to explore key topics around the safeguarder role, and individual professionals' views and experiences of safeguarders. Interviewees were selected from a group of 138 questionnaire respondents who consented to participate in this phase. Those people who had completed a questionnaire were asked if they would consider being approached for a one to one interview or to participate in a focus group discussion at a later stage in the fieldwork process. This generated a list of 40 safeguarders, 5 solicitors, 11 reporters, 57 panel members and 25 social workers. From this, the research team identified safeguarders and panel members for interview by using a random selection process based on the Allocation Table contained in the Children 1<sup>st</sup> Annual Report 2015/16 as a guide to the national picture. We then identified a random mix of potential interviewees across the highest, median and lowest allocating local authorities, based on gender and length of service. Social workers and reporters were broadly identified in the same manner. With sheriffs, we were confined to two sheriffdoms, one with a high and one with a median allocation of safeguarders and Sheriffs Principal facilitated identification of interviewees.

We interviewed 11 safeguarders (including one pilot interview); 10 panel members; 5 social workers; 5 reporters; 5 solicitors; and 2 Children 1<sup>st</sup> staff. Interviews with 9 sheriffs

took place between January and March 2017. Interviews mainly took place in people's offices and lasted between 60 and 90 minutes; average length of interview was between an hour and an hour and a half.

### ***2.3.5 Phase 5: Focus groups***

Three focus groups – one each with safeguarders, panel members and social workers – were undertaken in April 2017. The safeguarder focus group, held in Edinburgh, included 3 males and 2 females, working in more than 6 areas. The panel member focus group, also held in Edinburgh, included 6 males and 3 females, working in more than 7 areas. The social worker focus group, held in Glasgow, included 4 males and 5 females, some of whom were team leaders, and all of whom worked in one area.

# 3 The role of safeguarders

## 3.1 Introduction

This Chapter offers an understanding of how the safeguarder's role is articulated in statute and regulations and implemented in practice, addressing this through an examination of its statutory basis, stakeholders' views of its content, stakeholders' perceptions of the extent to which others understand the role and its overlap with other roles within the children's hearings system. It also identifies differences in the role between children's hearings and court proceedings.

## 3.2 The statutory basis of the safeguarder role

For panel members, in children's hearings or pre-hearing panels, the statutory test for appointing a safeguarder is very broad: 'whether to appoint a person to safeguard the interests of the child to whom the children's hearing relates' (2011 Act, s 30(1)). For sheriffs, effectively, there is no statutory test. They are required, simply, to 'consider whether to appoint a safeguarder for the child' (2011 Act, s 31(2)). There were contrasting views at interview as to the value of this flexibility. Safeguarders predominantly, but also some social workers, did not favour tightening the criteria for appointment. However, other stakeholders considered that the current test left unsaid the more practical tasks expected of safeguarders (discussed further below).

*[The test is] very vague... anything can hide under the banner of the best interests of the child. Taking the child into care can march under that banner. Keeping the child out of accommodation can march under that banner. Anything can. It's a very nebulous and very subjective concept (Solicitor 3).*

*[The test] leaves you open to different interpretations... it often appears that it's not about... the interests of the child. It's about conflict with the parents and about the interests of the parents... there's a lack of clarity about what the role of the safeguarder is (Social Worker 4).*

Nine (out of 10) panel member interviewees thought it was inadequate as a statutory test, suggesting that they would welcome a more detailed specification of the content of the role. By contrast the (9) sheriff interview respondents generally welcomed the breadth inherent in the statutory provision.

*I don't think their role should be constrained by statute or anything else. I think they should be given a fairly loose rein as to what they perceive they're doing (Sheriff 4).*

In making appointments however, sheriffs indicated that they set some parameters for the role. The main "test" which they applied was whether appointment was necessary, *in the child's interests*.

### 3.3 Perceived lack of understanding of the role

In their questionnaire responses, safeguarders themselves generally indicated that they were clear about what was expected of them in the role: the scores awarded by the 88 respondents ranged from 7 to 10 (Appendix 2 Table 301). Safeguarders' views on other stakeholders' understanding of the role were more mixed: the scores awarded by the 87 responders ranged from 3 to 10 (Appendix 2 Table 301).

Interview data provided more detail as to which stakeholder groups perceived some lack of clarity in the understanding of which others (Appendix 2 Table 303). Some indicative comments are given below.

*[T]he way panel members articulate the role of a safeguarder [in Hearings] confuses me. They really struggle with that and it really needs to be streamlined into a coherent narrative about what the role of a safeguarder is... a lot of social workers' noses get put out of joint by safeguarders... 'I've worked on this case for 2 years, you float in here for an hour and you undermine what I said'. There's a perception amongst loads of families that safeguarders simply align themselves with the local authority's position anyway and a lot of families struggle to see the difference (Reporter 4).*

*[s]ome safeguarders... don't appreciate what the role is (Panel member 1).*

The issue is succinctly summed up by a safeguarder: *'there's as many different views as there are people'* (Safeguarder 2).

### 3.4 The content of the safeguarder role

By contrast with stakeholders' *perceptions* that there was a lack of clarity amongst other professionals about the safeguarder role, questionnaire, interview and focus group data indicated a fair degree of consistency around what it is that safeguarders do and should do.

Free-text responses were used in the questionnaire to collect opinions on the key functions of a safeguarder. Ninety-nine safeguarders and 373 non-safeguarders responded and their responses were coded prior to analysis (Appendix 2 Table 304). The most commonly mentioned activities were those associated with looking out for the child's best interests: mentioned by 81 of the 99 safeguarders (82%) and 157 of the 357 non-safeguarders (44%). There was some variation in the importance of other activities such as information gathering and informing decision making and in relation to the significance of the independence of the role (Appendix 2 Table 305).

At interview, safeguarders, in particular, stressed the independence and objectivity of the role. Panel members, social workers, reporters and sheriffs stressed the need to safeguard the child's interests in situations of conflict. A panel member summed up the role in this way:

*[O]f course the safeguarder protects the interests of the child but predominantly, from my point of view, the role of the safeguarder is an information gatherer, collates information and has the necessary experience and understanding of the position to provide a recommendation and to be able to justify that recommendation (Panel member 1).*

### 3.5 Overlap of roles

The safeguarder role adds value to the system where it is distinct from, or complementary to, the function of all other professionals and participants. Overlap was therefore addressed in the questionnaire and a majority of the respondents in each stakeholder group (safeguarders, non-safeguarders and sheriffs) felt that the role of safeguarder was unique in the children's hearings system (Appendix 2 Tables 306 – 308).

A number of those who felt there was overlap perceived this to exist between the roles of social worker and safeguarder (safeguarders n = 7, 47%, non-safeguarders n = 71, 63% and sheriffs 2/3). Few respondents stated there was overlap between all potentially overlapping roles (Appendix 2 Table 309).

When asked how the overlap between roles affected the safeguarder role, the majority of safeguarders (n = 10, 59%) and sheriffs (2/3) along with a large proportion of non-safeguarders (n = 40, 35%) saw it as complementary. That said, the majority of non-safeguarders, in particular social workers, indicated that the overlap negated the safeguarder role (Appendix 2 Tables 310 and 311).

Interview data provided more detail on overlap. For example, one solicitor identified what they perceived as an overlap.

*[S]ometimes [safeguarders] are appointed to look at grounds of referral... and see parents about what their views are on grounds of referral. I think there's a terrible crossover there between what they're doing and what we're doing... if there's not a solicitor involved, then yes, I can see the helpfulness in it, but otherwise... it's a duplicate of work (Solicitor 5).*

Safeguarders themselves were, however, able to differentiate their role.

*I think they're such different roles... A child in secure doesn't want to be there, so as a lawyer you are saying 'the child wants out'... so as a lawyer, [it's] what they want. As a safeguarder, I do what's best for them. So I would say in my report that the child doesn't want to be there but it's my view this is in their best interests... As a lawyer you don't look at best interests (Safeguarder 6).*

In considering reasons for being appointed, another safeguarder recognised the difference between communicating the child's view and making a recommendation in their interests.

*It tends to be where there's conflict or where a child's views have not been able to be ascertained... a child is particularly vulnerable or unable to articulate their own views. Quite often you are appointed where it's very young children and it's referrals that are going to court and that's important to ensure the child's interests are protected... Interests, yes, not views. I think that's the important aspect (Safeguarder 10).*

### 3.6 The role in children's hearings versus courts

Finally, our research suggested that the safeguarder role differed in the hearings setting compared with the court setting. While the core functions of the safeguarder (Appendix Table 304) are recognised in both fora, their relative importance can differ, as can the way in which the safeguarder presents the results of their investigation.

The safeguarder focus group recognised a sense that a social justice / educative framework is prevalent in children's hearings proceedings which is different from the wholly legal framework prevalent in court proceedings. It was also suggested that their role in children's hearings was 'woolier' than in court proceedings, because the hearing is seeking to make a decision disposing of the case in the child's best interests (which may involve myriad considerations) whereas the sheriff is taking a decision as to whether, at proof, factually, the evidence presented indicates that the ground is established or, at appeal, whether the decision is justified.

In children's hearings, the overt focus of the safeguarder role is to produce an independent written report, which will usually present the views of the child, other family members and/or professionals involved in the case, and to identify a recommendation for the child, based on analysis of all information collected (Chapter 5).

In the courts, conversely, the focus was more on giving the child a voice, on seeking a check on the child's position (independent of that put forward by the reporter and/or the social worker) and giving sheriffs information on the actual domestic situation on the ground. One sheriff summarised the role in this way

*They're really there just to ensure that whatever happens... the children's interests are being protected... what I'm wanting [the safeguarder] to tell me is how [the children] are, what their views are, how the contact's going (Sheriff 7).*

One solicitor commented that

*'Some sheriffs... maybe don't have the fullest of confidence in the Reporter's Office' (Solicitor 3)*

The inference that, therefore, an independent opinion would be sought from the safeguarder was endorsed by two sheriffs at interview. Another sheriff described the safeguarder as '*the eyes and ears of the sheriff*' (Sheriff 6).

Some sheriffs also emphasised that the way for the safeguarder to bring their accumulated information into the court process was by leading it as evidence:

*I have not yet heard a question from a safeguarder that's provided me with any assistance in terms of my decision making. And I think that's because they are outwith their comfort zone, because quite often you will have the Reporter who is generally legally qualified, you may have counsel or solicitors for the parents, and the safeguarder is like a duck out of water... the safeguarder should be putting questions to the witnesses that they consider appropriate in the interests of the children. [But] they do not have the knowledge to do that (Sheriff 9).*

In the court, the safeguarder was not expected to produce a written report. They can be a party to the proceedings, albeit, on occasion, a somewhat passive one in sheriffs' and

solicitors' opinions. Some interviewees expressed the view that safeguarders were less effective in the court setting.

*I actually would like to see more safeguarders leading evidence themselves, citing witnesses.... Help the court take a rounded and complete view of the issues... but it doesn't happen very often (Sheriff 5).*

*I don't think in any case I've handled since 2013... that a Safeguarder has come to court with a set of questions that they want to ask in a proof situation... most Safeguarders that I deal with are very passive in court and don't – if I'm being honest – appear to me to be equipped with that side of their role... I've had a Safeguarder I'm thinking of saying to me, whatever you decide is fine! (Reporter 2).*

One safeguarder did, however, acknowledge this aspect of the role and the need to be an active participant in the court setting

*Well, sometimes you appear in an appeal ... because it's been a case that you've done from the proof to the decision to the appeal. So there's continuity and that would be the reason why you're automatically appointed for the appeal... You go and you are a party to the proceedings in the court, so you might be expected to prepare answers, for example, to the appeal process. So it's slightly different from doing a report that you would do for a Children's Hearing... The report is... just a by-line of what we actually do. We're much more active participants and the problem is that Children 1<sup>st</sup> don't realise that. They don't realise that actually our role is to be an active participant. Not giving a second opinion or writing advice (Safeguarder 1).*

### **3.7 Discussion and conclusions**

This Chapter discusses aspects of the role of the safeguarder and the way in which this is understood by stakeholders. It notes the paucity of guidance on this in the 2011 Act. It recognises that, while safeguarders report having a clear understanding of their own role, they tend to think that others do not understand it well, in particular social workers and panel members. Indeed, interviews suggest that all stakeholder groups think that certain other such groups do not clearly understand the role. By contrast, questionnaire responses suggest a common understanding of key functions among stakeholders (Appendix 2 Table 304) albeit with mixed views as to their relative importance. The common understanding may in part reflect the work undertaken by Children 1<sup>st</sup>, for example around the *Practice Notes on Role of the Safeguarder* (2016), to try to ensure a consistent understanding on the part of safeguarders. One way to promote a more consistent understanding of the role might be the adoption of a core definition for use across all stakeholder groups. A possible example, using the data collected on the content of the role, and discussed with all three focus groups (safeguarder, panel member and social worker), is

**The paramount role is to safeguard the best interests of the child, to keep him/her at the centre of proceedings, and to inform decision making through independent information gathering (including, as appropriate, the child's and others' views), and objective and analytical reporting.**

If adopted, such a definition could promote a consistent understanding of the safeguarder role within and between stakeholder groups. Given that safeguarders' work is always with children, a child-friendly version may also be developed, but research with children and families to inform such a definition is beyond the scope of this project.

The Chapter also considers overlap with other roles, identifying that this may exist with the roles of social worker (see Chapter 5), solicitor/legal representative, advocate / advocacy worker, children's rights officer and reporter. Safeguarders do perform some of the same functions as other professionals, for example in obtaining the child's views. Safeguarders, however, go beyond this and consider views only as one element of their analysis and recommendation in relation to the child's interests. Also, unlike solicitors, safeguarders do not act on anyone's instructions - one of the defining features of the role is its independence. There will, therefore, be circumstances in which a child can benefit from the input of both a legal representative and a safeguarder. In these respects, then, the safeguarder role is differentiable and adds value.

These perceived overlaps require decision-makers to be clear that a safeguarder appointment is necessary (in that the work is not already being undertaken by another) (see Chapter 4) and safeguarders to be focused on their own role and navigating the work undertaken by others to enhance the decision-making process (see Chapter 5).

The safeguarder's role is broad and, as identified above, can involve obtaining the child's (and possibly others') views thereby overlapping with other professionals who also seek and present these views. We will present in more detail in Chapter 5 (work of the safeguarder) a comparison with the role of the social worker.

Finally, the Chapter examined differences in the role between children's hearings and courts. The research identified that there was a different emphasis on key functions between these fora and a perception on the part of some stakeholders that safeguarders were, on occasion, less effective or more passive as participants in proof and appeal hearings in the court room. In this respect, safeguarders may benefit from further written information on working within the court setting and, as appropriate, being a party to court proceedings.

# 4 Reasons for the appointment of safeguarders

## 4.1 Introduction

This Chapter examines the reasons for appointment of safeguarders as part of its exploration of how the current system of safeguarding operates and ways in which the role impacts on decision-making. It sets out findings on common reasons given for appointment and on appointment practices of sheriffs and panel members. The analysis of the SCRA and sheriff samples (Chapter 2) allowed the research team to identify documented reasons for appointment alongside those given in the questionnaire and at interview.

## 4.2 Considering a safeguarder appointment

At interview, all the sheriffs and the majority of solicitors and panel members favoured the statutory requirement for sheriffs (s 31(2) of the 2011 Act) and panel members (s 30(1) of the 2011 Act) to *consider*, albeit not appoint, a safeguarder in every case. Eight (73%) of the 11 safeguarders stated at interview that this requirement was appropriate, despite one describing it as being like using 'a sledgehammer to crack a nut' (Safeguarder 5), akin to what one sheriff (Sheriff 2) referred to as 'overkill'.

## 4.3 Reasons identified for safeguarder appointments

Free text responses from both non-safeguarders and sheriffs in the questionnaires provided information about the types of situations or circumstances in which a safeguarder *should* be appointed. These were categorised as conflict, gathering information, ascertaining views, independence, child's interests and child's rights (Appendix 2 Table 401).

Reasons for appointment (often more than one in the same case) were also identified from the analysis of the SCRA sample and these were coded under the categories of: inadequate information, conflict, seeking views and as a result of an impasse (Appendix 2 Figure 1). Coded responses from the analysis of the sheriff sample identified as reasons, *inter alia*, the age of the child and the child's welfare and interests (Appendix 2 Figure 2). These reasons are discussed in more detail below.

### 4.3.1 Conflict

The majority of non-safeguarders (n = 208, 58%) and sheriffs (6/16) identified conflict as a reason for appointment (Appendix 2 Tables 402 and 403). Conflict was also the second most common reason (n = 23, 46%) identified from the SCRA sample (Appendix 2 Figure 1). Both the questionnaire responses and the SCRA sample identified this conflict as arising, *inter alia*, between parents/carers and agencies (predominantly social work) (SCRA sample: n = 18, 36%) or within the family (SCRA sample: n = 18, 36%). Questionnaire responses also mentioned disagreement around the child's plan, and a lack of engagement by the family with the relevant agencies as relevant situations of conflict (Appendix 2 Table 401).

At interview, all 5 solicitors, 4 panel members, 3 sheriffs, and the majority of social workers and reporters cited, as a reason for appointment, the likelihood of conflict.

*There's hassle with a mother and father over contact, there's hassle between social work and parents (Safeguarder 8).*

Two sheriffs also suggested that the appointment of a safeguarder can assist in resolving conflict and help to conclude the case

*My prime motivation [in appointing] is to make sure that the interests of the child are properly protected but I also think that there are quite a lot of cases where a safeguarder can, depending on who it is... help to resolve the case... there are cases... after there's been a couple of continuations and the safeguarder's been round everybody and talked to everybody and... and then says 'well, it's all sorted out'... It saves time, and more importantly, it saves contested court procedure... these are the sorts of cases that if they can be resolved by agreement rather than by imposition of a decision, that's probably no bad thing (Sheriff 2).*

*They are quite a useful conduit for unrepresented parents... in effectively mediating agreement about grounds of referral between the reporter and the parents... often you're told by the Safeguarder that the Reporter has agreed to amend the grounds and the Safeguarder will say: 'well I've gone through it with the parents who have agreed it'. Because they're able to do it out of the court setting, outside the court room, then it is a better place for the parents to be discussing it rather than in the formal [one] (Sheriff 4).*

A third sheriff described the safeguarder as 'an honest broker' (Sheriff 5).

### **4.3.2 Information gathering**

The need for additional information was the second most common situation identified in the questionnaire in which non-safeguarders (n = 139; 39%) including sheriffs (2/16) felt that a safeguarder should be appointed (Appendix 2 Tables 402 and 403). Free text questionnaire responses to the questionnaire mentioned gaps in the available information or that it was conflicting or lacked clarity. Other questionnaire responses coded under this category included concerns around the honesty of parents/carers and the potentially entrenched views of professionals (Appendix 2 Table 401).

Within the SCRA sample, the most commonly identified reason for a safeguarder appointment (n = 35, 70%) was the inadequacy of information (Appendix 2 Figure 1). The further information sought usually related to a specific issue, such as family dynamics, the child's school attendance, or the state of the home environment, though some were more general, such as 'identifying the issues', 'clarifying the problem' or 'identifying the child's current situation'. Some related to information in relation to parents rather than the child, for example parental drug misuse, mental health, or non-cooperation with agencies. Thirty records (60%) sought specific information and a recommendation (for example as to

nature, frequency and duration) on contact arrangements and 17 (34%) on residence (for example the suitability of the child's current placement).

At interview, the ability to gain additional, current information to help decision making was the other main reason (alongside conflict) given for appointment:

*[I hope] to get some direct and independent and some detailed feedback on the child's perspective of things and the child's up to date circumstances because that's often missing (Sheriff 6).*

### **4.3.3 Ascertaining views**

Ascertaining views was the third most cited reason for appointment by non-safeguarders (n = 128, 36%) and sheriffs (4/16) (Appendix 2 Tables 402 and 403). Predominantly, the views sought were those of the child, for example where the child's voice had been lost or where his/her views had not been represented within proceedings but this category also covered appointment to seek views of parents, carers and other professionals (Appendix 2 Table 401).

The gathering of views was also the third most common reason in the SCRA sample (n = 21, 42%). In each of these cases the *child's* views were sought but, in some cases, views of foster carers (n = 3; 6%), parents (n = 2; 4%), and professionals working with the child and family (n = 2; 4%), were also asked for. Nine records (18%) involved a request for the child's views on contact.

At interview, sheriffs stated that they would also appoint a safeguarder as a conduit for the child's voice.

*I want to hear the child's version of events through the safeguarder and not just on the principal allegation but also on ancillary matters such as what is to happen in the meantime, like custody and residence and are they scared of the parents (Sheriff 6).*

*Often during the course of proceedings, it becomes apparent that the child... isn't really prepared to engage personally, and so I will appoint [a safeguarder], 'cause otherwise the child is left effectively without a voice because the parents may have different views (Sheriff 4).*

*They should be appointed to give the sheriff a direct and more reliable channel of communication with the child and a more direct and reliable ... view of the child's circumstances (Sheriff 6).*

### **4.3.4 Independence**

In the questionnaire, independence was the next most common reason for appointment by non-safeguarders (n = 68, 19%) and sheriffs (1/16) (Appendix Tables 402 and 403). Free text responses highlighted the need for an independent assessment or view of the child's circumstances or the benefits of an impartial report and recommendation (Appendix 2 Table 401).

At interview, 7 safeguarders, 4 sheriffs and 2 social workers also cited the independent nature of the role as a reason for appointment.

*[Safeguarders] have an independent role and I think that's what's very important... because you often have a great deal of conflict between relevant persons, children and social work and that's where a safeguarder can come in and carry out a completely independent enquiry (Safeguarder 10).*

*[Safeguarders offer] a direct and independent channel of communication and... independent view... so independent of the Reporter, independent of Social Work and independent of the parents (Sheriff 6).*

*[F]rom a social worker's point of view... when one's worked with a family for quite some time and it's got to the stage where we're now involved in the Children's Hearing and things become quite adversarial for whatever reason that is, it can often actually be very helpful to us to have somebody independent going in (Social Worker 5).*

#### **4.3.5 Protecting the Child's Interests, Rights or Welfare**

The final two categories for safeguarder appointment from the questionnaire were protecting the child's interests (non-safeguarders: n = 65; 18%; sheriffs: 6/16) and their rights (non-safeguarders: n = 46, 13%) (Appendix 2 Table 402). Free text responses mentioned circumstances where the child's interests had been lost sight of or, in relation to rights, where the child could not understand the process (Appendix 2 Table 401). The child's lack of understanding was also identified in the sheriff sample (n = 2, 4%). In addition, safeguarding the interests of the child (n = 7, 14%) and protecting the welfare of the child (n = 3, 6%) was recorded in the sheriff sample (Appendix 2 Figure 2).

#### **4.3.6 Impasse**

In the SCRA sample, the final coded category for appointment was the reaching of an impasse (n = 12, 24%). For example, interventions were not perceived to be working, or there was a perceived lack of planning by relevant agencies, such as social work, in respect of the child. The reason for the safeguarder's appointment was thus to advise on a new strategy to address the child's needs and/or comment on plans and options for the child's future care. Hearings requested a recommendation around short and/or long term planning for the child in 11 (22%) of records.

#### **4.3.7 Age of the Child**

In the sheriff sample, the age of the child was a reason for appointment in 9 records (18%) (Appendix 2 Figure 2). Although 2 of those records intimated the child's *young* age, overall they related to children from 5 months to 12 years. It is, therefore, impossible to draw any general conclusions about age as an indicator of the need for a safeguarder.

At interview, there were mixed views, across all stakeholder groups. Sheriffs in particular, had differing views as to what age of child would most benefit from a safeguarder, with some saying that they would appoint a safeguarder for babies or very young children, whilst others would only appoint where the child was at an age and maturity where their views could be voiced (deemed to be upwards of 5 or 6 years old).

Overall, given that it was possible to identify some consistency as to what constitute appropriate situations to appoint, stakeholders were asked at interview whether decision-makers might benefit from a “drop down menu” of reasons for appointment to make the process more consistent. This suggestion was generally not perceived positively. As one safeguarder commented: *‘I think we should just really be appointed for the best interests of the children and then the safeguarder can work it all out’* (Safeguarder 6).

#### **4.4 Reasons and “remit”**

In all but one of the sheriff sample (n = 49, 98%) a reason for appointment was provided. These were brief and generic providing little or no guidance, and certainly no “remit”, to safeguarders. The most common “reason” was ‘at the sheriff’s request’ (n = 25, 50%). This language – the references to the sheriff as a third party - tends to suggest that sheriffs do not directly set down reasons for appointing a safeguarder – they merely instruct their clerks to appoint.

At interview, sheriffs said that they were unlikely to give a reason for appointment, tending to leave the form-filling to the sheriff clerk.

*[Do you give reasons for appointment?] No... Well, there’s an interlocutor but the interlocutor just appoints one. There’s a form which the Sheriff Clerk gives me saying do you want a Safeguarder?... I just tick yes... I don’t have to give any reason. If you did, then they would be almost certainly formulaic... Because of the age of the child or something... [Might it assist the Safeguarder to know what they’re meant to be doing?] Not really, no, ‘cause they all know what they’re supposed to be doing anyway. [So you don’t give them a remit?] No (Sheriff 4).*

By contrast, all of the SCRA sample provided complex and multi-faceted reasons for appointment with a “remit” being stated either explicitly (n = 13, 26%) or implicitly (n = 32, 64%).

At interview, reporters, panel members and social workers all indicated that there was a need to give a remit or focus to the safeguarder and at times also to reassure the family that another stranger intruding into their lives was justifiable. Panel members were also aware of the fact that they cannot convey their wishes to a safeguarder directly and indeed are unlikely to be at the hearing in which the safeguarder reports back, thus necessitating, in their mind, a clearer written focus for the appointment:

*I think it’s only fair... to provide the safeguarder in written form, bearing in mind we don’t speak to them face to face, with directions and a brief as to what we want them to particularly focus on (Panel member 1).*

*You need to make enough time to write reasons... Panel members think everybody sees it the way they see it and it's as clear as day why they appointed the safeguarder, but it's not always. And the safeguarder's not there at that point, so how are they gonna know 'cause they've not heard the Hearing discussion (Panel member 8).*

Safeguarders were ambivalent about receiving a reason that amounted to a 'remit'. On balance it would seem that they do expect and indeed appreciate a steer in planning their investigation, despite having the independence to go beyond this where appropriate.

*I always put at the beginning of my report the purpose of the report, this is the reason, but I always add in the extra wee bullet point: a safeguarder's entitled to cover anything that they think is relevant (Safeguarder 11).*

However, some safeguarders maintained that a remit from hearings was unnecessary and at times unhelpful:

*They can't tell a safeguarder what to do because the investigation is mine and I decide what to investigate but they can give you an indicator... I decide my remit (Safeguarder 3).*

*The remit... tries to narrow down the role of the safeguarder and that's wrong... The whole role of the safeguarder is to bring a range of knowledge and assimilated views from all those concerned in a kind of fairly broad-based report (Safeguarder focus group participant).*

Social workers, panel members and reporters had mixed views about whether the reasons given for appointment provided clarity for the safeguarder, not least where that reason was seen by social work as duplicating their own remit.

*[The safeguarder's] purpose is to come in and assess contact and I feel sometimes that they're being used like a secondary social worker... our own professional opinion as social workers isn't taken as serious (Social worker 2).*

#### **4.5 "Inappropriate" appointments**

At interview, stakeholders were asked if safeguarders were ever appointed when it was not appropriate to do so. A number felt that the appointment of a safeguarder by a children's hearing was sometimes a means of 'stalling for time'.

*I do think that sometimes Panels in particular find themselves getting flustered, find themselves not knowing quite which way to go and out of desperation almost... we'll just get a safeguarder and that's a way of putting off a hard decision (Reporter 5).*

*I think they appoint a safeguarder when a Hearing has got tough and difficult. I think they are hoping that the safeguarder will make everything easier for them... to make a decision (Safeguarder 8).*

*[Panel members] are struggling to make a decision so they go for this cop out decision without actually thinking it through... just chucking another person in the mix isn't gonna solve it. You've actually got to make a bold decision sometimes... But simply [appointing a safeguarder] because you can't think of anything better to do doesn't seem to me to be a good reason (Panel member 4).*

The answer to this issue is perhaps best summed up by a focus group participant who suggested that there needed to be a definite reason for safeguarder appointment for example, the existing professionals could not fully represent the child's best interests:

*You're always looking to see if... the professionals that are there are actually looking after the best interests of the child. Now, if that was not the case, I would certainly consider the appointment of a safeguarder... But for me, social workers - all the professionals there - usually work in the best interests of the child. Therefore, the appointment of a safeguarder, you have to think very, very carefully about what you would actually have for... the remit for a Safeguarder (Panel Member Focus Group participant).*

Some interviewees commented on the differing rates of appointment between children's hearings and sheriffs. In Aberdeenshire, Edinburgh, Glasgow, Fife, Highland and South Ayrshire, for example, interviewees suggested, anecdotally, that appointments might be made as a matter of course by some sheriffs.

*I think if a sheriff perceives that a child is able to express a view and a child is not legally represented, then there are certain sheriffs, certainly in this sheriffdom, who will almost automatically appoint a Safeguarder (Solicitor 2).*

*I feel that Sheriffs appoint – and I don't know whether statistically this is borne out or not – but tend to appoint more safeguarders than panels do and I think that they do it just as a matter of course. So does that point to a misunderstanding of the situation? (Panel Member 1).*

*We do notice that the Sheriffs seem to automatically appoint them (Panel Member 9).*

In fact, however, 7 of the 9 sheriffs interviewed stated that they would not appoint in every case. One sheriff gave as an example the fact that the child had offended as precluding the need for a safeguarder.

## **4.6 Discussion and conclusions**

Safeguarders' effectiveness in any case is clearly affected by the reasons for, and the circumstances in which, they are appointed. If there is no real reason, then their work may simply duplicate that of others adding little. The relative consistency across stakeholder groups in identifying conflict, missing information, ascertainment of views (of the child and, on occasion, others), coupled with the safeguarder's ability to act independently of all other professionals involved in the child's life, indicates that these are areas in which safeguarders' investigations can and do add value. The other reasons stated such as the

reaching of an impasse in the hearings process and protecting the child's rights, interests and/or welfare demonstrate the breadth of the role.

Our research identified a number of different reasons for safeguarder appointment across different stakeholder groups. While there were some areas of agreement, decision-makers may benefit from further written guidance on reasons for appointing to assist them in this respect. This would not preclude appointment by panel members and sheriffs for other reasons.

In relation to conflict, interview data obtained from sheriffs suggests that there can also be added value in safeguarders' ability to talk to everyone involved, but particularly the child and the family, outwith the charged setting of the court room in terms of potentially defusing conflict and reaching early resolution.

The analysis of the SCRA and sheriff samples shows different practices in terms of giving reasons for appointment: children's hearings provide extensive reasons; sheriffs do not. Interview data tends to confirm this. S 31(6) of the 2011 Act states "If the sheriff appoints a safeguarder, the sheriff must give reasons for the decision". The extent of compliance with this requirement is rather unclear. While it may be inferred that sheriffs are of the view that safeguarders will know what is required of them, it would be conducive to effective work by the safeguarder if sheriffs were encouraged to give a reason(s) for appointment of a safeguarder in accordance with the legislation.<sup>3</sup>

Panel members' obligation to give reasons is found in s 30(4) of the 2011 Act. An issue for them is whether they are seeking to over-direct, or provide a remit for, the safeguarder, potentially infringing the latter's independence. Unlike in the court setting, a different set of panel members will receive the report and apply it in decision-making so, as well as the safeguarder, they will need a clear statement of the appointing panel's reasons. Indeed, these reasons (required by statute) and what it is that the safeguarder is asked to do in the case may be almost inseparable. At interview, safeguarders generally indicated that they are not hampered by the sometimes prescriptive nature of panel members' reasons for appointment. Overall, then, "remits" were not found to constrain the work of individual safeguarders and may, in some cases, be helpful (see also paired report analysis in Chapter 5).

Finally, in relation to potentially inappropriate appointments by panel members, there should always be a reason specifically to appoint a safeguarder. If there is no such reason, then a safeguarder is probably not appropriate.

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<sup>3</sup> According to the Act of Sederunt (Child Care and Maintenance) Rules 1997/291, Rule 3.7(2), "[w]here a sheriff appoints a safeguarder, the appointment and the reasons for it must be recorded in an interlocutor".

# 5 The work of the safeguarder

## 5.1 Introduction

This Chapter explores how the current system of safeguarding operates from all agency perspectives through an examination of the work, which safeguarders actually undertake, and views of stakeholders on aspects of this. It also looks at how the role impacts on decision-making, the way in which they conduct their investigations and the reports they produce. In addition, it compares the role with that of the social worker. The Chapter specifically discusses issues around contact and residence, timescales for safeguarder reports and the extent to which safeguarder recommendations tend to be followed. It concludes by considering the role in appeals.

## 5.2 The activities undertaken by safeguarders

Free text questionnaire responses from safeguarders indicated which activities they spend time doing. These were coded under the headings of child/family-related activity, information gathering, information processing, court/hearing attendance and report preparation (Appendix 2 Table 501). The most common activity reported was that related to child/family activities (n = 66, 67%) such as interviewing and explaining the process to the child (Appendix 2 Table 502).

## 5.3 Safeguarder Investigations

Information on the way in which safeguarders carry out their work was obtained from the documentary analysis of 17 'paired' social worker and safeguarder reports pertaining to the same child(ren) in the same case where a safeguarder was appointed (see Chapter 2 for further information). While this offers a rare overview of the work of safeguarders in investigating and reporting it is a small sample and caution must be exercised in drawing conclusions. It is worth noting that the cases in the sample were complex and involved extremely vulnerable children. In 15 cases (88%), children were 'looked after and accommodated'; in 11 (65%), social workers recommended reduction or termination of contact.

All 17 safeguarder reports were based on some form of interaction with the child. This meeting generally took place either at their residential placement or at school. The safeguarder met with the child on one occasion in 13 sampled reports (76%). There were two face-to-face meetings in 3 sampled reports (18%) and three such meetings in 1 report (6%). In 11 reports (65%), the safeguarder also obtained the views of the child. In all but one of the 6 remaining cases, safeguarder reports explained why the child's views were not included, for example the child's ill health, the child's young age (under 3) and the child's emotional condition. Sixteen reports (94%) also included the views of parents. Of these, 3 reports (18%), were found to afford prominence to the parent's views, wishes and interests over those of the child.

In 14 (82%) of the sampled reports, the safeguarder had consulted with other professionals involved with the child, predominantly the child's allocated social worker (11 reports, 65%) and those working in the child's education (10 reports, 59%) such as the

nursery or school head. Professionals were more commonly interviewed by telephone (n = 12, 71%).

### 5.3.1 Comparison with social work input

When comparing safeguarders' work with that of social workers some overlap was identified. The paired reports indicated that safeguarders and social workers tended to elicit the views of similar individuals, including the child, parents/carers, wider family members and professionals, though to different degrees. In four cases (24%), for example, safeguarders had consulted family members not included in the social work report, including siblings. While (as noted above) safeguarders consulted with professionals, social work reports reflected their agency's often long-standing involvement with the child and family and were underpinned by multi-agency reviews and assessments such as in relation to the child's mental health (CAMHS - Child and Adolescent Mental Health Service). By contrast, the sampled safeguarder reports were a 'snapshot in time', based entirely on the safeguarder's current interactions with the child, family and relevant professionals.

In 6 cases (35%), the safeguarder's report was more up-to-date than the corresponding social worker's demonstrating more recent interactions with the child, family, carers and relevant professionals, including for example new information unavailable to the corresponding social work assessment on recent changes in foster care, school attendance, parental substance misuse or the child's views.

At interview, stakeholders (including safeguarders) stressed the importance of direct interaction with the child during the investigation. Sheriffs also stressed the importance of meeting with the child, although 2 cited instances where they felt the child had not been engaged with by the safeguarder:

*I'm often quite disappointed if a few procedural Hearings into the proceedings, the safeguarder still hasn't met the child, and of course not just the child but the parents as well (Sheriff 6).*

*Just occasionally you get a sense that the safeguarder really hasn't actually spent a lot of time with the child, which is unfortunate... But by and large, mostly they are pretty clear that that's the number one priority (Sheriff 5).*

All stakeholders were unanimous in confirming the importance of eliciting the child's views, where possible, and many respondents praised the skills of safeguarders in doing that.

*Most of them are very, very good at getting views and information from children and it's amazing how quickly they can get the children onside, which is really a great credit to them (Panel member 10).*

### 5.4 Contact / residence

The analysis of the SCRA sample and the paired reports (Chapter 2) as well as interview responses, indicated that a specific issue in relation to which safeguarders may be appointed is the quality and proposed frequency of contact and/or on residence. In the SCRA sample, 30 (60%) records requested information or a recommendation on contact

and 17 (34%) asked for this on residence. Safeguarders' recommendations related to contact in 13 (76%) and to residence in 16 (94%) of the 17 paired reports.

At interview stakeholders discussed the role of safeguarders in relation to contact and residence. Four safeguarders indicated that they were appointed as a result of contact issues, although not necessarily to *observe* contact *per se*. However, there were mixed views across all stakeholder groups about the value of safeguarders observing – or more explicitly *assessing* – contact between parent and child. Social workers were sceptical that safeguarders had the time and expertise to observe contact, as were some reporters and solicitors; a one-off observation by an untrained eye would not necessarily inform the decision making process.

*The observations of contact that [social workers] would be doing would be built up over a period of time, so that we could get an assessment from it. [Safeguarders] coming along to one or two contacts is not going to give you an assessment around about the quality of contact, it's not gonna give you an assessment around about attachments the children have, it's really not gonna give you any of those things. So I'm not sure about what the value of it is*  
(Social Worker 4).

*In terms of observation of contact, sometimes that's when it doesn't always really sit well with me because a lot of the time parents say contact is really good. The Safeguarder comes along, observes maybe one contact session for half an hour. Is that a fair and balanced view of contact if this client for example is having those kids removed on one contact session and say the child kicks off in this one particular contact session. Is it a fair and balanced view?*  
(Solicitor 4).

Nevertheless, certain stakeholders – the decision makers themselves: panel members and sheriffs – were of the view that safeguarders could perform a useful function in observing contact in certain circumstances.

*[For the safeguarder to be] an independent observer. I think great weight would be attached to that... if the safeguarder was to view a few contact sessions and was able to give some kind of decent detailed observation' (Sheriff 6).*

*Body language [when observing contact] tells you everything. At the end of the day, [safeguarders have] got life experience and quite a lot of them have kids or have like family and people don't realise they're reading body language but they're reading it all the time'*  
(Panel member 7).

## **5.5 Safeguarders' written reports**

The paired report analysis also offers a particular insight into the form, quality and usefulness of safeguarder reports, as explained below.

### **5.5.1 Form and structure**

Eleven (65%) of the 17 sampled safeguarder reports were structured along the following lines:

- introduction contextualising the issues;
- presentation of the sources of information relied upon by the safeguarder,
- (usually) a description of interviews undertaken with the child, family and relevant professionals;
- discussion and/or analysis of the issues arising from the safeguarder's investigations; and
- conclusions and recommendation(s) to the children's hearing.

Eleven (65%) of the 17 reports also contained an outline of the safeguarder's remit. In 9 of these, the remit related to contact arrangements; in 4 it concerned residence arrangements. In only one instance was the safeguarder unable to fulfil the terms of the remit since they were unable to contact the relevant family members. The 10 reports which addressed a stated remit were deemed by the researcher to be more focused and targeted towards subsequent decision making.

Reference was made by the safeguarder to theories such as child attachment in 4 (24%) reports, compared with 13 (77%) of the 17 social worker reports. Of these 4 safeguarder reports, two underpinned the theory by reference to relevant literature

Poorer reports were characterised by the lack of a clear structure ( $n = 6$ , 35%) and/or a lack of analysis ( $n = 8$ , 47%), merely presenting a variety of views and issues from interviews or restating what those consulted had said with little scrutiny, challenge or evaluation. Seven safeguarder reports (41%) repeated or replicated information found in the social work reports without analysis, and were regarded as adding little.

Comparing safeguarder reports with social worker reports, the main similarity was, as in relation to the investigation stage above, that the sources of information relied upon were very broadly similar. There was found to be a duplication of effort between the safeguarder and social worker in 11 of the 17 paired reports (65%). The most obvious difference was in the respective lengths. The sampled social work reports were comparatively much longer than the sampled safeguarder reports. The shortest social work report was 17 pages and the longest was 78 pages, whereas the shortest safeguarder report was 5 pages and the longest was 15 pages. The mean length of the sampled safeguarder reports was 7 pages, compared with 35 pages for the social work reports. The style of the sampled social work reports was more consistent than the safeguarder reports, not least since all sampled social work reports took the form of a standardised GIRFEC assessment involving multi-agency input from social work, education and health.

### **5.5.2 The added value of safeguarder reports**

Non-safeguarders and sheriffs were asked in the questionnaire about the usefulness of safeguarder reports. A total of 288 (276 non-safeguarders, 12 sheriffs) responded and the

most common response (non-safeguarders: n = 107, 39%; sheriffs: 7/12) was that they were extremely useful (Appendix 2 Tables 503 and 504).

At interview, two reporters commented on the lack of analysis in safeguarder reports, and stakeholders regarded them as variable in quality: some were 'brilliant' (Reporter 4) and some were 'shocking' (Panel Member 6). Good safeguarder reports were noteworthy.

*She'd done sort of similar roles [before] and I got the sense that she really knew what she was talking about, she really knew what child welfare and child protection was about... it was almost I felt that she was working alongside me investigating this complicated situation (Social worker 5).*

*Some of them are absolutely top notch, absolutely fabulous. Lots of them are really fabulous I think. Thorough and perceptive and just know about child development and know about human behaviour... the vast majority of them are actually good or very good and some are just lip service basically (Solicitor 3).*

Sheriffs felt the quality of safeguarder reports were variable, with one deriding the fact that they could be 'rambling' (Sheriff 3). Some stakeholders acknowledged that safeguarder reports – verbal or written - needed to be analytical and coherent.

*There's no point in having the keenest emotional intelligence on the planet if you can't tell the [sheriff] what it amounts to... you have to understand how to communicate with children and if you can do that then I would have thought you'd find it quite easy to communicate with the court (Sheriff 1).*

Stakeholders indicated that a 'good' report generally was comprehensive, independent, analysed the various stakeholders' views and offered some reassurance to decision makers. In comparison to social worker reports, three aspects of a 'good' safeguarder report stood out: conciseness, lack of history (or 'baggage') and accessibility. Safeguarders gave more weight to the views of the child and family and discussed options.

*I think there's often more focus on the now and the future in the safeguarder's report... in the social work report, [it's] the sort of: 'we can never trust this person to be a proper parent because... she [used to be] a drug addict'. And the safeguarder will say: 'actually she's done a hell of a lot to turn her life around and I'm not convinced that she should be denied the chance to have the children returned to her' (Sheriff 3).*

*I think social workers are probably torn by their workload, by financial restrictions and by sort of policy coming down from above them. Whereas a safeguarder is an individual making... recommendations for the right reasons. They don't have that kind of [baggage] (Panel member 8).*

*I wouldn't necessarily regard the social work information as... independent and reliable... entrenched positions can emerge and then you need to be able to get through that somehow with an independent view (Sheriff 6).*

The question of whether safeguarder reports should be based on a template received a negative response from safeguarders, panel members and reporters.

*The reason for appointing varies so much that a template would, I think, restrict the nature of the report and the quality of the report (Reporter 3).*

### **5.5.3 Timescales**

Safeguarders are required by legislation<sup>4</sup> to provide the reporter with a report within 35 days of being appointed. From the analysis of the SCRA sample, it was possible to identify the time that had elapsed between the appointment and submission of the report. A written report was submitted in 48 (96%) cases, but not necessarily within 35 days. The shortest time to provide a report was 5 days; the longest was 359 days. The safeguarder provided a report within the statutory timescale in over half (25, 52%) of the sampled records. In the remaining cases, timescales ranged from 37 to 359 days. Most of these reports were provided between 50 and 70 days following appointment. However, it took the safeguarder between 100 and 359 days to provide a report in 6 records (13%).

At interview, all reporters and the majority of social workers, panel members and solicitors acknowledged proceedings would be delayed by the appointment of a safeguarder. However, most felt that the 35 day timescale (where adhered to) was justifiable and could be accommodated through the issuing of an interim order in cases requiring immediate protection of a child pending a formal decision by the panel/sheriff. Sheriffs equally felt that the delay was not to the detriment of the child and indeed that the administrative procedures of going through Children 1<sup>st</sup> or of parents applying for legal aid caused more of a delay than any actions by the safeguarder.

*They're there early on and they don't hold things up. I've never had an experience where the safeguarder's come along and said 'I need more time because I've not got round to doing whatever'. I think they do a good job (Sheriff 7).*

Safeguarders suggested that 35 days was not always enough.

*'You have 35 days to prepare a report which is quite difficult because, by the time you get your papers from the Reporter, you then make contact with the family and I do that by phoning social work and phoning parents then. (Safeguarder 6).*

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<sup>4</sup> Children's Hearing Scotland Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013/194, Rule 56(4).

### **5.5.4 Attendance**

In the questionnaire, non-safeguarders and sheriffs were asked whether it is better for safeguarders to attend proceedings to present their reports. Four hundred (388 non-safeguarders, 12 sheriffs) responded and the majority (safeguarders n = 264, 74%; sheriffs: 12/12) said that it was (Appendix 2 Table 505).

### **5.5.5 Report dissemination**

Safeguarders reports are submitted, in the first instance, to the reporter who provides them to the child/relevant persons as parties to the proceedings. Sheriffs do not require reports but would automatically receive these if requested. Panel members receive reports as part of their papers for a children's hearing. While legal representatives have no right to sight of these reports, it is likely that their client will make them available. Social workers, then, are the stakeholder group covered by this research, which is least likely to have seen the safeguarder's report prior to the hearing. The *Practice Standards for Safeguarders* (2015: 10) currently indicate that it would be best practice for safeguarders to share their *recommendations* with "relevant persons and representatives from services and agencies in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child" and this is reiterated in the *Practice Notes for Safeguarders on Reports* (2017: 18-19). Currently it is not legally possible to share the actual report. This issue was addressed at interview. A small minority of professionals felt that the safeguarder report was for the eyes of panel members and other parties to the proceedings only. In general, panel members, reporters and social workers indicated that they thought that sharing the full report would be appropriate. Social workers themselves voiced the most concerns about not *officially* having sight of the safeguarder's report prior to a Hearing:

*You are going in blind... you'd be caught off guard, you wouldn't be able to prepare yourself, it wouldn't be fair (Social worker 2).*

*I wouldn't know necessarily what they had recommended... and what they based it on... that is a significant issue because going to any legal or quasi-legal forum... how do I go along and respond to a safeguarder's report without having seen it? (Social worker 4).*

## **5.6 Safeguarder recommendations**

The research also looked at safeguarder recommendations and particularly whether or not they tended to be accepted by decision makers and whether they aligned with the recommendation in the social work report.

### **5.6.1 Frequency**

In the SCRA sample a recommendation was provided in all 48 cases where a report was produced (96%). All 17 of the safeguarder reports in the paired report analysis contained a recommendation. At interview, however, only 4 sheriffs mentioned specifically that safeguarders provided a recommendation, with 3 suggesting they did not.

### **5.6.2 Nature**

In the SCRA sample the recommendations were directed towards disposal: for example, whether a CSO was necessary in respect of the child and/or the possible measures that might be attached to any such order. Recommendations were coded and analysed by reference to the coded reasons (Appendix 2 Figure 1) for which safeguarders had been appointed. By this method, the safeguarder's recommendation was found to fully address those reasons in 30 records (63%) and partially in 9 records (19%).

In the paired report analysis, additional services or supports, beyond those already tried, were recommended by safeguarders in 5 reports (29%), for example a clinical psychologist assessment.

### **5.6.3 Whether followed**

From the SCRA sample, it was additionally possible to ascertain whether the decision of the hearing followed the recommendation of the safeguarder. It did so in 38 records (76%) (Appendix 2 Figure 3). The SCRA sample suggested that children's hearings usually followed the recommendations of safeguarders. However interview data indicated that this may depend on the quality of the report.

*Where it's an excellent report, it convinces you... you would take that recommendation... But then you might have another period where either the report isn't there, or the safeguarder isn't there or it's just wishy washy (Panel Member 9).*

Overall, at interview, safeguarders and other stakeholders generally agreed that the majority of safeguarders' recommendations were accepted by both panels and sheriffs, and, as discussed below, that these tended to be consistent with the social worker's recommendation (or in the case of court work, with the reporter's statement of facts). One solicitor remarked that the recommendations of safeguarders and social workers tended to be consistent and that this was the 'preferred option' (Solicitor 1) for any hearing. One reporter expanded on the weight given to safeguarder recommendations '.

*I think sometimes too much weight is attached to a safeguarder recommendation... it tends to be the focus because we've asked for an independent view... But...it is just another view, albeit it's independent. But I think there's a general feeling that far too often the recommendation of the safeguarder is taken. Now that might totally align itself with what the local authority was saying in the first place anyway, so it's not really that controversial a lot of the time. But... I very rarely see a hearing go against a safeguarder recommendation (Reporter 4).*

Panel members tended to concur with this view, although one panel member (Panel Member 5) did stress that the safeguarder's view was just 'part of the jigsaw'.

Questionnaire responses from non-safeguarders showed increased confidence in a decision following safeguarder involvement. One hundred and fifty nine (58%) of the 276

respondents felt this. Sheriffs were asked if the involvement of a safeguarder made the decision in the case more robust and, again, the overwhelming majority (10/12) said that it did (Appendix 2 Table 506).

#### **5.6.4 Consistency with social work (and others)**

In 26 (52%) of the 50 sampled records, it was possible to determine whether there was agreement between safeguarder and social work recommendations. Of those, the safeguarder agreed with social work in 19 records (73%). In the paired report analysis, agreement was also found in 12 of the 17 cases (71%); partial agreement was identified in 3 reports (18%); and disagreement was identified in the remaining 2 reports (11%). All disagreement (partial and complete) related to an aspect of contact or residence. In one case, the social worker had recommended that contact take place in the community rather than on social work premises (in accordance with the child's express wish). The safeguarder's view, based on potential risks and security issues, was that the contact should continue to be supervised within social work offices. In another case, the safeguarder opposed a social work recommendation for a reduction in, and ultimate termination of, contact with the parents and in a third, the safeguarder recommended re-establishment of contact against a social work view that improvements in the mother's lifestyle had not been sustained for long enough to warrant this.

At interview, safeguarders noted a strong correlation between their own recommendations and those of social work (with only the detail being contested, as in the case of frequency of contact, for example).

However, some social workers expressed misgivings including about the consequences for the social worker who has to act on the eventual care plan.

*An effective safeguarder... does not helicopter in, throw an incendiary device and then run away (Social worker 3).*

*If you're passionate about what you do [as a social worker] and you make a recommendation and an assessment round about something and you think, this is absolutely the best that I can do for this child, and somebody comes along and... just kind of kicks that into touch and you get something completely different... [social workers] will tell you... they feel so frustrated and anxious that they didn't get the best thing for that child (Social worker 4).*

#### **5.6.5 Relationship with action taken by children's hearings**

From the SCRA sample it was possible to identify the substantive decision taken by the children's hearing. Compulsory measures of supervision were overwhelmingly imposed. A CSO was either made or continued in 47 records (94%) and was terminated in 3 (6%). The majority (94%) of the sampled records related to children already subject to some form of compulsory measures. Such orders were more commonly continued (n = 40, 80%) rather than made (n = 7, 14%). Nine (23%) of the continuations were without variation and 31 (77%) were with variation.

It was also possible to compare the measures attached to CSOs before and after safeguarder appointment. There was a change in measures in 38 records (76%) with changes related to contact in 28 records (74%) and residence in 9 records (24%).

By analysing the reasons given for the substantive decision of the children's hearing, it was ascertained whether the final decision related to the reasons for which a safeguarder had been appointed in the first place. The substantive decision was found to relate to those reasons in 44 records (88%).

### **5.6.6 Appeals**

In addition to their work in children's hearings and at court proofs, safeguarders can also have a role at appeal, and are empowered to bring appeal proceedings (2011 Act, s 154(2)(c)). In the questionnaire, most respondents indicated that they did not know whether the involvement of a safeguarder affected the number of appeals (see Appendix 2, Tables 507 and 508).

In 9 (18%) of the 50 cases in the SCRA sample, the substantive decision of the children's hearing was appealed, primarily by a parent or relevant person. Only in one record was the decision appealed by the child and no appeals were lodged by safeguarders. It was found that the reason for the appeal related to the safeguarder in 4 cases, for example that: the hearing failed to give due weight to the safeguarder's report (though this appeal was dismissed.)

At interview, stakeholders were asked about their experience of appeals involving safeguarders. The general consensus was that safeguarders have little or no influence on any increasing propensity to appeal, and indeed none of the 9 sheriffs had had experience of a safeguarder *bringing* an appeal, although 3 sheriffs had had experience of appeals *involving* safeguarders, 2 of whom highly commended the safeguarders in that process:

*A safeguarder had been appointed by the Children's Hearing, provided a report to the hearing and a supplementary report in the appeal, which I thought was a fantastic report because this is a very complex family situation. The safeguarder, although not qualified in psychology, had really worked very hard to put himself in the situation of the child... it was really helpful as a way of focusing on the core issue which is... [is] this decision on the appeal a good decision in the interests of the child? (Sheriff 5).*

Three safeguarders at interview had instigated an appeal, two on more than one occasion. For example, in one of these cases, the safeguarder successfully appealed a decision not to return children to their mother's care. Social workers also cited experience of appeals instigated by or involving safeguarders.

According to participants in the safeguarder focus group, the safeguarder's role in appeals may offer continuity between the children's hearing and court, being possibly the only individual who follows the process from one to the other and can inform the sheriff of the process at the children's hearing that led to the appeal.

## 5.7 Discussion and conclusions

The research suggests that safeguarders' meetings with the child are a key part of their work and much valued by decision-makers. Both the paired report analysis and the interviews point to the benefits, in terms of reporting, of this direct interaction. The paired report analysis indicated that safeguarders generally managed one face-to-face meeting. While the 35-day timescale, and the 'snapshot' nature of the role tend to militate against much direct contact with the child, where appropriate, safeguarders should be encouraged to do all they can to meet with the child in person. Meeting more than once, where appropriate, would also increase the likelihood of effective communication with him/her and, therefore, more effective presentation of his/her interests and views.

Issues relating to residence and / or contact are clearly contentious and the independence of the safeguarder's perspective on these may be valuable especially where other attitudes are entrenched. It is equally clear, however, that there are limits to what the safeguarder can offer given the constraints of time and professional qualification. Safeguarders offer a 'snapshot' of the child's circumstances; contact and residence issues are long term and often complex, possibly requiring, for example, psychological assessment of the child. To assist decision makers in recognising these limitations on what safeguarders can be asked to do, considerations specifically around contact and residence could be included in any further written information on reasons for appointment produced in accordance with the discussion in Chapter 3.

The research suggests that the quality of safeguarder reports is variable, an issue which Children 1<sup>st</sup> is addressing through report sampling. Good quality safeguarder reports were identified, in the paired report analysis, as being well-written, clearly structured and offering analysis and discussion of the information collated during the investigation supporting a recommendation in the child's best interests. Comparison with the work of social workers did suggest some overlap; however, safeguarders' reports are appreciated by interviewee stakeholders for their conciseness, lack of history (or 'baggage') and accessibility by comparison with the social work counterparts. Where there is considerable overlap, in investigation and recommendation, between the two professionals, safeguarders can still add value in that their work is carried out independently and, even where they agree with the social work recommendation, can therefore be seen as a verification of it. Safeguarder reports complement social work reports where they provide new, more up-to-date or different information, such as the view of a sibling or the identification of an untried resource. While a report template was regarded as unhelpful, the Scottish Government has just published a comprehensive set of *Practice Notes for Safeguarders on Reports* (2017) which may enhance effectiveness in report writing.

The research indicates that safeguarder recommendations are followed in the majority of cases, suggesting that they are valued by decision makers. Furthermore, the majority of stakeholders indicated that they found safeguarder reports useful and they had more confidence in the decision following safeguarder involvement.

Where a safeguarder is appointed, time (usually 35 days) will have to be added into the process for him/her to report thereby inevitably causing some delay in reaching a substantive decision, something which, again, decision-makers should factor in to the

decision to appoint. The research does not clearly indicate that delays beyond the statutory period can be attributed to safeguarders.

The research indicated that a number of stakeholders (across all groups) saw value in social workers automatically receiving a copy of the safeguarder's report in advance of the proceedings so that discussion within the hearing could be more focused and effective. The *Practice Standards for Safeguarders* (2015: 10) do indicate that it would be best practice for safeguarders to share their *recommendations* with "relevant persons and representatives from services and agencies in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child" and this is reiterated in the (new) *Practice Notes for Safeguarders on Reports* (2017: 18-19). Currently, however, it is not legally possible to share the actual report with social workers and consideration should be given to whether it would be beneficial to the process for them to see recommendations in the context of the whole report in advance.

# 6 Centralisation, administration and training

## 6.1 Introduction

The 2011 Act, s 32 required the Scottish ministers to set up a national Safeguarders Panel. This was done in 2013 and the contract for administration of this Panel was awarded to Children 1<sup>st</sup>. In October 2016, the Scottish Government published, as part of the ongoing modernisation programme, its *Performance, Support and Monitoring Framework* for safeguarders. It should be borne in mind that safeguarder respondents were, thus, at the time of the research, subject to changing structures in these respects. In this Chapter, we explore stakeholder views on administration of the current system for safeguarders. We identify skills and qualifications required for fulfilment of the role of safeguarder and look at safeguarders' management, support and training needs.

## 6.2 The move to a national safeguarder panel

The questionnaire asked whether the shift to the national panel had made a difference to the way in which safeguarders work. For the 81 safeguarders and 272 non-safeguarders who responded, the scores ranged from zero to 10. The responses showed a clear difference between safeguarders and non-safeguarders. For the 81 responding safeguarders, the most common score was 10 (n = 19, 24%), indicating a lot of difference has been made. For the 272 non-safeguarders it was 5 (n = 106, 39%), indicating a moderate difference has been made (Appendix 2 Table 602).

Free text questionnaire responses on what changes, if any, had been seen were coded using the headings in Appendix 2 Table 601. Twelve respondents (1 safeguarder, 11 non-safeguarders) said that they had seen more safeguarders (free text comments indicated that this increased pool came with greater abilities) while 53 (34 safeguarders, 18 non-safeguarders) noticed an improvement in quality (more accountability and a drive towards a national standard). While the majority of comments made could be seen to be positive, 49 responders (20 safeguarders, 29 non-safeguarders) made negative comments including too much oversight/scrutiny and no improvement in safeguarder quality (Appendix 2 Table 601).

Questionnaire respondents were also asked specifically if they had noticed any changes in practice around how safeguarders gathered children's views. The largest number of respondents (n = 256: 38 safeguarders, 218 non-safeguarders) answered that they did not know (Appendix 2, Table 603).

Free text questionnaire responses on what changes have been seen were coded using the headings in Appendix 2 Table 604. The phrases that fell into these categories were all positive in nature. Six respondents (3 safeguarders and 3 non-safeguarders) said they had noticed changes in the interactions with children and families while 6 (4 safeguarders, 2 non safeguarders) said they had noticed increased training and provision of guidelines (Appendix 2 Table 604).

At interview, stakeholders were also asked about the shift to the national panel and the administration of the role by Children 1<sup>st</sup>. Generally speaking, this shift was seen as positive by safeguarders, in terms of consistency, a fairer allocation of safeguarders and national training, although several safeguarders suggested that consistency of practice might undermine a safeguarder's independence, and that centralisation might result in an increasing perception of 'remoteness' of 'management' by Children 1<sup>st</sup>.

*The advantages [are] better training and a fairer system of allocation of work. The disadvantages... I know the aim is to get consistency of practice because some safeguarders maybe have not been doing a great job. [But] I am concerned about the loss of my independent role in terms of being able to make professional judgements the way I would be before... it's no longer writing a report... for the panel, it's also about writing a report to please Children 1<sup>st</sup> (Safeguarder 11).*

*I would have stuck with the local authority and there's a number of practical reasons for that, apart from the ability to get to know people in the system and have contacts for advice and second opinion and... knowing your local area (Safeguarder 5).*

One safeguarder, quoted below, expressed the view succinctly that the national panel was more virtual than actual, with no representation or 'esprit de corps', not least because all safeguarders' contact details are held centrally and are not available to other safeguarders:

*The national safeguarders panel has no independent symbolic representation in the country... there's no body... it's like a list of people who are members of the national panel but the national panel has no spokesperson... There is a [safeguarders'] association but the Scottish Government's stopped their funding (Safeguarder 7).*

Most other stakeholders were aware of the shift but not all views were positive. Whilst hoping that standards would improve, one reporter mentioned the process of obtaining a safeguarder as becoming 'cumbersome' or 'officious', one sheriff suggested it was more work for his clerks, and others that it had not brought added consistency or quality of safeguarders, and had not improved the number of safeguarders available for appointment.

### **6.3 Practice standards**

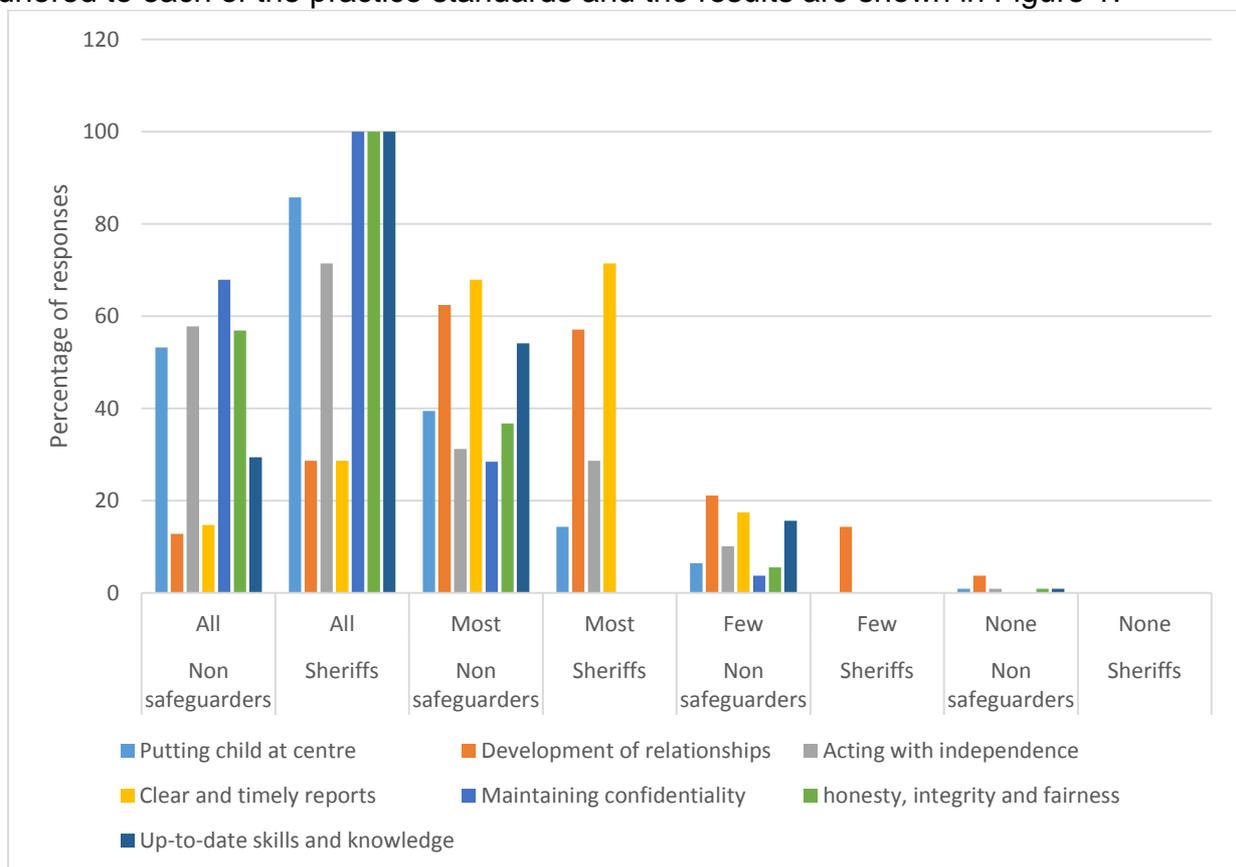
In the *Performance Support and Monitoring Framework for Safeguarders* (2016), Children 1<sup>st</sup> introduced ministers' seven practice standards which are provided as a basis for monitoring performance. These are putting the child at the centre, clear and timely reports, up-to-date skills and knowledge, development of relationships, maintaining confidentiality, acting with independence and honesty, integrity and fairness.

In the questionnaire, safeguarders were asked to what extent these practice standards provided a good framework for the safeguarder role. Eighty-six (87%) safeguarders responded and the scores received ranged from 2 (does not provide a good framework) to 10 (does provide a good framework) out of 10. Twenty-seven (64%) gave a score of 8 or

above, indicating the practice standards do provide a good framework for the safeguarder role (Appendix 2 Tables 605 - 607).

Eighty-two (83%) of the safeguarder questionnaire respondents ranked the seven practice standards in order of importance (Appendix 2 Figure 4 and Table 608). 'Putting the child at the centre' was ranked 1 (= most important) by 52 (53%) safeguarders and, though 22 (27%) ranked it 7 (= least important) it is clearly significant. 'Keeping up to date with skills/knowledge' was one of the least important practice standards. Only 6 safeguarders ranked it 1 (= most important) whilst 24 ranked it 7 (= least important).

Non-safeguarders and sheriffs were asked if they were aware of the 7 key practice standards. One hundred and nine (40%) of the 276 non-safeguarder and 7/12 of the sheriff respondents indicated they were aware of them (Appendix 2 Table 609). Of the 167 (61%) non-safeguarders who were not aware, 78 (47%) were panel members and 60 (36%) were social workers. Those who said they were aware of the practice standards were asked to indicate in how many cases in which they were involved the safeguarder adhered to each of the practice standards and the results are shown in Figure 1.



**Figure 1: Adherence to practice standards as estimated by non-safeguarders and sheriffs**

At interview, most stakeholders were unaware of the introduction of the 7 key practice standards. Safeguarders themselves found them, on the whole, to be a positive development, but somewhat unnecessary given their existing professional codes of ethics. As one safeguarder explained: I regard them as reflecting the work that I do anyway' (Safeguarder 10).

## 6.4 Administration and Oversight of Safeguarders' Work

At interview, the majority of non-safeguarder respondents had little awareness of the detail of Children 1<sup>st</sup>'s involvement with the administration and training of safeguarders. Those who had a view suggested that it was advantageous to have a neutral or independent organisation performing this function. Reporters mentioned that having a central organisation to which complaints or queries could be addressed was useful and that such a central body could – or should – offer greater consistency and quality assurance.

One of Children 1<sup>st</sup>'s innovations was the introduction of the “taxi rank” system by which new appointments are allocated to the next available safeguarder to avoid any possibility that the same safeguarders are always appointed and others receive less work. Interview respondents predominantly approved of this system with the proviso that panel members or sheriffs could request a particular gender or skill set when appointing, if deemed necessary.

Some safeguarders did speak more of negative aspects of Children 1<sup>st</sup>'s oversight of the safeguarder panel, despite offering no alternative model. These safeguarders suggested that the organisation was too bureaucratic and took on more of a monitoring than a mentoring role:

*These people that are supervisors aren't even safeguarders... well one is... So they're judging us on... practice standards. Whereas the [children's hearings] are looking at you for what's best for the child... I have no issue being policed... But I know there's a lot of tension that people feel criticised (Safeguarder 6).*

## 6.5 The underlying skills of safeguarders

Safeguarders frequently have (or have had) a professional background as, for example, social workers, solicitors, teachers or reporters and, at interview, indicated that the safeguarder role builds on the skills acquired in those positions:

*[Safeguarding's] a totally different hat... It was something that I had an interest in. I was always – as a family lawyer – I was always involved in doing court reports and curator reports and safeguarding was just a natural development from that. It was an interest that I've always had, particularly in representing and ensuring the best interests of children (Safeguarder 10).*

*It's the area of work in which I've been working. I do children and family work... and it seemed a natural extension to what I was doing (Safeguarder 2).*

Questionnaire respondents commented on whether underlying professional skills/qualifications helped safeguarders in their role. Eighty-two (83%) of the 99 safeguarders, 276 (77%) of the non safeguarders and 12/16 of the sheriffs responded. More than 90% (n = 77) of safeguarders gave a score of 8 or more out of 10, indicating they were very helpful (Appendix 2 Table 610). One hundred and thirty-six (49%) non-

safeguarders and 11/12 sheriffs also gave a score of 8 or more out of 10 (Appendix 2 Table 610).

Free text questionnaire responses were used in the questionnaire to collect more information about the skills, qualifications and qualities that are important to the role (Appendix 2 Table 611). Interpersonal skills (for example the ability to engage with children and families) were mentioned by 66 (67%) safeguarders 159 (44%) non-safeguarders and 7/16 sheriffs. Professional skills (for example knowledge of legal systems or understanding of child development) were mentioned by 56 (57%) safeguarders 161 (45%) non-safeguarders and 8/16 sheriffs (Appendix 2 Table 612).

## 6.6 Payment of safeguarders

At interview, the question of payments to safeguarders generated a mixed response, although the vast majority of stakeholders felt that safeguarders *should* be paid for their time and expertise. Some stakeholders did not realise that safeguarders got paid at all (when panel members did not), and one respondent felt that they got paid too much. However, others felt that they should be getting *more* money for their input than was currently the case. Some safeguarders also complained about the fact that training sessions and travel time to visit children/families were not included in their payments. Sheriffs tended to think that payment would increase the quality of safeguarders appointed.

## 6.7 Training of safeguarders

Of the 81 (82%) safeguarders who responded to the question of training in the questionnaire, 64 (79%) felt that they had been provided with appropriate training and support to fulfil the safeguarder role. Eleven safeguarders provided free text responses as to the additional training/support which they would find useful. Ten safeguarders mentioned specialist training in areas such as court work, substance misuse and interviewing techniques as important, whilst 6 mentioned extra support such as mentoring/buddying, the provision of a support hotline and counselling. Four said extra professional development including problem solving skills and restorative approaches (Appendix 2 Table 614).

The majority (n = 192, 70%) of the 273 non-safeguarders who responded about training of safeguarders indicated that they did not know if safeguarders had been provided with appropriate training and support to fulfil their role though 6 (54%) of the 11 responding sheriffs thought that they had (Appendix 2 Table 613).

Free text responses provided more information on the additional skills/training that non-safeguarders felt would benefit safeguarders:

- legal issues and processes were mentioned by 19 which encompassed, *inter alia* training on court work – how to be a party to proceedings;
- child development and protection skills were stated by 14 which included training on attachment and on neglect; and

- communication skills, assessment skills and reporting skills were mentioned by 7 (including training on how to engage and effectively communicate with children and parents/carers and training on how to write a comprehensive report).

Fuller details are given in Appendix 2 Table 615. In terms of delivery, when asked, in an earlier question, about how to improve understanding of the safeguarder role, some respondents proposed inter-agency or joint training.

At interview, the vast majority of non-safeguarders knew nothing of the training provision for safeguarders. For safeguarders themselves, the existing training provision received a mixed reception. Some respondents mentioned 2 or 3 mandatory training sessions per year, attendance at which safeguarders felt should not have to be covered out of their own pocket. The main concern – voiced by safeguarders both newly recruited to the job and those with a well-established track record– was that the training was too basic and attempted to provide a one size fits all training programme to people from a multitude of backgrounds and varying lengths of service.

*I don't get the sense that they try and [tailor it] for everyone. I find it all quite uninspiring and almost as if it's a box ticking exercise  
(Safeguarder 3).*

*Training must meet the needs of the practitioners, not Children 1<sup>st</sup>  
(Safeguarder 7).*

However, half of the safeguarder respondents said that some of the training was very good, with many citing as 'excellent' an addiction training session. That session apart, most safeguarders felt that the training did not contribute to improved working practices.

*You've got to relate [the training] to what our role is as a safeguarder... Children 1<sup>st</sup>... don't understand that role... and that's why we're all saying ... 'you've really got to get this training to a decent standard'. But they don't listen and they don't involve us and they just assume that they know what we need, but they don't relate it to the role (Safeguarder 1).*

*There must be a better way to manage a group of adults who all have training and experience and qualifications in working with families... without standing on their toes, that would provide good support and training that safeguarders agree with (Safeguarder 3).*

Several safeguarders suggested that peer support was important to them in that it is more focused on the expertise and experience already available in the field:

*The good thing about going to training days is that you meet up with other safeguarders and you're able to spend time with people and catch up with them, talk about cases that are worrying you, talk about things that you're unsure about (Safeguarder 3).*

*[Safeguarders] are amongst some of the most seasoned and skilled and experienced professional people in Scotland... the good part about [training sessions] is meeting other safeguarders  
(Safeguarder 7).*

When safeguarders were asked what additional training they would like, or felt they needed, the most common gap in their training seemed to be on court processes – how the courts and the legislation works and the different nuances of the role for safeguarders appointed by sheriffs versus panel members. As one safeguarder focus group member described it, safeguarders without such training were currently ‘*just being thrown to the wolves*’ within the court system. More generally, however, safeguarders wanted to have training which was attuned to their needs and proactively developed their role, rather than to have exercises which were deemed to be auditing or monitoring their existing work. Other gaps in training included in appeals, hearings procedures, contact and attachment, children’s rights, mental health, resources for children and social work processes. However, often safeguarders stated at interview that they needed advice and further information more urgently than twice or three times a year at training events, and several implied that they would like a central resource from which they could seek informal advice at the time of writing a safeguarder report. However, several safeguarders suggested that Children 1<sup>st</sup> was afraid that giving them that advice would undermine safeguarder independence.

Social workers felt that further training could be provided to safeguarders in contact/attachment, engaging with children, report writing and child development. All solicitors and some sheriffs noted that safeguarders needed more training in court processes, not least in an otherwise unfamiliar environment to them:

*[Safeguarders] tend to get overlooked. So the Reporter strikes a deal and then somebody in the court says ‘oh Christ, what about the safeguarder?’... It’s difficult for the safeguarder I think. [You’ve] got a reporter who’s very experienced, you’ve got sometimes counsel, 99% of cases solicitors, most of the time very experienced, they all know each other, all striking deals and deleting things and scrubbing things, they know the judge... it’s all an alien environment for a safeguarder (Solicitor 3).*

Reporters agreed with sheriffs and solicitors that safeguarders needed to know more about court procedures, as well as child development and child protection issues. Panel members were primarily concerned about safeguarders’ current inexperience in report writing, but also mentioned further training being required in contact, child development, empathy and the role of the safeguarder in proceedings. Panel members in a Focus Group discussion suggested that less experienced safeguarders should perhaps ‘shadow’ a more experienced safeguarder until their knowledge and confidence had increased, or to observe hearings as part of their training.

At interview, stakeholders were asked about the possible provision of formal postgraduate training for safeguarders. This was not favoured and raised concerns, particularly for safeguarders and panel members, around imposing unnecessary uniformity on a group of people with often existing and vast-ranging skills and expertise.

## 6.8 Discussion and conclusions

Children 1<sup>st</sup> have undertaken a great deal of work in relation to setting a framework, for consistent and high quality safeguarder practice, including introducing ministers' 7 key practice standards, and working with safeguarders to implement this. Safeguarders generally welcomed these standards or at least saw them as a formal statement of the ethical standards to which they generally adhered.

This work by Children 1<sup>st</sup> has been in relation to administration of the national Safeguarder Panel so it is perhaps unsurprising that the majority of non-safeguarder questionnaire respondents had not noticed differences in relation to the safeguarder role since 2013. Those who had noticed differences expressed mixed views with some, for example, perceiving increased quality in the safeguarder pool and recognising more consistency through the provision of the 7 key practice standards. Others suggested that safeguarders now had less autonomy and that there was too much scrutiny of their work. At interview, stakeholders (including safeguarders) particularly welcomed the taxi rank principle of appointment for its fairness and consistency, (always provided that, where necessary, it should remain possible to request a safeguarder of a particular gender or with a special skill set). One safeguarder suggested they would prefer a return to management through the local authority, but non-safeguarders offered little when asked about alternative management structures, perhaps because of their apparent lack of familiarity with the existing ones.

To perform the role effectively, safeguarders need to be properly trained for it and, in responding to the questionnaire, a clear majority (n = 64, 79%) felt that they had been provided with appropriate training and support. Questionnaire responses also provided strong support for the view that the professional / underlying skills and qualifications which safeguarders bring with them into the role are helpful in carrying it out. A majority of safeguarders (n = 81, 99%), non-safeguarders (n = 171, 62%) and sheriffs (11/12) scored this at between 7 and 10 (on a 0 - 10 scale) (Appendix 2 Table 610). These skills will vary with the safeguarder's main (or previous) occupation and while some were coded as generic (eg communication and inter-personal skills) others included professional qualifications in law, social work, health and psychology. At interview, safeguarders felt that these skills were not always taken into account in the provision of training. Clearly, all safeguarders require baseline competencies in carrying out the role; however, when asked about additional training needs in the questionnaire, both safeguarders and non-safeguarders identified some areas – for example court work and social work practice – in which safeguarders with a relevant professional background will already have capability. This suggests that there is a benefit to effectiveness in recognising this and seeking to upskill where possible. Both safeguarders and non-safeguarders indicated that safeguarders could benefit from additional specialised training. A key area in which this is indicated, throughout the research and by sheriffs at interview, is in court practice and skills. Further safeguarder training in child attachment and development might also be of benefit given that safeguarders may be involved in issues of contact and residence. With regard to enhancing consistency of understanding of the safeguarder role (Chapter 3) some questionnaire respondents also suggested joint training between safeguarders and other stakeholder groups such as panel members, social workers and sheriffs, with

safeguarders potentially having a role in content and delivery where training relates specifically to what they do.

In addition to specific training, some safeguarders stated at interview that they would value more support in the role, alongside monitoring of their work. In responses to the questionnaire, a system of peer support through one-to-one buddying or shadowing was suggested. Safeguarders would also welcome more opportunities to come together, or to liaise with, their colleagues, in addition to training events. These arrangements could be examined for feasibility, bearing in mind both any provision already made in the *Performance Support and Monitoring Framework*<sup>5</sup> and the particular sensitivities of the role which militate against informal discussion of identifiable cases.

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<sup>5</sup> The *Framework* makes provision for “Group Events: Engagement Events” (p 14) but these were not mentioned by questionnaire or interview respondents during the research

# 7 Understanding and Supporting the Role

*As a panel member, we do really greatly appreciate [safeguarder] input and in certain cases they are utterly invaluable. There are some extremely good and dedicated people out there who do it for the right reasons and that can be absolutely vital to what we do in order to get the decisions right for the benefit of the individual children (Panel member 1).*

## 7.1 Introduction

Safeguarders work in complex cases involving children, some of whom may be very young or vulnerable. The possibility of appointing a safeguarder, as an independent actor who safeguards and protects a child's interests in such proceedings, is therefore important to the effectiveness of the system and to keeping the child at the centre of it. This research aimed to explore the perceptions of key professional stakeholder groups - sheriffs, panel members, social workers, solicitors, reporters and safeguarders - of the safeguarder role and the added value that it brings to proceedings. It generated particularly rich data however, it should be borne in mind in interpreting findings that some sample sizes were small and none were representative of the composition of the groups in relation to which they were drawn. This concluding chapter discusses certain issues arising from the key findings, organised by reference to the content of the preceding chapters: safeguarder role; reasons for appointing safeguarders; safeguarders' work; and centralisation, administration and training.

## 7.2 The role of the safeguarder

Our findings indicated that stakeholder groups were of the view that their counterparts in other professions did not understand the role of the safeguarder. Nonetheless, similar accounts of the role were obtained across all groups and indeed 95% of safeguarders felt that they were very clear about what was expected of them (ranked 8-10 in Table 301). We also found that there may be overlaps with other roles within the system. In most cases, however, the safeguarder role is distinguishable, in that it goes beyond presenting the child's views (as child advocacy workers may do) and does not represent the child by acting on his/her instructions (as a solicitor does) but rather analyses all information (including views), to make a recommendation in the child's best interests. There is greater overlap with the work of social workers but, even here, the safeguarder role generally complements rather than duplicates this work by bringing new information or, at least, independently verifying the social worker's recommendation. Nonetheless, in making the determination as to whether a safeguarder is needed at all, sheriffs and panel members may be advised to consider first whether the purpose is already fulfilled satisfactorily by another agency. They may benefit from further written guidance on reasons for appointing to assist them in this respect. Safeguarders will be most effective where there is a consistent understanding across stakeholder groups of the content of their role so that, for example, decision makers only appoint where the role can have an impact.

One way to promote such a more consistent understanding of the role might be the adoption of a core definition for use across all stakeholder groups. A possible example,

using the data collected on the content of the role, and discussed with all three focus groups (safeguarder, panel member and social worker), is:

**The paramount role is to safeguard the best interests of the child, to keep him/her at the centre of proceedings, and to inform decision making through independent information gathering (including, as appropriate, the child's and others' views), and objective and analytical reporting.**

A child-friendly version might also be developed.

The safeguarder's role in the court setting can be different to that in the children's hearing in that, for example, a written report is not necessarily required for court. At interview, sheriffs suggested that the results of the safeguarder's investigation might be presented by leading evidence (including calling witnesses) – skills which are otherwise only commonly required in legal practice. Overall, some safeguarders were, on occasion, perceived to be less effective in the court setting given the legal skillset indicated. (Safeguarders have a variety of main occupations including, but not limited to legal practice). Safeguarders who lack these skills might benefit from further written guidance on what is required and specific training in court practice and skills.

### **7.3 Reasons for appointing safeguarders**

Respondents were generally in agreement that the main reasons for appointing a safeguarder were to act independently, to unravel conflictual issues, to gather information and to ascertain views (primarily those of the child but also of others such as parents and professionals already involved). However, practice in terms of identifying and recording reasons for appointment varied considerably between children's hearings and court: panel members could be quite effusive in their reasons whilst sheriffs often left the 'reason' for the safeguarder to determine. At interview, mixed views were expressed as to the desirability of panel members providing such detailed reasons for appointment as to amount to a remit. While some safeguarders were resistant to this, fearing that it might compromise their independence, or their ability to determine the nature of the work required in an individual case, in general they indicated that they are not hampered by the sometimes prescriptive nature of panel members' reasons for appointment. Some panel members felt that it was important to make their reasons for appointment clear to the (different) panel members who would receive the report. The paired report analysis found that those safeguarder reports which presented and addressed a stated remit were considerably more focussed and targeted towards subsequent decision-making in respect of the child. This suggests, at least, that the provision of written reasons is of some value to the safeguarder. The interview data also suggested that, on rare occasions, panel members may appoint to pass the substantive decision to another hearing or to defuse tension within a hearing. Overall, it would be conducive to effective work by the safeguarder if sheriffs were encouraged to provide reasons and panel members ensure that there is a clear purpose notwithstanding tension in making an appointment.

A specific issue which was identified is that safeguarders may be appointed in cases involving contact and/or residence and some concerns were expressed that asking a safeguarder to provide an analysis of these complex, specialised matters might be pushing the boundaries both of their remit and their professional expertise. Equally, panel members and sheriffs welcomed their input. Overall, panel members need to be realistic about what

a safeguarder can achieve; safeguarders may need specialist training (including skills) in these highly sensitive issues. Key questions include how the balance is achieved between reporting on the child in the moment as the safeguarder observes him/her and the effect of changing contact arrangements on his/her longer-term wellbeing. Further written guidance for decision-makers on contact/residence, as a reason for appointment may be beneficial.

## 7.4 The work of the safeguarder

Our research indicates that the work of the safeguarder generally involves an investigation of the child's circumstances conducted by examination of existing professional reports and interviews with the child, family members and others closely involved in the case. Safeguarders are expected to analyse all information collated to identify, or to make a recommendation, which represents, the child's best interests. For children's hearings, they provide a written report. A key part of the safeguarder role is thus to support, assist and facilitate robust decision-making. Overall, the majority of research participants suggested that safeguarder effectiveness means thorough investigations and clear recommendations giving rise to a perception by all concerned that the safeguarder has, where appropriate, presented the child's views and safeguarded the child's interests, that their reporting was of a high quality, and that they were completely independent. The research also suggested however that occasionally within the investigation the safeguarder did not meet with the child (albeit sometimes for good reason) and that the quality of reports and/or recommendations can be variable. Meeting with the child, more than once, where appropriate, should be encouraged as it seems to increase the likelihood of effective communication and, therefore, more effective presentation of his/her interests and views. Children 1<sup>st</sup> undertake report sampling which will assist in addressing this perceived deficit and the Scottish Government has published (June 2017) a comprehensive set of *Practice Notes for Safeguarders on Reports* which may assist in raising quality where necessary. Safeguarders might also benefit from further training on report writing.

The *Practice Standards for Safeguarders* (2015: 10) do currently indicate that it would be best practice for safeguarders to share their *recommendations* with "relevant persons and representatives from services and agencies in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child" and this is reiterated in the *Practice Notes for Safeguarders on Reports* (2017: 18-19). Currently it is not legally possible to share the actual report and consideration should be given to whether it would be beneficial to the process for social workers to see recommendations in the context of the whole report in advance. At interview, panel members, reporters and social workers indicated that they thought that sharing the full report would be appropriate, though safeguarders tended to think that sharing recommendations was both sufficient and more important.

## 7.5 Centralisation, administration and training

Children 1<sup>st</sup> has undertaken a considerable amount of work, since the organisation was awarded the contract in 2013, to promote consistency and quality in the work of safeguarders and this was recognised by many respondents. Whatever advantages may

be identified in the existence of the role, its value in individual cases is dependent on how it is performed. Many safeguarders clearly recognised the benefits and importance of, for example, monitoring and practice standards in this respect. Equally, our research found that the safeguarder role can be complex, difficult and isolating and some safeguarders indicated that they would value more support. In responses to the questionnaire, a system of one-to-one buddying was suggested and in focus group discussions, participants mentioned newer safeguarders shadowing more established ones, as a form of induction. Safeguarders also mentioned having the opportunity to meet informally as a group, for advice, networking and sociability, over and above the scheduled training events. The feasibility of each of these suggestions could be explored further, bearing in mind the need for those doing the buddying or shadowing to be at an appropriate professional standard to mentor their peers and the particular sensitivities of the role which militate against informal discussion of identifiable cases.

A majority (around four-fifths) of safeguarders felt that they had been provided with appropriate training and support to perform the role effectively. Questionnaire responses also provided strong support for the view that the professional/underlying skills and qualifications which safeguarders bring with them into the role are helpful in carrying it out. These skills will vary with the safeguarder's main (or previous) occupation. At interview, safeguarders felt that these skills were not always taken into account in the provision of training. Clearly, all safeguarders require baseline competencies in carrying out the role; however, when asked about additional training needs in the questionnaire, both safeguarders and non-safeguarders identified some areas – for example court work and social work practice – in which safeguarders with a relevant professional background will already have capability. There may be a benefit to effectiveness in recognising this and seeking to upskill where possible. Safeguarders may also benefit from further training in court practice and skills and, particularly for work around contact and residence, in aspects of child attachment. With regard to enhancing consistency of understanding of the safeguarder role (see chapter 3), some respondents also suggested joint training between safeguarders and other stakeholder groups such as panel members, social workers and sheriffs with safeguarders potentially having a role in content and delivery where training relates specifically to what they do.

## 7.6 Further research

Reporters and panel members in particular were unsure about whether children and families fully appreciated the input of safeguarders, although safeguarders themselves were more positive about this:

*I think they feel they've been listened to... They've had their side of the story out, so yeah, I do think you're valued by families (Safeguarder 6).*

*There's a number of cases where I've had children directly thank me at the end of the process and that's about the most effective feedback you can get (Safeguarder 7).*

Further research would enable the views of children and family members on the role of the safeguarder to come to the fore. This was recognised by interviewees when considering 'outcome' effectiveness:

*A safeguarder's report and role at the Hearing... will be the mechanism by which... the Panel will be able to make a substantive decision which is in the best interests of the child. That's the point we're all trying to get to... But also I'd hope that children and families would feel that there's been some value for them in having that person involved and I'd like to see... some way of measuring that specifically (Reporter 2).*

Further research focusing on the views and experiences of children and families who have been involved with safeguarders within the children's hearings system may therefore advance the work undertaken in this project.

## 7.7 Effectiveness

The research identified various issues relating to the development of safeguarder effectiveness:

- The nature of decision-makers' reasons for appointment may have an impact on the effectiveness of the safeguarder in a particular case. There is a statutory requirement to provide reasons (2011 Act, ss 30(4) and 31(6)) though sheriffs (in the sheriff sample) tended to provide only a single, terse reason (if that). The paired report analysis found that those safeguarder reports which addressed a stated remit were more focussed and targeted than those which did not. The interview data suggested that, on rare occasions, panel members may appoint to pass the substantive decision to another hearing or to defuse tension within a hearing. Overall, it would be conducive to effective work by the safeguarder if sheriffs were encouraged to provide reasons and panel members to ensure that there is a clear purpose (beyond dissipating tension in the particular hearing) in making an appointment.
- Safeguarders' meetings with the child are a key part of their work and much valued by decision-makers. Both the paired report analysis and the interviews point to the benefits, in terms of reporting, of this direct interaction. In all 17 cases constituting the paired report sample, the safeguarder had met with the child. In 13 (76%) this was on one occasion, in 3 (18%) on 2 occasions and in 1 (6%) there were 3 such meetings. While the 35-day timescale, and the 'snapshot' nature of the role tend to militate against this, meeting more than once, where appropriate, seems to increase the likelihood of effective communication with the child and, therefore, more effective presentation of his/her interests and views.
- At interview, some stakeholders indicated that allowing the social worker to have sight of the safeguarder report in advance of the hearing would be beneficial in focussing the discussion at the hearing. The social worker will also have to implement a substantive decision taken by the children's hearing which may follow a safeguarder recommendation. Best practice guidance for safeguarders indicates that *recommendations* should, where appropriate, be shared in advance of the hearing but it is not currently legally possible to share the actual report. In terms of effective planning, then, consideration should be given to whether it would be beneficial to the process for social workers to see recommendations *in the context of the whole report* in advance.

- The paired report analysis identified that analysis by safeguarders of the information accumulated is key to high quality safeguarder reports that are capable of supporting decision-making. Such analysis was lacking in 8 reports (47%) in the sample. This relationship between strong, well-evidenced consideration of the issues and effectiveness was echoed, in other respects, in some interviewees' views on effectiveness. Panel members mentioned the importance of either a clear recommendation or a strong report and safeguarders also recognised the importance of properly substantiated recommendations.
- At interview, safeguarders were regarded by some stakeholders as being less effective in the court setting. The issue of effectiveness related specifically to the actual skills required by safeguarders to present to the court the outcome of their investigations. Some sheriffs and some solicitors indicated that the skills required are those of solicitors who commonly practise in courts and may include, for example, calling and questioning witnesses. Safeguarders who lack these skills might benefit from further written guidance on what is required and specific training in court practice and skills.
- To perform the role effectively, safeguarders need to be properly trained and, in responding to the questionnaire, a clear majority (n = 64, 79%) felt that they had been provided with appropriate training and support. Questionnaire responses also provided strong support for the view that the professional/underlying skills and qualifications which safeguarders bring with them into the role are helpful in carrying it out. A majority of safeguarders (n = 81, 99%), non-safeguarders (n = 171, 62%) and sheriffs (11/12) scored this at between 7 and 10 (on a 0 - 10 scale) (Appendix 2, Table 610). These skills will vary with the safeguarder's main (or previous) occupation. At interview, safeguarders felt that these skills were not always taken into account in the provision of training. Clearly, all safeguarders require baseline competencies in carrying out the role; however, when asked about additional training needs in the questionnaire, both safeguarders and non-safeguarders identified some areas – for example court work and social work practice – in which safeguarders with a relevant professional background will already have capability. This suggests that there is a benefit to effectiveness in recognising this and seeking to upskill where possible.
- At interview, safeguarders also indicated that while they supported the need for consistency and quality in their practice achieved by work by Children 1<sup>st</sup> on monitoring of performance, they would also welcome more peer support opportunities. The role of the safeguarder can be complex, difficult and isolating, therefore safeguarders are likely to be more effective in it if they feel supported. It may be possible to identify opportunities for them to come together in a less formal setting than at training or perhaps to explore the feasibility of other forms of peer support such as buddying, mentoring or shadowing, all of which were mentioned in the questionnaire responses.

## 7.8 The added value of safeguarders

The research identified various ways in which safeguarders are perceived to add value within the decision-making process. Their separate perspective on the case, the format of their reports (where of high quality) and their ability to meet personally with the child away from the hearings room were valued and might be built upon in the future in promoting better decisions, and outcomes, for children. More specific points are identified below:

- While, there is some variability in the quality of safeguarders' reports, interviewees generally welcomed these for being concise, readable and lacking in "baggage" from long previous involvement in the case. The paired report analysis indicated that safeguarder reports may be more up-to-date than those provided by social workers (6 records, 35%) and may propose alternative resources (5 records; 29%) to those already considered. At their best, these reports were found to summarise clearly the information on which they were based and to analyse all relevant data to make a reasoned recommendation in the child's best interests.
- The questionnaire indicated that the majority of non-safeguarder respondents (n = 217, 79% and all 12 of the responding sheriffs regarded safeguarder reports and their recommendations as useful (though 22 (8%) non-safeguarders did find them relatively useless) (Appendix 2 Tables 503 and 504). Similarly, a majority had more confidence in the decision taken following safeguarder involvement or felt that it was more robust (n = 159, 58%; 10/12 sheriffs) (but 81 (29%) non-safeguarders and 1/12 sheriffs did not think this) (Appendix 2 Table 506). Analysis of the SCRA sample indicated that the substantive decision of the hearing followed the recommendation of the safeguarder in 38 records (76%) and partially followed it in a further 3 (6%) implying that hearings attach considerable weight to the reports, recommendations and contributions of safeguarders. At interview, the vast majority of non-safeguarder stakeholders (5/9 sheriffs; 9/10 panel members; 5/5 reporters; 2/5 social worker and 3/5 solicitors) said that they valued the input of the safeguarder in children's hearings and court procedures. The remaining respondents suggested value depended on the quality of the safeguarder/report and their ability to work in a court setting.
- Safeguarders' independence was recognised in the questionnaire responses as a key element of the role (safeguarders n = 27, 27%; non-safeguarders n= 133, 37%; and 4/12 sheriffs) (Appendix 2 Table 305). It was also given as a reason for appointment (non-safeguarders n = 68, 19%; 1/16 sheriffs) (Appendix 2 Table 402) and acting with independence and honesty constitutes one of the 7 practice standards for safeguarders. In terms of adding value, safeguarders' independence means that they have no involvement in the child's case beyond their appointment. They do not work for any professional body with long-term or contentious involvement in the child's case. They provide an assessment which is entirely their own. This may be particularly valuable in cases of conflict between family members and other professionals.
- Safeguarders can be parties to court proceedings (Act of Sederunt (Child Care and Maintenance) Rules 1997, Rule 3.8(e)) and, uniquely (other than the child and any relevant person) they have the right to appeal (2011 Act, s 154(2)(c)). This gives them the opportunity to safeguard the child's interests throughout the process to the final outcome of the court proceedings.
- In conducting their investigation, safeguarders see the child away from the formal, sometimes combative, settings of children's hearings rooms and sheriff court buildings, giving safeguarders opportunities different from those presented in those formal settings to interact with the child, to explain the system and their role within it and to obtain views of both children and others to inform their investigation and recommendation. At interview, sheriffs mentioned that they valued this aspect of the role with some suggesting that, on occasion, it assisted in bringing an earlier resolution to the case.

## 7.9 Conclusion

For safeguarders to be as effective as possible, it is important that their role is fully understood, carried out to the highest standard and with the provision, primarily for

children's hearings, of good quality written reports offering reasoned recommendations based on the preceding investigation. The research indicates that the work of Children 1<sup>st</sup> in relation to promoting consistency and quality is recognised as important. Safeguarders do not work in a vacuum. Understanding of the role on the part of other parties, particularly those who appoint them (sheriffs and panel members) is also important to avoid unhelpful duplication of work with others such as social workers and to ensure that the contribution sought from the safeguarder is achievable. Overall, while a wide variety of views was expressed over the course of this research, members of all stakeholder groups saw value in the input of the safeguarder.

# Appendix 1: research instruments

## Questionnaire

*NB: A shortened version of this questionnaire was made available to sheriff participants in this project.*

Q2.1 Please select your age group

- Under 20 (1)
- 20 - 29 (2)
- 30 - 39 (3)
- 40 - 49 (4)
- 50 - 59 (5)
- 60 - 69 (6)
- 70+ (7)

Q2.2 Are you

- Male (1)
- Female (2)
- Prefer not to say (3)

Q2.3 Are you currently a safeguarder?

- Yes (1)
- No (never have been) (2)
- No (previously been a safeguarder) (3)

Display This Question:

If Are you currently a safeguarder? Yes Is Not Selected

Q2.4 Does the following statement apply to you? I have the authority to appoint safeguarders and/or I have worked with them

- Yes (1)
- No (2)

Display This Question:

If Are you currently a safeguarder? Yes Is Selected

Q59 Prior to becoming a safeguarder did you previously serve as a panel member?

- Yes (5)
- No (6)

Q3.1 How long have you been a safeguarder?

- Less than 1 year (1)
- 1 - 3 years (2)
- 4 - 5 years (3)
- 6 - 7 years (4)
- 8 - 10 years (5)
- More than 10 years (6)

Q3.2 In which of the following areas do you fulfil this role? tick all that apply

- Aberdeen (1)
- Aberdeenshire (2)
- Angus (3)
- Edinburgh (4)
- Clackmannanshire (5)
- Dumfries and Galloway (6)
- Dundee (7)
- East Ayrshire (8)
- East Dunbartonshire (9)
- East Lothian (10)
- East Renfrewshire (11)
- Falkirk (12)
- Fife (13)
- Glasgow (14)
- Highland (15)
- Inverclyde (16)
- Midlothian (17)
- Western Isles (18)
- North Ayrshire (19)
- North Lanarkshire (20)
- Orkney Islands (21)
- Perth & Kinross (22)
- Renfrewshire (23)
- Scottish Borders (24)
- Shetland Islands (25)
- South Ayrshire (26)
- South Lanarkshire (27)
- Stirling (28)
- West Dunbartonshire (29)
- West Lothian (30)
- Argyll & Bute (31)
- Moray (32)

Q3.3 What is your main occupation?

- Lawyer (1)
- Social Worker (2)
- Teacher (3)
- Other (please specify) (4) \_\_\_\_\_
- Retired (please specify your main previous occupation) (5)  
\_\_\_\_\_

Q3.4 How many years have you worked in this occupation? If retired, how many years did you work in your previous main occupation?

Q3.5 In your role as a safeguarder, what do you spend most of your time doing? For example, scrutinising the reports of others, obtaining the child's views.

Q3.6 Are there any professional activities that you wish you could do more of in your role as a safeguarder? For example, speaking to family members, explaining the hearing process to the child.

Q3.7 Do you feel the role of the safeguarder is unique in the hearings process or does it overlap with the other roles in the hearings process? For example, child's representative, social worker

- Yes the role is unique (1)
- No there is some overlap with the other roles (2)

Display This Question:

If Do you feel the role of the safeguarder is unique in the hearings process or does it overlap with other roles in the hearings process? For example, child's representative, social worker No there is some overlap with the other roles Is Selected

Q3.8 What role(s) do you feel overlap with that of a safeguarder?

Display This Question:

If Do you feel the role of the safeguarder is unique in the hearings process or does it overlap with other roles in the hearings process? For example, child's representative, social worker No there is some overlap with the other roles Is Selected

Q3.9 Which of the following statements apply to the overlap between roles?

- The overlap between roles complements/assists the role of the safeguarder (1)
- The overlap between roles can make the role of the safeguarder more difficult (2)
- The overlap between roles can negate the role of the safeguarder (3)

Q3.10 In your opinion, to what extent are you clear about what is expected of you as a safeguarder?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q3.11 In your opinion, what is the key function/role of a safeguarder?

Q3.12 To what extent do you think that those involved in the Children's hearings and court proceedings understand the safeguarder role/remit?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q3.13 In your opinion, are there any particular people or roles where the safeguarder role/remit is not fully understood?

- Yes (1)
- No (2)

Display This Question:

If In your opinion, are there any particular people or role where the safeguarder role/remit is not fully understood? Yes Is Selected

Q3.14 Please indicate what roles, in your opinion, do not fully understand the safeguarder role/remit

- Children's reporters (1)
- Lawyers (2)
- Panel members (3)
- Sheriffs (4)
- Social workers (5)
- Other (please specify) (6) \_\_\_\_\_

Q3.15 Do you have any suggestions on how to improve the understanding surrounding the role/remit of safeguarders?

Q3.16 Do you feel that your advice/recommendations are properly valued by those working in the Children's hearings and court proceedings?

- Yes (1)
- No (2)

Display This Question:

If Do you feel that your advice/recommendations are properly valued by those working in the Children's hearings and court proceedings? No Is Selected

Q3.17 Are there any particular people or roles that you feel do not value your advice/recommendations?

- Children's reporters (1)
- Lawyers (2)
- Panel members (3)
- Sheriffs (4)
- Social workers (5)
- Other (please specify) (6) \_\_\_\_\_

Q3.18 In your opinion, to what extent does the involvement of a safeguarder lead to a better/different outcome for children?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q3.19 Please provide more information about whether the involvement of a safeguarder leads to better/different outcomes for children

Q3.20 In your opinion, does the involvement of a safeguarder have any impact on the number of appeals?

- Yes (1)
- No (2)
- Don't know (3)

Q3.21 To what extent do you feel that the 7 practice standards for safeguarders introduced in 2015 provide a good framework for the safeguarder role?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q3.22 Using your own personal experience, please rank the following practice standards in order of importance

- \_\_\_\_\_ Putting the child at the centre (1)
- \_\_\_\_\_ Contributing to the development of relationships with all involved (2)
- \_\_\_\_\_ Acting with independence of practice (3)
- \_\_\_\_\_ Providing clear and timely reports (4)
- \_\_\_\_\_ Maintaining confidentiality (5)
- \_\_\_\_\_ Acting with integrity, honesty and fairness at all times (6)
- \_\_\_\_\_ Keeping up to date with skills and knowledge (7)

Q3.23 To what extent do you feel that your underlying professional skills/qualifications help you in your role as a safeguarder?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q3.24 Please list the skills/qualifications/qualities you feel are important to the safeguarder role

Q3.25 Do you feel that you have been provided with the appropriate training and support to fulfil your role as a safeguarder?

- Yes (1)
- No (2)

Display This Question:

If Do you feel that you have been provided with the appropriate training and support to fulfil your role as a safeguarder? No Is Selected

Q3.26 Please list any additional training or support that you would find useful

Q4.1 To what extent has the 2013 shift to a national panel made a difference to the way in which safeguarders work?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q4.2 What changes, if any, have you seen since the 2013 shift?

Q4.3 Have there been any changes in practice since 2013 around how safeguarders gather children's views?

- Yes (1)
- No (2)
- Don't know (3)

Display This Question:

If Have there been any changes in practice since 2013 around how safeguarders gather children's views? Yes Is Selected

Q4.4 What changes in practice have occurred?

Q5.1 What is your role in the Children's hearing (or court) system?

- Children's reporter (1)
- Lawyer (2)
- Panel member (3)
- Sheriff (4)
- Social worker (5)
- Other (please specify) (6) \_\_\_\_\_

Q5.2 How many years have you worked in this role?

Q5.3 In which of the following areas do you normally fulfil this role? tick all that apply

- Aberdeen (1)
- Aberdeenshire (2)
- Angus (3)
- Edinburgh (4)
- Clackmannanshire (5)
- Dumfries and Galloway (6)
- Dundee (7)
- East Ayrshire (8)
- East Dunbartonshire (9)
- East Lothian (10)
- East Renfrewshire (11)
- Falkirk (12)
- Fife (13)
- Glasgow (14)
- Highland (15)
- Inverclyde (16)
- Midlothian (17)
- Western Isles (18)
- North Ayrshire (19)
- North Lanarkshire (20)
- Orkney Islands (21)
- Perth & Kinross (22)
- Renfrewshire (23)
- Scottish Borders (24)
- Shetland Islands (25)
- South Ayrshire (26)
- South Lanarkshire (27)
- Stirling (28)
- West Dunbartonshire (29)
- West Lothian (30)
- Argyll & Bute (31)
- Moray (32)

Q5.4 Which of these statements apply to you in this role?

- I have the authority to appoint safeguarders and have done so (1)
- I have the authority to appoint safeguarders and have not done so (2)
- I do not have the authority to appoint safeguarders but have worked with them (3)

Q5.5 Since 2011, how many hearings have you attended where a safeguarder is present?

- 0 (1)
- 1 - 10 (2)
- 11 - 30 (3)
- 31 - 50 (4)
- More than 50 (5)

Q5.6 In your opinion, what are the types of situations or circumstances in which a safeguarder should be appointed?

Q5.7 In your opinion, what is the key function/role of a safeguarder?

Q5.8 In your opinion, to what extent does the involvement of a safeguarder lead to a better/different outcome for children?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q5.9 Please feel free to provide more information about whether the involvement of a safeguarder leads to better/different outcomes for children

Q5.10 In your opinion, does the involvement of a safeguarder have any impact on the number of appeals?

- Yes (1)
- No (2)
- Don't know (3)

Q5.11 In your opinion, is it better for the safeguarder to appear at the proceedings to present their report?

- Yes (1)
- No (2)
- Don't know (3)

Q60 Are you aware of the 7 key practice standards for safeguarders that were introduced in 2015?

- Yes (4)
- No (5)

Display This Question:

If Are you aware of the 7 key practice standards for safeguarders that were introduced in 2015? Yes Is Selected

Q5.12 Using your own personal experience of working with safeguarders, in how many cases did the work of the safeguarders you have worked with since 2015 adhere to the 7 key practice standards?

	All of them (1)	Most of them (2)	Few of them (3)	None of them (4)
Putting the child at the centre (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contributing to the development of relationships with all involved (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acting with independence of practice (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing clear and timely reports (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintaining confidentiality (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acting with integrity, honesty and fairness at all times (6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Keeping up to date with skills and knowledge (7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5.13 Do you feel that the role of the safeguarder is unique in the hearing process or does it overlap with the other roles in the hearings process?

- Yes the role is unique (1)
- No there is some overlap with the other roles (2)

Display This Question:

If Do you feel that the role of the safeguarder is unique in the hearing process or does it overlap with the other roles in the hearings process? No there is some overlap with the other roles  
Is Selected

Q5.14 What role(s) do you feel overlap with that of a safeguarder?

Display This Question:

If Do you feel that the role of the safeguarder is unique in the hearing process or does it overlap with the other roles in the hearings process? No there is some overlap with the other roles  
Is Selected

Q5.15 Which of the following statements apply to the overlap between roles

- The overlap between roles complements/assists the role of the safeguarder (1)
- The overlap between roles can make the role of the safeguarder more difficult (2)
- The overlap between roles can negate the role of the safeguarder (3)

Q5.16 In your opinion, to what extent are the reports generated by safeguarders useful?

	Extremely useless (1)	Moderately useless (2)	Slightly useless (3)	Neither useful nor useless (4)	Slightly useful (5)	Moderately useful (6)	Extremely useful (7)
1 (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5.17 Do you have more confidence in the decision that is made when a safeguarder has been involved?

- Yes (1)
- No (2)
- Don't know (3)

Q5.18 To what extent do you feel a safeguarder's underlying professional skills/qualifications help them in their role?

	0 (1)	1 (2)	2 (3)	3 (4)	4 (5)	5 (6)	6 (7)	7 (8)	8 (9)	9 (10)	10 (11)
1 (1)	<input type="radio"/>										

Q5.19 Please list the skills/qualifications/qualities you feel are important to the safeguarder role

Q5.20 Do you feel that safeguarders have the appropriate training and support required to fulfil their role as a safeguarder?

- Yes (1)
- No (2)
- Don't know (3)

Display This Question:

If Do you feel that safeguarders have the appropriate training and support required to fulfil their role as a safeguarder? No Is Selected

Q5.21 Please suggest additional training or skills

Q5.22 Would you feel confident about raising any issues/complaints about safeguarder performance?

- Yes (1)
- No (2)
- Don't know (3)

## **Participant Information Sheet**

### **PARTICIPANT INFORMATION SHEET**

#### **School of Law**

#### **THE ROLE OF SAFEGUARDERS IN THE CHILDREN'S HEARINGS SYSTEM**

##### **Introduction**

This is a study commissioned by the Scottish Government which seeks to examine the role of the safeguarder in the Children's Hearings system and the perceptions of key stakeholders involved. In the next 3 months, we will be seeking to talk to a wide variety of professionals, including social workers, panel members, safeguarders, sheriffs and lawyers, about the issues relating to the use of safeguarders and the introduction of the Safeguarder Panel across Scotland being managed by Children 1<sup>st</sup>.

##### **Questionnaires and interviews**

We will be sending out questionnaires to all Reporters, panel members and safeguarders, and to a sample of sheriffs, lawyers and social workers across Scotland. These questionnaires will be anonymous, although we will also be asking questionnaire respondents whether they are happy to be interviewed at a later stage in the research. Their contact details, if provided for interview, will be devolved from the questionnaire responses at the point of data extraction.

The interviews will only take about an hour to conduct, and we can meet respondents at their office or other appropriate venue, at a time that suits them best. The information provided at interview will be strictly confidential and no names will be mentioned in any subsequent reports or publications. All data gathered during the study will be destroyed within five years of completion. Respondents can withdraw their data at any time during or after the interview should they subsequently wish not to participate. The researchers would like to digitally record the interview, if respondents are happy with that, although only the research team will have access to those transcripts.

##### **Researcher Contact Details:**

The research team consists of Claire McDiarmid, Monica Barry and Michelle Donnelly at the School of Law, and Stephen Corson in the Department of Mathematics at the University of Strathclyde. The principal researcher is Claire McDiarmid and if respondents wish to clarify anything about the research, they can contact Claire on [claire.mcdiarmid@strath.ac.uk](mailto:claire.mcdiarmid@strath.ac.uk) or alternatively Helen Baigrie, The Secretary to the University Ethics Committee at [ethics@strath.ac.uk](mailto:ethics@strath.ac.uk) or on 0141 548 3707.

# Consent Form

## PROFESSIONAL RESPONDENT CONSENT FORM

School of Law

### THE ROLE OF THE SAFEGUARDER IN THE CHILDREN'S HEARINGS SYSTEM

I confirm that I have read and understood the information sheet for the above project and the researcher has answered any queries to my satisfaction.

I understand that my participation is voluntary and that I am free to withdraw from the project at any time.

I understand that any information I give at interview will remain confidential and that I will not be identifiable in any reports or publications resulting from this research.

- I agree to being interviewed for this research. Yes  No
- I consent to the interview being tape recorded. Yes  No

Name: .....

Date:.....

Signature: .....

Agency: .....

## **Safeguarder Interview Question Schedule**

*NB Interview question schedules were slightly tailored for each of the seven stakeholder groups*

### **THE ROLE OF SAFEGUARDER IN THE CHILDREN'S HEARINGS SYSTEM**

#### **Safeguarder Interview Schedule**

**Initials:** .....

**Date:** .....

**Time:** .....

#### **Skills and experience**

1. For how long have you been a safeguarder?
2. Are you employed in any other capacity? If not, have you recently been employed? *[probe: what is your background?]*
3. Why did you decide to become a safeguarder? *[probe: what was your motivation?]*

#### **Reasons for safeguarder appointments**

##### General

4. Why do you think safeguarders should be appointed? *[probe: the ultimate recommendation, a second opinion, filling a gap in knowledge. Should they be appointed as a matter of course?]*
5. Do you think the statutory test – “to safeguard the interests of the child” is adequate to identify the circumstances in which children’s hearings should appoint safeguarders? *[probe: not the ‘best’ interests? Should there be a test for sheriffs, if so, what?]*
6. Do you think it is right that children’s hearings and sheriffs have to consider a safeguarder appointment *in every case*?

## Specific

7. Can you give some examples of the kinds of circumstances / cases in which you have been appointed? What is the most common situation in which you are appointed?
8. Why do children's hearings and sheriffs give reasons for safeguarder appointments? *[probe: is it to justify the decision or to identify your focus?]*
9. To what use do you put those reasons in conducting your investigation? *[probe: do you regard them as providing your remit? Is there ever any uncertainty as to the reasons for or focus of your appointment?]*
10. Since the advent of the national panel in June 2013, have you ever been appointed in circumstances which, in your view, were inappropriate? *[probe: where you think you lack qualifications or a focus, where another professional ought to have reported or another service been allocated (e.g. legal rep or advocate?]*
11. Since 2013, roughly how many times have you been appointed as a safeguarder? Are you able to comment on the proportions of these appointments made by panel members versus sheriffs? *[probe: why? Have the number of your appointments dropped since 2013 – taxi rank influence?]*

## Perceptions of the safeguarder role

12. Would you say that the safeguarder role is clear to all concerned? *[probe: for safeguarders themselves, panel members, reporters, sheriffs, lawyers, social workers and children and their families.]*
13. Do you think that different agencies / stakeholders have different expectations of safeguarders? *[probe: does this lead to any disagreements/tensions?]*
14. In your opinion, what are the advantages and disadvantages of safeguarders? *[probe: how important is your independence?]*

## Decision-maker practice

15. Do you always get a copy of the hearing's or sheriff's reasons for appointment?

16. In your view, what do panel members hope to achieve by appointing a safeguarder?
17. And what do sheriffs hope to achieve by appointing a safeguarder?
18. Is your function recognisably different when appointed by a children's hearing compared with when appointed by a sheriff in referral proceedings or a sheriff in appeal proceedings?
19. Do you think decision-makers should have more guidance and a more consistent streamlined approach in terms of making safeguarder appointments?
20. Do you think it would help if sheriffs and panel members had a list of potential reasons for appointment (a kind of drop down menu) that they can use when appointing a safeguarder?

### **Preparing a report**

21. Could you explain how you conduct an investigation in an individual case? *[probe: how do you obtain the child's views; gather 'missing' information; clarify facts; assess contact; diffuse conflicts; balance the welfare of the child with the rights of parents?]*
22. What is the purpose of obtaining the child's views? Do you always indicate where your recommendation differs from the child's views and why? *[probe: do you always relay the child's views back to the decision-maker? What about the views of relevant persons?]*
23. How do you report back to the hearing or court? *[probe: verbal or written? What users do you have in mind when putting it together? do you refer back to the reasons for your appointment? Do you always give a recommendation?]*
24. Do you know if your recommendations tend to be accepted or rejected? *[probe: in what circumstances/cases and if rejected, why?]*

25. In your view, what makes a “good” safeguarder report? *[probe: is the timescale adequate for writing ‘good’ reports; are the terms of reference clear to the safeguarder? Should there be a template for safeguarder reports?]*
26. In what ways do safeguarders’ reports contain different information than social workers’ or other professionals’ reports? *[probe: how do you ensure that your role is complimentary to the work undertaken by others, rather than overlapping?]*
27. What are your views on whether social workers should get a copy of the safeguarder report in advance of the hearing?

### **Appeals**

28. What is your understanding and experience of your role in appeal proceedings?
29. Have you ever instigated an appeal in your capacity as a safeguarder? If yes, can you provide details and explain why? *[probe: hearing or court decision? Type of case?]*

### **Training and skills**

30. What training have you ever undertaken as a safeguarder? *[Probe: pre- and post-2013; how useful did you find it? How much do you draw on it in conducting an assessment?]*
31. In which areas do you feel that you would benefit from additional, specific training? *[probe: why and who should provide this? Might a specific postgraduate qualification help in any way?]*
32. Do you think other stakeholders are aware of your background? Do you think it is important, or makes any difference, for them to know this?
33. Have you ever been appointed directly by a hearing or a sheriff specifically because of your background, skills or experience, or any other basis? *[Probe: where the taxi rank principle has been bypassed because of the need for a particular gender/profession of safeguarder, or a personal preference?]*

34. How important is it that safeguarders are paid for this work? Are the current fees **[NB: have them to hand]** adequate?

### **Centralisation**

35. What do you think about the move to a national safeguarder service? *[probe: what issues or gaps was the panel meant to address? Has it been effective in this? Taxi rank system? Performance and monitoring framework; safeguarder feedback sheets and complaints procedures]*
36. In what ways do the Practice Standards guide your work as a safeguarder?
37. How do you feel about management of the safeguarder panel sitting within an independent, 3<sup>rd</sup> sector, charitable child welfare organisation? *[probe: what if it was sitting within the local authority or within SCRA, for example?]*

### **Added value of safeguarders**

38. How would you define effectiveness in terms of safeguarder appointments? *[probe: for example, bringing new information to light; helping to defuse conflicts; speaking for the child.]*
39. Do you feel that your input (including reports and recommendations) is valued and respected by children and families, panel members and sheriffs, and other professionals in the children's hearings process?
40. In your experience, how often does your recommendation differ from social work's recommendation? *[probe: do safeguarder recommendations tend to converge with, or diverge from, social work? In which areas do your recommendations tend to differ, e.g. frequency of contact? How often do you identify an issue or an important person in the child's life that no one else has considered?]*
41. Do you think that, in children's hearings and court proceedings, safeguarders are seen as experts and, if so, by whom and in what areas? *[probe: do you regard the role as one for a professional or layperson?]*
42. Many professionals are involved with children within the hearings system – e.g., their own representatives or advocacy organisations like Who Cares? to

assist in providing views; legal representatives to act on their instructions; social workers to set out a care plan; and, reporters to consider grounds and identify the need for compulsory measures in the first place. What is it that *safeguarders* bring to the process which is unique and which cannot be obtained from any of these other professionals?

43. What, if anything, needs to change to ensure the sustainability and effectiveness *[by their definition above]* of the safeguarder role in the future?

44. Is there anything else you want to say about safeguarders and the Children’s Hearings system that we haven’t discussed already?

Thank you.  
Time finished.....

## **Safeguarder Focus Group Schedule**

*NB: Focus Group schedules were slightly tailored for each stakeholder group*

### **CLARITY IN THE ROLE OF THE SAFEGUARDER:**

Based on all the views and experiences of the key stakeholders, we drew up the following definition of a safeguarder:

*Keeping the child at the centre, the safeguarder's role is to inform decision-making through independent information gathering (including, as appropriate, the child's views), and analytical and objective reporting in the child's best interests.*

1. Do you think this encompasses all the key functions of the safeguarder in both Children's hearings and the court?

We found in some of the discussions at interview that stakeholders were often unsure of what the safeguarder was meant to be doing in the court setting versus the Children's Hearings setting.

2. What do you see as the main differences in the safeguarder's role between being appointed by the Children's Hearings and being appointed by the court?
3. Do you see yourself as a party to proceedings in court - what does this involve?
4. What do you do in proof proceedings - are you involved in negotiating, or leading evidence in relation to, the grounds of referral?
5. What do you do in appeal proceedings - are you involved in demonstrating that the decision was, or was not, justified?
6. Would you say that the role takes on a distinctive (legal) character in court proceedings?

### **REASONS FOR APPOINTMENT OF SAFEGUARDERS:**

One thing we found was that safeguarders, panel members and sheriffs had differing views about whether a) it was important to record a 'reason' for appointing a safeguarder, and b) whether that safeguarder should be given a 'remit' or 'steer' as to the purpose of their investigation and report.

7. Do you think safeguarders should be given a remit for their appointment?
8. In your experience, does it make any difference to the quality of safeguarder reports or the clarity of safeguarder appointments?

9. Do you think sheriffs should record reasons for safeguarder appointments?
10. Is it ever unclear why you have been appointed by a sheriff?
11. Would it be helpful if sheriffs provided a remit for your appointment?

Several stakeholders thought that panel members may appoint a safeguarder because

- a) they may find the decision too difficult to take without the reassurance of a second opinion of a safeguarder;
- b) they may wish to put off making that decision by appointing a safeguarder and leaving the decision to another set of panel members; or
- c) to almost pacify other parties around the table in a situation of conflict.

12. Do you think these are common concerns for panel members?
13. Do you think safeguarders are often appointed by panel members to assist them in making difficult decisions?

The so-called 'taxi rank' principle - of allocating the next safeguarder on the list when an appointment request comes in – was seen as a positive change amongst all stakeholders, because it was fairer and more transparent.

14. Do you think this allocation process is equally appropriate in the court setting as in the Children's Hearings setting?
15. When might it be more appropriate to 'choose' a specific safeguarder because of their gender or expertise, for example?

### **INVESTIGATIONS AND REPORTING:**

16. Our research found that panel members frequently follow safeguarder recommendations, why do you think this is the case? Do you think panel members scrutinise safeguarder reports?

Safeguarders at interview, as well as other stakeholders, were often sceptical about their role in observing – or more specifically – assessing the quality of contact between a parent and child, and there are also issues for social work about how much contact should be allowed if a child is being considered for permanence.

17. Could we ask you for your views on the role of safeguarders in observing or assessing contact?

## **TRAINING, SKILLS AND EXPERTISE:**

18. The research identified that safeguarders' underlying professional skills are valued, particularly by decision-makers. What makes professional skills so crucial to the role?

One of the key findings from the research was that stakeholders felt safeguarders lacked the confidence to operate in a court setting because they did not have an adequate training in court processes. Some also felt that they lacked training in panel procedures and lacked knowledge of resources in the local area that could be used as part of an intervention with children or their families.

19. What do you think about the level of training – and therefore confidence – of safeguarders?

## **THE CENTRALISATION OF SAFEGUARDERS:**

You will all be aware that a National Safeguarder Panel came into operation in mid-2013, overseen by Children 1<sup>st</sup>, with accompanying Practice Standards and supervision arrangements.

20. Are you aware of any changes that have occurred in safeguarder policy, operation or actual practice since that time three-plus years ago? For example, do you think there are more or less safeguarders, with more or less skills and expertise? Do you think having Children 1<sup>st</sup> overseeing the role of safeguarder has made a difference to practice?

We experienced a lot of uncertainty amongst stakeholders about whether safeguarders should be professionally trained *as safeguarders* and equally, whether their own professional background was a help or a hindrance in fulfilling the role of safeguarder in both children's hearings and the courts. Some safeguarders mentioned that there was no 'professional identity' amongst them, no 'esprit de corps' as one person put it. They felt somewhat isolated in the role with little peer support or group identity.

21. Do you think this is an issue generally for safeguarders and how does it affect their work? How also do you think this could be remedied in the future?
22. The research suggested that there was no desire for a professional qualification in safeguarding but there was some appetite for the development of a professional identity for safeguarders (taking into account that this is a paid role). How do you think this could be achieved in practice?
23. In what ways do safeguarders add value to children's hearings proceedings? Is there anything else that they could do to add more value to proceedings?

# Appendix 2: tables and figures

## Chapter 2 tables and figures

Variable	Levels	N (%)
Gender	Male	35 (35)
	Female	64 (65)
Age (years)	30 – 39	7 (7)
	40 – 49	9 (9)
	50 – 59	21 (21)
	60 – 69	48 (48)
	70+	14 (14)
Previous panel member	Yes	13 (13)
	No	86 (87)

Table 201: Demographics for the 99 safeguarders who responded to the survey

Age Category	N (%) male		N (%) female	
30 – 39	1	(3)	6	(9)
40 – 49	2	(6)	7	(11)
50 – 59	12	(34)	9	(14)
60 – 69	16	(46)	32	(50)
70+	4	(11)	10	(16)

Table 202: Age distribution for the 35 male and 64 female safeguarders. The denominator for the percentage calculations is the total number of males (n = 35) and females (n = 64)

Length of time (years)	N (%) male		N (%) female		Total (%)	
1 – 3	11	(31)	16	(25)	27	(27)
4 – 5	5	(14)	6	(9)	11	(11)
6 – 7	1	(3)	9	(14)	10	(10)
8 – 10	2	(6)	10	(16)	12	(12)
More than 10	16	(46)	23	(36)	39	(39)

Table 203: Summary information on the length of time an individual has been a safeguarder. The figures indicate the number and percentage of male safeguarders (n = 35), female safeguarders (n = 64) and all safeguarders (n = 99) in each of the length of service categories

Length of time (years)	Age (years)									
	30 – 39		40 – 49		50 – 59		60 – 69		70+	
	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)
1 – 3	2	(7)	3	(11)	9	(33)	13	(48)	0	(0)
4 – 5	0	(0)	1	(9)	4	(36)	5	(46)	1	(9)
6 – 7	2	(20)	2	(20)	0	(0)	6	(60)	0	(0)
8 – 10	3	(25)	1	(8)	3	(25)	2	(17)	3	(25)
More than 10	0	(0)	2	(5)	5	(13)	22	(56)	10	(26)

Table 204: Length of time that an individual has been a safeguarder for each of the age categories

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### Number of areas safeguarder role fulfilled

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	0	1	2	3	4	5	6	7	8	9
<b>N (%)</b>										
<b>safeguarders</b>	2 (2)	14 (14)	21 (21)	30 (30)	15 (15)	7 (7)	6 (6)	2 (2)	1 (1)	1 (1)

Table 205: Number of different areas where the 99 safeguarders fulfil their role

Number of areas safeguarder role fulfilled	N (%) safeguarders
Perth & Kinross	12 (12)
Renfrewshire	12 (12)
Scottish Borders	3 (3)
Shetlands	5 (5)
South Ayrshire	9 (9)
South Lanarkshire	14 (14)
Stirling	9 (9)
West Dunbartonshire	12 (12)
West Lothian	9 (9)
Argyll & Bute	3 (3)
East Lothian	13 (13)
Moray	5 (5)
East Renfrewshire	12 (12)
Falkirk	5 (5)
Fife	13 (13)
Glasgow	26 (26)
Highland	10 (10)
Inverclyde	5 (5)
Western Isles	3 (3)
North Ayrshire	10 (10)
Aberdeen	6 (6)
Aberdeenshire	6 (6)
Angus	13 (13)
Edinburgh	14 (14)
Clackmannanshire	8 (8)
Dumfries & Galloway	2 (2)
Dundee	17 (17)
East Ayrshire	8 (8)
East Dunbartonshire	13 (13)
North Lanarkshire	15 (15)
Orkney Islands	5 (5)
Midlothian	11 (11)

Table 206: Number and percentage of safeguarders (n = 99) working in each area. Note safeguarders could select more than one area

Main occupation	Males N (%)	Females N (%)	Total N (%)
Lawyer	9 (33)	18 (67)	27 (28)

Social Worker	4 (36)	7 (64)	12 (13)
Teacher	2 (100)	0 (0)	2 (2)
Retired	17 (42)	24 (58)	42 (44)
Other	1 (8)	11 (92)	12 (13)

Table 207: Main occupation for the 95 safeguarders who responded to this question

Variable	Levels	N (%)
Gender	Male	102 (29)
	Female	250 (70)
	Prefer not to say	5 (1)
Age (years)	Under 20	2 (1)
	20 - 29	28 (8)
	30 – 39	75 (21)
	40 – 49	69 (19)
	50 – 59	95 (27)
	60 – 69	77 (22)
	70+	11 (3)

Table 208: Demographics for the 357 non-safeguarders in the study

Age Category	N (%) male		N (%) female		N (%) prefer not to say	
Under 20	0	(0)	1	(0)	1	(20)
20 - 29	3	(3)	25	(10)	0	(0)
30 – 39	21	(21)	53	(21)	1	(20)
40 – 49	15	(15)	54	(22)	0	(0)
50 – 59	26	(26)	66	(26)	3	(60)
60 – 69	29	(28)	48	(19)	0	(0)
70+	8	(8)	3	(1)	0	(0)

Table 209: Age distribution for those non-safeguarders who identified themselves as male (n = 102), female (n = 250), and prefer not to say (n = 5)

Main occupation	Males N (%)	Females N (%)	Total N (%)
Children's reporter	10 (11)	28 (13)	41 (13)
Lawyer	8 (9)	8 (4)	16 (5)
Panel member	58 (62)	87 (41)	145 (47)
Social worker	12 (13)	73 (35)	85 (28)
Other	5 (5)	15 (7)	20 (6)

Table 210: Occupations for the non-safeguarders in the study

Number of areas non-safeguarders role fulfilled	N (%) non-safeguarders
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0	53 (15)
1	278 (78)
2	8 (2)
3	7 (2)
4	6 (2)
6	2 (1)
7	1 (0)
9	1 (0)
10	1 (0)
<b>Total</b>	<b>357 (100)</b>

Table 211: Number of areas where the non-safeguarders worked

Number of areas role fulfilled	N (%) safeguarders
Perth & Kinross	7 (2)
Renfrewshire	19 (5)
Scottish Borders	9 (2)
Shetlands	6 (2)
South Ayrshire	12 (3)
South Lanarkshire	26 (7)
Stirling	12 (3)
West Dunbartonshire	11 (3)
West Lothian	10 (3)
Argyll & Bute	11 (3)
East Lothian	16 (5)
Moray	5 (1)
East Renfrewshire	12 (3)
Falkirk	17 (5)
Fife	19 (5)
Glasgow	40 (11)
Highland	12 (3)
Inverclyde	9 (2)
Western Isles	5 (1)
North Ayrshire	2 (1)
Aberdeen	9 (2)
Aberdeenshire	15 (4)
Angus	10 (3)
Edinburgh	29 (8)
Clackmannanshire	3 (1)
Dumfries & Galloway	5 (1)
Dundee	12 (3)
East Ayrshire	8 (2)
East Dunbartonshire	7 (2)
North Lanarkshire	7 (2)
Orkney Islands	3 (1)
Midlothian	9 (2)

Table 212: Areas where the non-safeguarders worked

Length of time (years)	N (%) safeguarders	N (%) sheriffs
1 – 3	78 (26)	3 (19)
4 – 5	49 (16)	0 (0)
6 – 7	43 (14)	2 (13)

8 – 10	42 (14)	4 (31)
More than 10	92 (30)	4 (31)

Table 213: Length of service for the 304 non-safeguarders and 13 sheriffs who responded

	Non-safeguarders N (%)	Sheriffs N(%)
No authority to appoint	162 (54)	-
Authority to appoint and done so	125 (42)	12 (92)
Authority to appoint and not done so	16 (4)	1 (8)

Table 214: Authority to, and appointment of, safeguarders by the 303 non-safeguarders and 13 sheriffs who responded

Number of hearings	Non-safeguarders N (%)	Sheriffs N (%)
None	6 (2)	
1 – 10	163 (54)	5 (38)
11 – 30	81 (27)	2 (15)
31 – 50	19 (6)	2 (15)
More than 50	34 (11)	4 (31)

Table 215: Number of hearings where safeguarders have been involved for the 303 non-safeguarders and 13 sheriffs who responded

Record ID	Local Authority
Gender	Age at Safeguarder Appointment
Number of Additional Children (Siblings) Included on Allocation Form	Gender and Age of Additional Children, as appropriate
Date of Safeguarder Appointment	Type of Proceedings
Stated Reason for Safeguarder Appointment	Additional Information Stated

Table 216: Variables used to extract data for the sheriff sample

Background	Safeguarder Appointment	Substantive Hearing Decision	Appeals
Record ID	Age of Child at Safeguarder Appointment	Date of Hearing	Was Substantive Decision Appealed?

Gender	Date of Safeguarder Appointment	Purpose of Hearing	If Yes, By Who?
Local Authority	Purpose of Hearing	Hearing Decision – Compulsory Measures	Reason for Appeal
Date of Established Grounds	Was Hearing Arranged to Consider New Grounds?	Other Measures in Place	Appeal Outcome
Type of Order in Place at Safeguarder Appointment	If Yes, First Grounds Referred to Hearing?	Residence Conditions	Date Appeal Concluded
Date of Order	Is Purpose to Consider Additional Grounds Arising Since Existing Order Made?	Contact Conditions	
Date that Order was First Made	Hearing Decision – Compulsory Measures 1	Other Conditions	
Other Measures in Place	Hearing Decision – Compulsory Measures 2	Hearings Reasons Relevant to Safeguarder Appointment	
Residence Conditions	If Hearing Continued (Decision Deferred) Why?		
Contact Conditions	Decision to Appoint a Safeguarder		
Other Conditions	Reason to Appoint a Safeguarder		
	Date of Safeguarder Report		
	Safeguarder Recommendation		

*Table 217: Grouping and variables used to extract data for SCRA sample*

Report ID	Safeguarder Appointed By Hearing or Sheriff
Structure of Safeguarder Report	Safeguarder's Remit, if specified
Basis of Safeguarder's Investigation	Reference Made by Safeguarder to Professionals?
If Yes, Who Was Consulted and Why?	Resources/Services Identified by Safeguarder
Tone/Style of Safeguarder Report	Length of Safeguarder Report
Safeguarder's Recommendation	Agreement Between Safeguarder and Social Worker Recommendations?
Similarities Between Safeguarder and Social Workers Reports	Differences Between Safeguarder and Social Worker Reports
Duplication of Effort	

*Table 218: Variables used to extract data for the paired report analysis*

## Chapter 3 tables and figures

	Scores awarded							
	3	4	5	6	7	8	9	10
Safeguarders N (%)	0 (0)	0 (0)	0 (0)	0 (0)	4 (5)	8 (9)	25 (28)	51 (58)
Others N (%)	2 (2)	11 (13)	17 (20)	17 (20)	22 (25)	13 (15)	4 (5)	1 (1)

Table 301: Questionnaire responses on to what extent safeguarders felt that (a) they, and (b) others in the children's hearings system were clear about what is expected of a safeguarder

Role	Main occupation of the safeguarder					Total N (%)*
	Lawyer N (%)	Social worker N (%)	Teacher N (%)	Other N (%)	Retired N (%)	
Children's reporters	1 (25)	1 (25)	0 (0)	0 (0)	2 (50)	4 (4)
Lawyers	9 (48)	3 (16)	0 (0)	1 (5)	6 (32)	19 (19)
Panel members	15 (32)	7 (15)	2 (4)	5 (11)	18 (38)	47 (48)
Sheriffs	5 (42)	3 (25)	1 (8)	1 (8)	2 (17)	12 (12)
Social workers	10 (33)	5 (17)	0 (0)	3 (10)	12 (40)	30 (30)
Other	15 (31)	4 (8)	1 (2)	8 (16)	21 (43)	49 (50)

\*the total number of responding safeguarders (n = 99) is used as the denominator for the percentage calculations in the total column

Table 302: Questionnaire responses on the roles that, in the opinion of safeguarders, do not fully understand the safeguarder role/remit. Results are stratified by main occupation of the safeguarder

Interviewee Group	Stakeholder groups lacking understanding
Safeguarders	Social workers; Children 1 <sup>st</sup>
Solicitors	Safeguarders
Reporters	Panel Members; Sheriffs; Children and Families
Panel members	Safeguarders
Sheriffs	None

Table 303: Interview responses, by stakeholder group, on which roles in the children's hearings system do not fully understand the safeguarder role

Grouping term	Activities covered
Child's views	Ascertain child's views, convey child's views/wishes, give the child a voice in proceedings
Independence	Provide independent view/perspective/recommendation, undertake independent enquiry/assessment, produce independent report/impartial report, be independent from/challenge other agencies
Child's best interests	Represent/promote child's best interests, safeguard child's best interests at hearing/court, recommend what is in the child's best interests, keep the child at the centre of proceedings
Decision making	Assist/inform/support decision making, identify options/course of action for child, ensure best outcome for child, enable child-centred decision making
Information gathering and processing	Investigate child's circumstances, consult with child/family/professionals, collate/assess/evaluate available information

Table 304: Groupings used for both the safeguarder and non-safeguarder free text responses on the key function/role of a safeguarder

Grouping term	Safeguarders N (%)	Non- safeguarders N (%)	Sheriffs N (%)
Child's views	21 (21)	63 (18)	4 (25)
Independence	27 (27)	133 (37)	4 (25)
Child's best interests	81 (82)	157 (44)	9 (56)
Decision making	22 (22)	110 (31)	4 (25)
Information gathering and processing	19 (19)	119 (33)	1 (6)

Table 305: Number, and percentage of (a) safeguarders (n = 99), (b) non-safeguarders (n = 357), and (c) sheriffs (n = 16) who felt that these activities were a key part of the safeguarder role

Variable	Levels	Unique N (%)	Overlap N (%)
Safeguarder	NA	71 (81)	17 (19)
Gender	Males (n = 32)	24 (75)	8 (25)
	Females (n = 56)	47 (84)	9 (16)
Length of service	1 – 3 (n = 25)	20 (80)	5 (20)
	4 – 5 (n = 11)	6 (54)	5 (46)
	6 – 7 (n = 8)	6 (75)	2 (25)
	8 – 10 (n = 9)	8 (89)	1 (11)
	More than 10 (n = 35)	31 (89)	4 (11)
Main occupation	Lawyer (n = 23)	17 (74)	6 (26)
	Social Worker (n = 11)	10 (91)	1 (9)
	Teacher (n = 2)	2 (100)	0 (0)
	Retired (n = 39)	32 (82)	7 (18)
	Other (n = 12)	10 (83)	1 (17)

Table 306: Number and percentage of safeguarders that indicated that the safeguarder role (a) was unique in the hearings process, or (b) overlapped with other roles

Variable	Levels	Unique N (%)	Overlap N (%)
Non-safeguarder	NA	163 (59)	113 (41)
Gender	Males (n = 86)	54 (63)	32 (37)
	Females (n = 187)	106 (57)	81 (43)
	Prefer not to say (n = 3)	3 (100)	0 (0)
Length of service	1 – 3 (n = 66)	36 (54)	30 (46)
	4 – 5 (n = 45)	26 (58)	19 (42)
	6 – 7 (n = 42)	26 (62)	16 (38)
	8 – 10 (n = 39)	27 (69)	12 (31)
	More than 10 (n = 84)	48 (57)	36 (43)
Main occupation	Children's reporter (n = 33)	23 (70)	10 (30)
	Lawyer (n = 15)	7 (47)	8 (53)
	Panel member (n = 132)	95 (72)	37 (28)
	Social worker (n = 80)	32 (40)	48 (60)
	Other (n = 16)	6 (38)	10 (62)

Table 307: Number and percentage of non-safeguarders that indicated that the safeguarder role (a) was unique in the hearings process, or (b) overlapped with other roles

Variable	Levels	Unique N (%)	Overlap N (%)
Sheriffs	NA	9 (75)	3 (25)
Length of service	1 – 3 (n = 3)	3 (100)	0 (0)
	4 – 5 (n = 0)	0 (0)	0 (0)
	6 – 7 (n = 2)	1 (50)	1 (50)
	8 – 10 (n = 3)	3 (100)	0 (0)
	More than 10 (n = 4)	2 (50)	2 (50)

Table 308: Number and percentage of sheriffs that indicated that the safeguarder role (a) was unique in the hearings process, or (b) overlapped with other roles

Role overlapped with	Safeguarder N (%)	Non-safeguarder N (%)	Sheriffs N (%)
All	2 (13)	6 (6)	0 (0)
Social worker	7 (47)	71 (63)	2 (67)
Legal representative/solicitor	5 (33)	13 (12)	2 (67)
Advocate/advocacy worker	6 (40)	28 (25)	0 (0)
Children's rights officer	1 (7)	10 (9)	3 (100)

Table 309: Number, and percentage, of (a) safeguarders (n = 15), (b) non-safeguarders (n = 113) and sheriffs (n = 3) who identified overlap between these roles and that of the safeguarder (more than one role could be specified)

Feelings about the overlap between roles	Safeguarders N (%)	Non-safeguarders N (%)	Sheriffs N (%)
Complements/assists safeguarder role	10 (59)	40 (35)	2 (67)
Makes safeguarder role more difficult	5 (29)	26 (23)	0 (0)
Negates the role of safeguarder	2 (12)	47 (42)	1 (33)

Table 310: How (a) safeguarders (n = 17), (b) non-safeguarders (n = 113), and (c) sheriffs (n = 3) think the overlap between the safeguarder role and others in the children's hearings system affects the safeguarder role

	Children's reporter	Lawyer	Panel member	Social Worker	Sheriff	Other	Total
Complements/assists safeguarder role	6	1	18	11	2	4	42
Makes the role of the safeguarder more difficult	1	2	9	13	0	1	26
Negates the role of the safeguarder	3	5	10	24	1	5	48
Total	10	8	37	48	3	10	116

Table 311: How (a) non-safeguarders (n = 113), and (b) sheriffs (n = 3) think the overlap between the safeguarder role and others in the children's hearings system affects the safeguarder role. Information stratified by main profession

## Chapter 4 tables and figures

Grouping term	Activities covered
Interests	To safeguard the child's interests in proceedings, where child's best interests are not adequately protected, where child's interests have been overlooked/lost sight of, where decision in child's best interests is unclear
Rights	To protect the child's rights, where the rights of the child are not adequately protected, where the child cannot understand the process, where the child cannot participate in the process, where the child is too young to instruct a solicitor but needs representation, when grounds are sent to the sheriff for proof
Conflict	Where there is conflict between parents/carers and relevant agencies, predominately social work, where there is conflict within the family, where there is disagreement/differing views about child's plan, where relationship/communication between family and professionals has broken down, where there is lack of engagement/cooperation by family with relevant agencies
Views	To obtain the child's views, where the child's views are unknown, where the child's views have not been represented within proceedings, where child's voice is lost – to give child a voice, mainly child's views, but some indication that safeguarders can be appointed to obtain parents'/carers' views and professionals' views
Information	Insufficient information available to allow hearing to make substantive decision, missing information or gaps in available information, conflicting information/factual dispute, lack of clarity within available information, specific information sought by hearing on particular issue, need for information to be verified – concerns around honesty of parents/carers and potential entrenched views of professionals
Independence	To obtain independent assessment, to provide an independent view of the child's circumstances, to provide an independent overview of case, need for impartial/objective report and recommendation, need for independent perspective

*Table 401: Grouping categories used for the free text question on the types of situations or circumstances that a safeguarder should be appointed*

Grouping term	Non-safeguarders (N, %)	Sheriffs (N, %)
Conflict	208 (58)	6 (38)
Gathering information	139 (39)	2 (12)
Ascertaining views	128 (36)	4 (25)
Independence	68 (19)	1 (6)
Child's interests	65 (18)	6 (38)
Child's rights	46 (13)	0 (0)

*Table 402: Number, and percentage, of non-safeguarders (n = 357) and sheriffs (n = 16) who felt these were the types of situations or circumstances in which a safeguarder should be appointed. (Respondents could give more than one)*

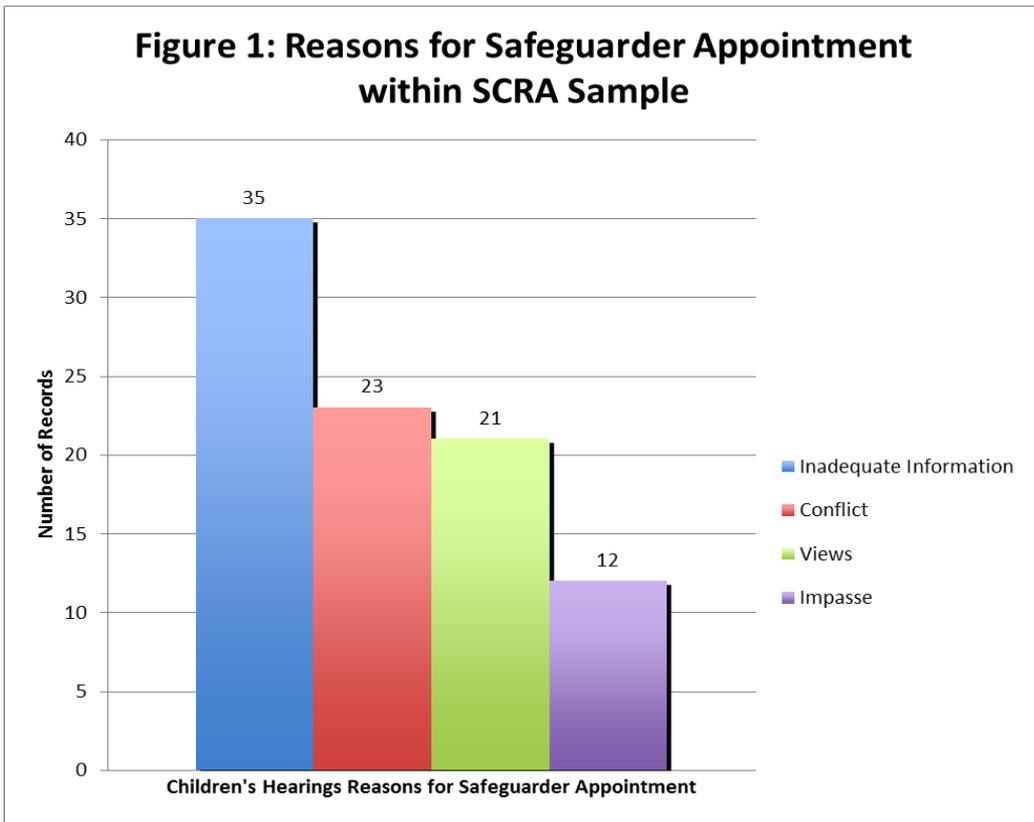


Figure 1: Reasons for safeguarder appointment extracted from the SCRA sample

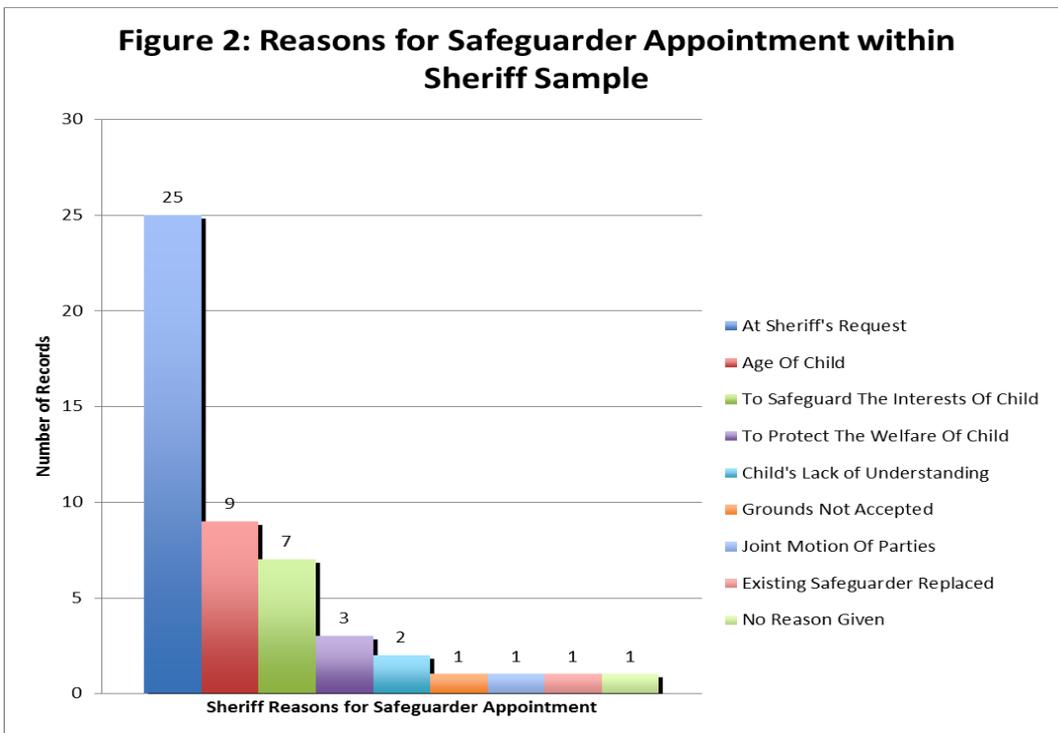


Figure 2: Reasons for safeguarder appointment extracted from the sheriff sample

<b>Roles</b>	<b>Conflict N (%)</b>	<b>Information gathering N (%)</b>	<b>Ascertaining views N (%)</b>	<b>Independence N (%)</b>	<b>Child's interests N (%)</b>	<b>Child's rights N (%)</b>
Panel members	98 (47)	69 (50)	72 (56)	35 (52)	45 (69)	19 (14)
Social workers	61 (29)	38 (27)	22 (17)	13 (19)	6 (9)	6 (13)
Children's reporters	27 (13)	16 (12)	23 (18)	13 (19)	10 (15)	15 (33)
Lawyers	10 (5)	6 (4)	7 (6)	3 (4)	3 (5)	2 (4)
Other	12 (6)	10 (6)	4 (3.1)	4 (6)	1 (2)	4 (9)

*Table 403: Roles that mentioned conflict as a reason to appoint a safeguarder*

## Chapter 5 tables and figures

Grouping term	Activities covered
Child/family related activity	Playing with child, obtaining child/family views, meeting with child/family, interviewing child/family, explaining process to child/family, observing contact, mediating, handing out leaflets, travelling to family/child meetings
Information gathering	Phone calls, obtaining professional views, interviewing professionals, meeting with professionals, talking and listening, travelling
Information processing	Reading paperwork and reports, collating information, assessing and evaluating, thinking and analysing
Court hearing/attendance	Travelling, sitting in court/hearing waiting rooms, attending hearings/courts
Report preparation	Keeping to limited timescales, writing report/recommendations, oral presentations

Table 501: Groupings used for the free text responses that indicated the activities that took up most of the safeguarders' time

Activity	Gender		Total N (%)
	Males N (%)	Females N (%)	
Child/family related activity	21 (60)	45 (70)	66 (67)
Information gathering	23 (66)	38 (60)	61 (62)
Information processing	8 (23)	18 (28)	26 (26)
Court hearing/attendance	2 (6)	4 (6)	6 (6)
Report preparation	9 (26)	13 (20)	22 (22)

Table 502: Number, and percentage, of male (n = 35), female (n = 64) and all (n = 99) safeguarders who spent most of their time involved in these activities. (Respondents could give more than one response)

Role	Usefulness of safeguarder reports (N, %)						
	Extremely useless	Moderately useless	Slightly useless	Neither useful nor useless	Slightly useful	Moderately useful	Extremely useful
Non-safeguarder	6 (2)	11 (4)	5 (2)	37 (13)	18 (7)	92 (33)	107 (39)
Sheriff	0 (0)	0 (0)	0 (0)	0 (0)	1 (8)	4 (33)	7 (58)

Table 503: Non-safeguarder (n = 276) and sheriff (n = 12) opinions on the usefulness of safeguarder reports

Role	Usefulness of safeguarder reports (N, %)						
	Extremely useless	Moderately useless	Slightly useless	Neither useful nor useless	Slightly useful	Moderately useful	Extremely useful
Children's reporter	0 (0)	1 (3)	0 (0)	2 (6)	3 (9)	10 (30)	17 (52)
Solicitor	1 (7)	1 (7)	0 (0)	1 (7)	3 (20)	7 (47)	2 (13)
Panel member	4 (3)	0 (0)	2 (2)	5 (4)	6 (4)	43 (33)	72 (55)
Social worker	1 (1)	8 (10)	3 (4)	9 (11)	20 (25)	27 (34)	12 (15)
Other	0 (0)	1 (6)	0 (0)	1 (6)	5 (31)	5 (31)	4 (25)

Table 504: Opinions of non-safeguarders (n = 276) on the usefulness of safeguarder reports

Attendance at proceedings	Non-safeguarders N (%)	Sheriffs N (%)
Yes	264 (74)	12 (100)
No	5 (2)	0 (0)
Unsure	8 (3)	0 (0)

Table 505: Non-safeguarder (n = 388) and sheriff (n = 12) opinions on whether it is better for safeguarders to appear at the proceedings to present their report

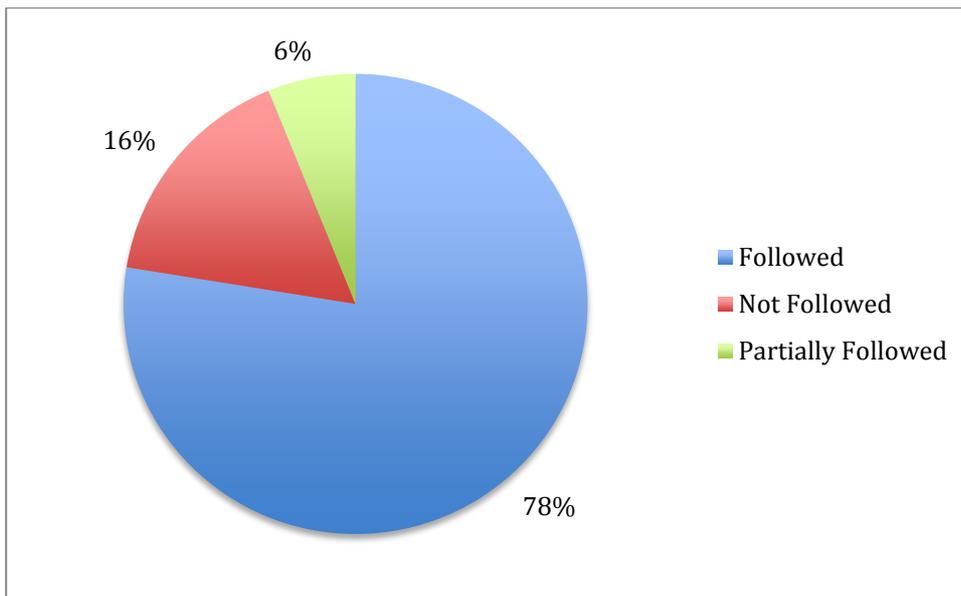


Figure 3: The extent to which safeguarder recommendations were followed

Response	Non-safeguarders N (%)	Sheriffs N (%)
Yes	159 (58)	10 (83)
No	81 (29)	1 (8)
Don't know	36 (13)	1 (8)

Table 506: Non-safeguarder (n = 276) and sheriff (n = 12) opinion on whether the involvement of a safeguarder makes the decision in the case more robust

Response	N (%)
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Yes	36 (42)
No	12 (14)
Don't know	38 (44)

*Table 507: Number, and percentage, of safeguarders (n = 86) who provided an opinion on whether the involvement of a safeguarder affected the number of appeals*

Response	Main occupation				
	Lawyer N (%)	Social worker N (%)	Teacher N (%)	Other N (%)	Retired N (%)
Yes	15 (42)	5 (14)	0 (0)	5 (14)	11 (31)
No	4 (33)	2 (17)	1 (8)	2 (17)	3 (25)
Don't know	3 (8)	4 (11)	1 (3)	6 (16)	24 (64)

*Table 508: Summary information on whether the involvement of a safeguarder affected the number of appeals. Results stratified by main occupation of the safeguarder*

## Chapter 6 tables and figures

Grouping	Activities covered	Safeguarders N	Non-safeguarders N
None	I have not noticed any, I have not observed any changes to practice, I see no difference, I am not aware of any, not in my experience	4	106
More safeguarders	Increase in number of safeguarders with different abilities, greater number of safeguarders available, more appointments for safeguarders	1	11
More support/training	Support sessions and mandatory training, a lot more training, less isolation, targeted training for safeguarders, better trained safeguarders	24	5
Increased quality/standards and supervision	More homogeneous approach to role, a drive towards a national standard, better adherence to timescales/attendance at hearings, better/more supervision, better/more regulation, better assessments by safeguarders, more accountability, development of a professional identity	34	18
Negative changes	Unnecessary intervention in the role, too much oversight/scrutiny, threat to independence of role, greater number of appointments outside of local area, no improvement in safeguarder quality, increased number of people lacking key skills and local knowledge, poor quality safeguarders, more bureaucracy, less autonomy, ineffective training	20	29
Don't know	Experience is post 2013, cannot comment, don't know, don't interact with enough safeguarders to comment, limited/short time experience of CHS	9	94

*Table 601: Groupings and number of respondents for the free text responses that indicate the changes that have been seen since the 2013 shift to a national panel. Note some individuals may give multiple responses*

Score	Safeguarders (N, %)	Non-safeguarders (N, %)
0	1 (1)	38 (14)
1	2 (2)	14 (5)
2	3 (4)	25 (9)
3	0 (0.0)	21 (8)
4	3 (4)	6 (2)
5	9 (11)	106 (39)
6	6 (7)	20 (8)
7	14 (17)	17 (6)
8	14 (17)	13 (5)
9	10 (12)	8 (3)
10	19 (24)	4 (12)

Table 602: Safeguarder and non-safeguarder opinions on whether the shift to a national panel in 2013 has made a difference to the way in which safeguarders work. Opinions collected using an 11-point scale where higher scores mean bigger difference

Response	Safeguarders N (%)	Non-safeguarders N (%)
Yes	9 (11)	7 (3)
No	34 (42)	46 (17)
Don't know	38 (47)	218 (80)

Table 603: Safeguarder (n = 81) and non-safeguarder (n = 271) opinion on whether there have been any changes in policy following the 2013 shift to a national panel

Grouping	Activities covered	Safeguarders N	Non-safeguarders N
Interactions with child/family	Better understanding of effect of circumstances on child, increased understanding of how to get information from child, more friendly interactions	3	3
Standards/accountability	Adhering to standards, meeting timelines, more consistency in practice	1	1
Provision of guidelines and training	More guidance on how to gather different views, training on how to gather information	4	2
Communication	Better reports, more detailed reports, better contact with safeguarders	0	2

Table 604: Groupings and number of respondents for the free text responses for changes in policy that have been seen since the 2013 shift to a national panel. Note some individuals may give multiple responses

	Score awarded									
	2	3	4	5	6	7	8	9	10	
Number (%)	1 (1)	1 (1)	2 (2)	10 (12)	4 (5)	13 (15)	18 (21)	19 (22)	18 (21)	

Table 605: Safeguarder (n = 86) opinion on the extent that the seven practice standards for safeguarders provide a good framework for the safeguarder role

Score	Main occupation				
	Lawyer N (%)	Social worker N (%)	Teacher N (%)	Other N (%)	Retired N (%)
2	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
3	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)
4	1 (50)	0 (0)	0 (0)	1 (50)	0 (0)
5	3 (30)	2 (20)	0 (0)	1 (10)	4 (40)
6	0 (0)	3 (75)	0 (0)	0 (0)	1 (25)
7	8 (62)	0 (0)	0 (0)	3 (23)	2 (15)
8	2 (11)	3 (17)	0 (0)	3 (17)	10 (56)
9	4 (21)	1 (5)	1 (5)	2 (11)	11 (58)
10	3 (17)	2 (11)	1 (6)	3 (17)	9 (50)

Table 606: Safeguarder (n = 86) opinion on the extent that the seven practice standards for safeguarders provide a good framework for the safeguarder role. Results stratified by main occupation for safeguarder

Score	Length of service as a safeguarder (Years)				
	1 – 3 N (%)	4 – 5 N (%)	6 – 7 N (%)	8 – 10 N (%)	More than 10 N (%)
2	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
3	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
4	0 (0)	1 (50)	0 (0)	0 (0)	1 (50)
5	0 (0)	0 (0)	3 (30)	1 (10)	6 (60)
6	2 (50)	0 (0)	0 (0)	1 (25)	1 (25)
7	1 (8)	2 (15)	1 (8)	1 (8)	8 (62)
8	5 (28)	2 (11)	2 (11)	3 (17)	6 (33)
9	9 (47)	3 (16)	1 (5)	1 (5)	5 (26)
10	7 (39)	3 (17)	1 (6)	2 (11)	5 (28)

Table 607: Safeguarder (n = 86) opinion on the extent that the seven practice standards for safeguarders provide a good framework for the safeguarder role. Results stratified by length of service as a safeguarder

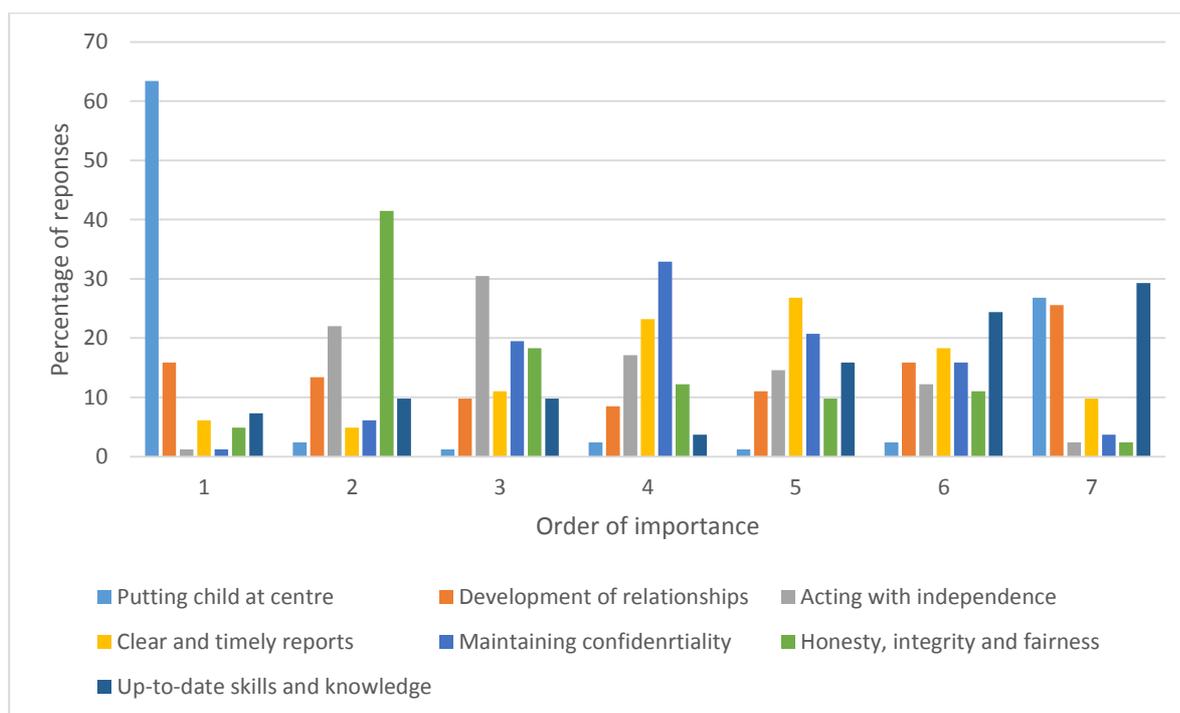


Figure 4: Safeguarder opinions on how important each of the seven key practice standards are

Practice standard	Order of importance						
	1	2	3	4	5	6	7
Putting the child at the centre	52 (63)	2 (2)	1 (1)	2 (2)	1 (1)	2 (2)	22 (27)
Developing relationships with all involved	13 (16)	11 (14)	8 (10)	7 (8)	9 (11)	13 (16)	21 (26)
Acting with independence of practice	1 (1)	18 (22)	25 (30)	14 (17)	12 (15)	10 (12)	2 (2)
Providing clear and timely reports	5 (6)	4 (5)	9 (11)	19 (23)	22 (27)	15 (18)	8 (10)
Maintaining confidentiality	1 (1)	5 (6)	16 (20)	27 (33)	17 (21)	13 (16)	3 (4)
Acting with integrity, honesty and fairness	4 (5)	34 (42)	15 (18)	10 (12)	8 (10)	9 (11)	2 (2)
Keeping up to date with skills/knowledge	6 (7)	8 (10)	8 (10)	3 (4)	13 (16)	20 (24)	24 (30)

Table 608: Ranking, in order of importance, of the seven practice standards for safeguarders. One indicates most important while seven indicates least important

Main occupation	Aware N (%)	Not aware N (%)
Children's reporter	21 (18)	12 (7)
Lawyer	7 (6)	8 (5)
Panel member	54 (47)	78 (45)
Social worker	20 (17)	60 (39)
Sheriffs	7 (6)	5 (3)
Other	7 (6)	9 (5)
Total	116	172

Table 609: Number, and percentage, of non-safeguarders and sheriffs who were either aware or not aware of the 7 key practice standards

Score	Safeguarders N (%)	Non-safeguarders N (%)	Sheriffs N (%)
0	0 (0)	7 (2)	0 (0)
1	0 (0)	5 (2)	0 (0)
2	0 (0)	6 (2)	0 (0)
3	0 (0)	7 (2)	0 (0)
4	0 (0)	9 (3)	1 (8)
5	1 (1)	43 (16)	0 (0)
6	0 (0)	28 (10)	0 (0)
7	4 (5)	35 (13)	0 (0)
8	19 (23)	46 (17)	3 (25)
9	19 (23)	50 (18)	4 (33)
10	39 (48)	40 (14)	4 (33)

Table 610: The extent that safeguarders (n = 82), non-safeguarders (n = 276) and sheriffs (n = 12) felt that the underlying professional skills/qualifications of safeguarders helped them in their role as a safeguarder

Skill	Activities covered
Communication	Written and verbal communication, ability to effectively communicate with a range of groups, listening skills, ability to explain roles/process/report/recommendations in a range of settings/to a range of audiences, report writing skills
Information gathering and processing	Interviewing skills, investigation/assessment skills, observation skills, analytical skills, ability to collate and synthesise relevant information, ability to present information clearly in reports/at hearings/in court
Interpersonal	Ability to relate to/engage with children and families, ability to work alongside relevant professionals, appreciation of family dynamics, life experience, empathy/compassion, integrity/respect, humour, honesty, confidence/tenacity, objectivity/impartiality, sensitivity, confidentiality, autonomy and independence, child centred approach
Professional	Knowledge of legal systems/process, understanding child development, understanding of mental health/addiction/domestic abuse/disability/trauma, experience of working with vulnerable groups, legal/court/hearings experience, advocacy skills, mediation/negotiation skills, problem solving skills, professional qualification in law/social work/health/psychology

Table 611: Groupings used for the free text responses that provided further information on the underlying professional skills/qualifications/qualities that were important to the safeguarder role

Skill	Safeguarders N (%)	Non-safeguarders N (%)	Sheriffs N (%)
Communication	57 (58)	149 (42)	5 (31)
Information gathering/processing	32 (32)	75 (21)	1 (6)
Interpersonal	66 (67)	159 (44)	7 (44)
Professional	56 (57)	161 (45)	8 (50)

Table 612: Number, and percentage, of safeguarders, non-safeguarders and sheriffs who felt these skills/qualifications/qualities were important to the safeguarder

<b>Response</b>	<b>Non-safeguarders N (%)</b>	<b>Sheriffs N (%)</b>
Yes	46 (13)	6 (54)
No	35 (13)	3 (27)
Don't know	192 (70)	2 (18)

*Table 613: Non-safeguarder (n = 273) and sheriff opinion on whether safeguarders are provided with appropriate training and support to fulfil their role*

<b>Skill</b>	<b>Activities covered</b>
Support	Mentoring/buddying, peer support, group support sessions, support hotline, counselling, genuine support – not supervising/monitoring/compliance/management
Professional development	Problem solving skills, restorative approaches, consultation of practice guidance, safeguarder input in training – provision and identification of subject matter
Specialist training	Court work, legal processes/procedures, safeguarder role in court proceedings (particular appeals), social work input, substance misuse, interviewing techniques, conflict resolution, identification of neglect/abuse, training should be paid

*Table 614: Groupings used for the free text responses that provided further information on the additional skills/training that safeguarder would find useful*

<b>Skill</b>	<b>Activities covered</b>
Child development and protection	Training on attachment, training on neglect, training on domestic violence, training on substance misuse, training on physical and sexual abuse
Legal issues and processes	Training on legal framework and process, training on court work – how to be a party to proceedings, training on permanence legislation and procedures, training on social work processes/decision-making
Communication skills	Court work, legal processes/procedures, safeguarder role in court proceedings (particular appeals), social work input, substance misuse, interviewing techniques, conflict resolution, identification of neglect/abuse, training should be paid
Assessment skills	Training on how to engage and effectively communicate with children, training on how to communicate effectively with parents/carers, training on how to communicate effectively with professionals, advocacy skills, professionalism – engaging with families/professionals in a respectful manner
Reporting skills	Training on how to write a comprehensive report, consistent standard of reporting, adherence to timescales for reports, attendance at hearings and ability to speak to report, training on how to undertake a thorough and independent investigation

*Table 615: Grouping used for free text responses for skills that would be useful, in the opinion of non-safeguarders, for the safeguarder role*



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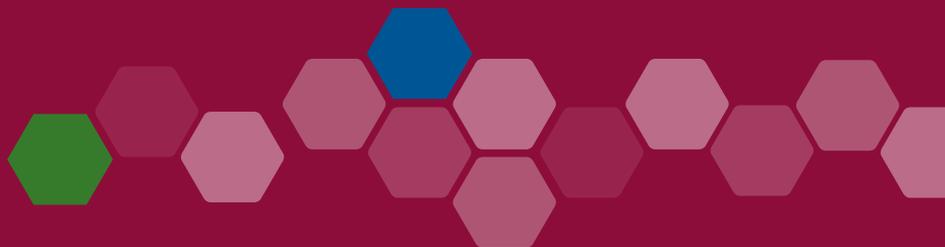
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