

Case Study

Family Background

The child, Ann is aged 5 and is currently in P1 at school. She lives with her mother who is registered blind and suffers from an inherited neuro- degenerative condition characterised by low IQ, dementia, and 'spastic paraplegia'.

Ann was flagged as 'special needs 'at birth due to the family history of inherited condition.

The family lived in the north of Scotland when Ann was born. They then moved to another Scottish City for a period when Ann attended nursery. They then moved again where Ann enrolled in a new nursery. They moved again in the same city just before she began school.

When Ann started school, her mother advised that she was living with a new partner and was also supported by her own extended family particularly the maternal grandmother.

School started in August but Ann did not attend for the first week. Her mother reported that a family member had died.

Mother was anxious to monitor Ann's health and development given her family history of health issues.

Support Sessions

Support
Sessions

- As you know the support sessions are a pivotal part of the Performance Support and Monitoring Framework. You will have 3 support sessions spread across your appointment year (e.g May 2017 to May 2018) with a dedicated Support Manager. Your first session will take place in May/June of 2017 and will mainly focus on any housekeeping/ administrative matters.
- The support sessions have a dual purpose that is to support you in your role as Safeguarder but also to monitor your practice of behalf of the Scottish Government. They are aimed to be a participative session in which a record is co-produced and agreed and signed by both parties at the end.
- Each session will last approximately 2 hours. The basis of the session will always be the Practice Standards. You should know in advance of the session what the focus will be and therefore be able to prepare as appropriate. You will have a discussion with your Support Manager prior to this, in order to mutually agree the agenda. The venue for this should be negotiated between you and your Support Manager but should be free from distractions and a confidential space. Children 1st have 17 regional offices across Scotland and any of these can be used as an appropriate venue, in addition to a number of SCRA and other charity office spaces.

Report
Sampling

- At least one session per year will involve report sampling. This involves a report you have written being sampled and assessed against a tool developed for this purpose. The content of the discussion will be recorded on the support session record and you will be asked to sign this at the end to agree that it is a true reflection of your discussion. The Individual Development Plan (IDP) will also form part of this, the IDP should indicate how beneficial or critical the agreed development is, alongside how it will be achieved and what the associated timeframe is.

Materials for
Support
Sessions

- A selection of the records of support sessions will be used for auditing purposes in order to feedback to individual Support Managers and the team as a whole. This may mean that the current forms are amended to meet the changing focus.
- A number of forms are attached for you to familiarise yourself with (support session record, guide to report sampling, tool used for assessment of report sampling).

Example of case activity to match sample claim form

Date	Activity
15/12/16	Safeguarder is appointed by children's hearing for sibling group of three. Safeguarder allocated to case through Safeguarders Panel Team. All three siblings live together in the same foster placement.
7/01/17	Safeguarder attends a children's hearing.
2/02/17	Safeguarder attends a court hearing.
18/02/17	Safeguarder attends a further court hearing.
27/02/17	Case remitted back to children's hearing and safeguarder attends children's hearing. Substantive decision reached for all three siblings.
20/03/17	Appeal period expires with no appeal lodged.
25/03/17	Safeguarder submits claim form to Safeguarders Panel Team

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Child Protection and Safeguarding:

How understanding attachment, trauma and resilience can support your work and promote effective practice

learning outcomes

1. Child protection

- Know about child abuse, child protection and safeguarding children
- Develop understanding of your role within your organisation in relation to child protection

additional resources

- Reference materials
- Practical exercises

online materials include

- Articles – *Five to Thrive in work with vulnerable families*
- Articles – *Resilience and early years experience: child, family, community*
- Articles – *The behaviour tells the story*
- E-learning – *Child protection – Scotland*
- Powerpoint presentations
- Book list, recommended websites and more...
- See the back of this pack for your log-in details

during your training day

We want this day to be as useful as possible to you and all participants, so we'd like you to feel comfortable and relaxed. Please do feel free to:

- *ask questions or make comments, or participate by listening, whichever suits you better*
- *use the breaks to talk to other people and share ideas, or just take some quiet time for yourself*
- *jot down any thoughts or questions and talk to the trainer during a break or get in touch with us after the event*
- *stand up or walk around a little if sitting becomes uncomfortable*
- *ask for any assistance you require*

If possible please turn off your mobile phone during the sessions, or turn it to silent mode if you have to be available by phone

Sit with your back to the person	Interrupt with questions
Stare	Sit stone faced (no interaction/ give no response)
Make no eye contact	Active listening

USEFUL RESOURCES

WEBSITES

GIRFEC www.gov.scot/gettingitright

Children's Legislation <http://www.gov.scot/Topics/People/Young-People/legislation>

Young Scots www.wellbeingforyoungscots.org/

Child Protection www.withscotland.org

Institute for Research and Innovation in Social Services www.iriss.org.uk

Children's Rights www.whocarescotland.org

Centre for Excellence for Looked After Children in Scotland www.celcis.org

Children and Young People's Commissioner Scotland <http://www.cypcs.org.uk/about>

PUBLICATIONS

Children's Hearings Scotland (2014) Views & Experiences of the Children's Hearings System, Edinburgh: CHS

<http://www.chscotland.gov.uk/our-publications/research/2014/07/views-and-experiences-of-the-childrens-hearings-system/>

Dalzell R & Chamberlain C (2006) Communicating with Children: A two-way process. Resource pack. London: National Children's Bureau

Department of Health and Joseph Rowntree Foundation (2002) Ask Us - a project to find out the views of disabled children

Furnivall J & Grant E (2014) trauma Sensitive Practice with Children in Care Glasgow: IRISS insights 27 <http://www.iriss.org.uk/category/resource-categories/iriss-insights>

Gadda A; Hill M; Young E & Welch V (2015) The Appointment of Safeguarders in the Children's Hearings System Glasgow:CELCIS www.celcis.org

Goetzold S (2015) *The importance of the child's free narrative in child protection investigations in Scotland* Stirling: WithScotland

<http://withscotland.org/resources/the-importance-of-the-child-s-free-narrative-in-child-protection-investigations-in-scotland>

Kolucki B & Lemish D (2011) Communicating with Children, Principles and Practices UNICEF http://www.unicef.org/cwc/files/CwC_Web.pdf

Roesch-March A (2012) behaviour as communication: understanding the needs of neglected and abused adolescents. Stirling: WithScotland www.withscotland.org

Scottish Government (2011) Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland <http://www.gov.scot/Publications/2011/12/16102728/0>

Scottish Government (2012) National Risk Framework for Child Protection <http://www.scotland.gov.uk/Publications/2012/11/7143/0>

Scottish Government (2014) National Guidance for Child Protection in Scotland <http://www.gov.scot/Resource/0045/00450733.pdf>

Scottish Government (2014) Child protection and Disability Toolkit <http://withscotland.org/resources/child-protection-and-disability-toolkit>

Scottish Government (2016) <http://www.gov.scot/Topics/People/Young-People/legislation>

Whincup H (2011) Involving Children in Assessment & Decision-Making Stirling: SCCPN

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SAFEGUARDERS – RELEVANT MATERIALS

	Material	Amended by	Covers	Publicly available	Electronic links
LEGISLATION, REGULATION AND TEXT BOOKS					
1	Children's Hearings (Scotland) Act 2011	CH(Sc)A'11(Modification of Primary Legislation) Order 2013, Children and Young People (Sc) Act 2014, CH(S)A'11(Review of Contact Direction and Definition of Relevant Persons) (Sc) Order 2011	Duty on children's hearings and sheriffs to consider appointment of a safeguarder, the Safeguarder Panel, safeguarder functions, regulations for safeguarders, general children's hearing's law	Yes	www.legislation.gov.uk/asp/2011/1/contents
2	The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013		Children's Hearing process and procedure including notifying safeguarders, reports, non-disclosure process, etc.	Yes	www.legislation.gov.uk/ssi/2013/194/contents/made
3	Act of Sederunt (Child Care and Maintenance Rules) 1997	Act of Sederunt (Child Care and Maintenance Rules) Amendment 2013, Act of Sederunt (Child Care and Maintenance Rules) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2006	Rules covering the process at court including safeguarders rights and responsibilities at court	Yes	Act of Sederunt (Child Care and Maintenance Rules) 1997: www.legislation.gov.uk/uksi/1997/291/contents/made Act of Sederunt (Child Care and Maintenance Rules) Amendment(Vulnerable Witnesses (Sc) Act 2004) 2006: www.legislation.gov.uk/ssi/2006/75/pdfs/ssi_20060075_en.pdf

4	The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012	The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016	Recruitment, appointment, training, fees, monitoring	Yes	The Children's Hearings (Sc) Act 2011 (Safeguarders Panel) Regulations 2012: www.legislation.gov.uk/ssi/2012/54/contents/made The Children's Hearings (Sc) Act 2011 (Safeguarders Panel) Amendment Regulations 2016: www.legislation.gov.uk/ssi/2016/61/contents/made
5	The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012		Termination of appointment, reports for appeals, views of child, explaining role, accessing previous safeguarder reports	Yes	www.legislation.gov.uk/ssi/2012/336/contents/made
6	The Children and Young People (Scotland) Act 2014		Amends safeguarder legislation and covers relevant information, named persons, child's plan,	Yes	www.legislation.gov.uk/asp/2014/8/pdfs/asp_20140008_en.pdf
7	Children's Hearings in Scotland, Kenneth Mc Norrie		Text book on children's hearings including sections on safeguarders	Yes	Available to access through the Safeguarders Panel Team
POLICIES					
8	Practice Standards		Practice and conduct required of safeguarders	Yes	www.children1st.org.uk/media/369515/Practice-Standards-for-Safeguarders-2015.pdf
9	Performance Support and Monitoring Framework		Monitoring and support mechanisms for safeguarders	Yes	www.children1st.org.uk/media/369511/Performance-Support-and-Monitoring-Framework-for-Safeguarders-JULY-2015.pdf
10	Practice Notes – Role of the Safeguarder (6 Notes plus SPT 'Support for Safeguarders when Raising Issues' document)		Reasons for appointment, meeting, etc., explaining role, parameters of the role, dealing with conflict, contact after appointment, support from SPT when sg raising issues	Yes	www.children1st.org.uk/what-we-do/our-services/search-our-services/safeguarders-panel/for-safeguarders/practice-standards-and-performance-monitoring/practice-note-on-the-role-of-safeguarder/

11	Data Management Policy and Guidance for Safeguarders	Amendment for phasing in of report writing, holding information	Data responsibilities and phasing in of change until Feb 2017	Yes	www.children1st.org.uk/media/357532/Safeguarders-Data-Management-Policy-and-Guidance-with-March-2016-amendment.pdf
12	Data Retention Policy		Holding safeguarder information in SPT	Yes	www.children1st.org.uk/media/369507/Data-Retention-Policy-2015.pdf
13	Operating Guidance for Safeguarders 2016		Monitoring/support, child protection, lone working, allocation, fees, confidentiality, ID badges, Feedback, Complaints, Information leaflets, communications form SPT, complaining about SPT	Yes	www.children1st.org.uk/media/158077/operating-guidance-march-2016.pdf
14	Safeguarders Fees, Expenses and Allowances 2015	FAQs 2015/6 supplement	Fees, claims	Yes	Safeguarders Fees, Expenses and Allowances 2015: www.children1st.org.uk/media/368192/Safeguarder-Fees-Expenses-Allowances-Guidance-v3.pdf FAQs: www.children1st.org.uk/media/292794/FAQs-Safeguarders-Fees-expenses.pdf
15	Child Protection Policy and Procedure for Safeguarders		Child protection requirements on safeguarders	Yes	www.children1st.org.uk/media/369503/Child-Protection-Policy-2015.pdf
16	Lone Working Guidance		Lone working guidance including contact details for phone in service for visits	Yes	www.children1st.org.uk/media/283425/Lone-Working-Guidance-April-2015.pdf
17	Complaints Policy: Addressing complaints, concerns and issues for continuous improvement		Covers process for issues, concerns and complaints	Yes	www.children1st.org.uk/media/358429/Complaints-Policy-2015.pdf
18	Draft Practice Notes on Reports		Covers aspects relevant to reports and investigation for reports		Currently out for consultation with safeguarders – draft available

OTHER RELEVANT INFORMATION					
19	Celcis Safeguarders Research 2015		Influence of safeguarders at hearings	Yes	www.celcis.org/knowledge-bank/search-bank/safeguarders-research-summary-report/
20	Hill and Lockyer Safeguarder Research 1995		Safeguarders research	Yes	www.gov.scot/Resource/Doc/46905/0024042.pdf
21	Panel Members Manual and summary document		Process and practice expectations for panel members	Yes	(link to be inserted)
22	Children 1st Safeguarder Panel Team website		Policies, information, training materials and tools for safeguarders	Yes	www.children1st.org.uk/safeguarders
23	SCRA website			Yes	www.scra.gov.uk
24	SCRA Practice Direction 21 on Safeguarders		Direction to children's reporters in relation to safeguarders	Yes	www.scra.gov.uk/wp-content/uploads/2016/03/Practice-Direction-21-Safeguarders.pdf
25	Children's Hearings Scotland website			Yes	www.chscotland.gov.uk

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REPORT Assessment against Practice Standards

Ref:

	Criteria	YES	NO	Comment	Action for session
BASIC REFERENCE INFORMATION					
1	Name of safeguarder included				
2	Name of child included				
3	Date of birth of child included				
4	Date of appointment included				
5	Reasons for appointment included				
	Overall assessment for Basic Reference Information			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	
METHODOLOGY/APPROACH					
6	Listing people spoken to in the course of inquiries and their details (if relevant) included				
7	Information provided as to the background of the child's case				
8	Information provided as to any inquiries made				
9	Confirmation that the child was given the opportunity to provide a view				
10	If the child was not met or spoken to – the reasons for this				
11	The means of obtaining any views of the child included				
12	If a relevant person was not given the opportunity to express a view – the reasons included				
	Overall assessment for Methodology/ Approach			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	

Strong	Fully complies with the requirements of this section Complies with requirements – evident across the report Strong examples provided
Partial	Partially complies with requirements of this part – some elements are missing -
Poor	Some of the requirement met but met poorly Difficult to identify if the requirement is being covered Some indication that requirements are considered but insufficient detail or clarity
None	No evidence in the report that this area has been covered when expected to be so
Red Flag	Something in the report which is of sufficient concern – requires immediate attention Child protection issue, practice, conduct or behaviour of major concern.

Date:

Support Manager:

Safeguarder:

REPORT Assessment against Practice Standards

Ref:

	EVIDENCE HANDLING	YES	NO	COMMENT	ACTION FOR SESSION
13	Information or summary of the key events or issues that have emerged during enquiries				
14	Information as to the views of the child				
15	The views of all relevant persons included				
	Overall assessment for Evidence Handling			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	
	ANALYSIS/ LOGIC				
16	Reasoned analysis of the information available				
17	The link from (i) the reasoned analysis and (ii) the weight of importance to, the conclusions made is included				
18	Opinions reached by the safeguarder are based on reasoning				
	Overall assessment for Analysis/ Logic			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	
	RECOMMENDATIONS				
19	A conclusion with recommendations as to what is in the child's best interests is in the report				
20	All recommendations are clear, reasoned and justifiable				
21	Conclusions and recommendations provided focus on the best interests of the child				
	Overall assessment for Recommendations			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	

Date:

Support Manager:

Safeguarder:

REPORT Assessment against Practice Standards

Ref:

	SENSITIVE INFORMATION/ PROTOCOLS	YES	NO	COMMENTS	ACTION FOR SESSION
22	Only necessary and relevant information is included in the report				
23	If there is sensitive information (new or historical) in the report, this <u>requires</u> to be included				
24	If there is sensitive information, it is treated in a way that minimises the possibility of further distress (especially for a child)				
25	Where child does not want views included in the report – non-disclosure process followed				
	Overall assessment for Sensitive Information/ Protocols			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	
	DIGNITY AND DIVERSITY				
26	Every child is treated as an unique individual				
27	Each child's culture, background, language, age and stage of development, any disability, or other individual needs and circumstances are considered				
28	Diversity is recognised and different cultures and values are respected				
29	All concerned are treated with respect, honesty and fairness				
	Overall assessment for Dignity and Diversity			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	
	RESPONSIVENESS				
30	Report is submitted in time				
31	Children, parents and carers are engaged with fairly, promptly, effectively and with sensitivity				
32	Acts as a safeguarder only in those matters that he or she is competent and has the skills base to do so, drawing on own personal skills and levels of expertise but using these only within the parameters of the safeguarder role				
	Overall assessment for Responsiveness			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	

Date:

Support Manager:

Safeguarder:

REPORT Assessment against Practice Standards

Ref:

		YES	NO	COMMENT	ACTION FOR SESSION
33	OTHER e.g. Language used Simplicity and clarity of style No Jargon Succinct Well laid out				
	Overall assessment for Other			Strong <input type="checkbox"/> Partial <input type="checkbox"/> Poor <input type="checkbox"/> None <input type="checkbox"/> Red Flag <input type="checkbox"/>	

Summary	Strong	Partial	Poor	None	Red Flag
Basic reference information					
Methodology/approach					
Evidence handling					
Analysis/ logic					
Recommendations					
Sensitive information/ protocols					
Dignity and diversity					
Responsiveness					
Other (specified in section)					
Interim/Supplementary (additional)					
Overall Assessment					

When considering the **Overall Assessment**, take time to consider what best reflects the assessment to be given. Look at the sections where partial, poor or none have been assessed – Do they contain some concerning gaps or issues? – What actions have been noted to be taken? – What is your overall sense of what this report tells you - about practice against the Practice Standards?

Strong	Fully complies with the requirements of this section Complies with requirements – evident across the report Strong examples provided
Partial	Partially complies with requirements of this part – some elements are missing
Poor	Some of the requirement met but met poorly Difficult to identify if the requirement is being covered Some indication that requirements are considered but insufficient detail or clarity
None	No evidence in the report that this area has been covered when expected to be so
Red Flag	Something in the report which is of sufficient concern – requires immediate attention Child protection issue, practice, conduct or behaviour of major concern.

Date:

Support Manager:

Safeguarder:

RECORD OF SUPPORT SESSION/INDIVIDUAL DEVELOPMENT PLAN

NAME

DATE

TIME

General Comments/Areas of Discussion/Follow up from last session

Standard 1: Child at the Centre

Standard 2: Relationships

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Standard 3: Independence

Standard 4: Reports

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Standard 5: Confidentiality

Standard 6: Personal Conduct

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Standard 7: Keeping up to date with Skills & Knowledge

Standards discussed Full/ In part/ N/A

Child at the Centre	Relationships	Independence	Reports	Confidentiality	Personal Conduct	Skills & Knowledge

Evidence of meeting the standards Strong/Partial/Poor/None/Red flag

Individual Development Plan

What are my development goals?	What actions are needed to achieve my goals?	What support/resources do I need to achieve my goals?	When do I expect to achieve goals?
<p>This is a true reflection of this support session:</p> <p>Signed (safeguarder):</p> <p>Signed (support manager):</p> <p>Date:</p>			<p>Review Date</p>

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READY FOR ACTION?

What has been covered and needs no more?

What has been covered but not enough?

What hasn't been covered at all and needs to be?

Name:

Recap Quiz

- 1. What judge will you meet the most in children's hearings court proceedings?**
- 2. If the grounds are agreed by the reporter and the relevant persons/child – do you need to agree too?**
- 3. How should you address a judge?**
- 4. Do you have to wait to be asked to speak before you say anything?**
- 5. If a parent has a lawyer, do you have to ask the parent's lawyer first before you speak to the parents?**
- 6. Do you have to stick to a limited remit given to you by the sheriff when s/he appointed you?**
- 7. If appointed for a grounds application, do you have to do a report for the court?**
- 8. Can you represent the child at court if they are old enough?**
- 9. Could you ever be the first to lead evidence in a grounds application proof?**

REPORT SAMPLING – ASSESSMENT – QUICK GUIDE

1. **Assessment Tools.** The assessment tools that will be used by support managers are available to safeguarders and can be used by safeguarders to review and reflect on their report, if they so wish.
2. **Stages to review.** There are 2 stages to the assessment of the report:
 - **The report is first reviewed** on an individual basis by safeguarder and by support manager before the session takes place. Initial assessment can be changed following discussions at the session.
 - **During and at the end of the support session.** Both safeguarder and support manager should discuss any areas noted from review at stage 1 so that any areas requiring clarification are understood. Where action or improvement is required, this should be discussed, be clear and be noted on the Individual Development Plan with any disagreement recorded in the Support Session Record.
3. **Initial Review.** Initial review of a report will be made by both safeguarder and support manager separately, once the report has been sent to the safeguarder.
4. **Areas to Clarify/Discuss at sessions.** The assessment tools used by support manager look at the individual aspects of the Practice Standards that might be shown in a report and allow the support manager to note any areas that need clarification or where the Standards appear not to be being met – this allows these matters to be fully clarified and discussed at session.
5. **Notice of Areas to Discuss – by support manager.** At least 2 weeks before the session the support manager will telephone the safeguarder to let the safeguarder know, in general terms, the areas of the report that the support manager will want to discuss at the session. This allows the safeguarder some time to reflect on what will be discussed.
6. **Notice of Areas to Discuss – by safeguarder.** In the phone call (at 5 above) the safeguarder can alert the support manager to any areas of the report or other issues that they would wish to be discussed at the session.
7. **Independence of the Safeguarder's Recommendations.** At the session the discussions around the report must relate to compliance with the Standards. What was recommended in the report is a matter for the safeguarder.
8. **Report Sampling in the Context of the Overall Monitoring.** The report can show compliance with the Standards and will add to other evidence of compliance gathered from previous sessions and from information beyond reports. It is part of the information available that allows consideration of a safeguarder's practice and conduct against the Standards.
9. **Improvements Required.** Where improvements are required by a safeguarder to meet the Standards – whether to meet the Standard on Reports or meet other Standards – these should be discussed, agreed and included in the Individual Development Plan and Support session Record. Any disagreement as to what is required should be recorded in these documents too.

Process for claiming safeguarder fees, expenses and allowances

Completion of
claim form

- Download form from Safeguarders Panel webpage: www.children1st.org.uk/safeguarderfees
- The claim forms are designed to be **completed electronically** and safeguarders are asked to complete them in this way. A safeguarder can contact the Safeguarders Panel Team if they require support in completing the form electronically.
- It is the **responsibility of each individual safeguarder to familiarise themselves fully with the rules** under which fees, expenses and allowances can be claimed.
- If a safeguarder is in any doubt about entitlement to specific fees, expenses or allowances, they should get in touch with Jenny or Philippa at the team, either by email or phone, before submitting claim.
- The claim form must be **fully completed**, with full fee descriptions, dates and correct amounts included.

Submission of
claim form

- It is expected that a timely claim will be made by a safeguarder, **within two months of the conclusion of appointment**, which is usually once the appeal period expires. There may be circumstances which require alternative arrangements, such as an interim payment of expenses to be made because a case is particularly protracted. However, safeguarders should not make interim claims on a regular basis.
- Relevant **receipts should be attached** to the claim form.
- If receipts required (e.g. for travel and accommodation costs), the claim form should be posted to the team along with original supporting receipts.
- If no receipts required (e.g. fees and mileage only), claim form can be emailed to safeguarderspanel@children1st.org.uk

Claim form
received in team

- Claim form checked by Jenny or Philippa, Contract Coordinators. *Please note, the team do not have awareness of activity involved in the appointment and it is the responsibility of the safeguarder to ensure claims submitted are in line with the guidance.*
- If any issues spotted with the claim form, Jenny/Philippa will email safeguarder.
- The Safeguarders Panel Team cannot make any changes to the forms on behalf of safeguarders. If changes required, the safeguarder will be asked to resubmit form.
- Claim form authorised by Edel or Andrew, Service Managers.

Payment made
to safeguarder

- Payment made directly to safeguarder's bank account using details provided on bank mandate. *If safeguarders need to change your bank details, they should get in touch with the team for a new bank mandate form.*
- We aim to make payment within 35 days of receipt of claim form.
- Confirmation email sent to safeguarder to confirm when payment has been processed.

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Activity - What does Gathering Views mean

At your table use the prepared flipchart and words to capture words to describe what gathering views includes and doesn't include – place in appropriate house and add a few of your own

Prepare flipchart – 3 houses with emojis in roof– smiley face; angry face; puzzled face

Prepare post-its with following words

Suggested words – interviewing; answering questions; going over grounds; getting mandates; giving choices; taking time; invitation; statement of facts; evidence; cross-examination; testimony; story; choice; return visit; promises; agreement; precognition; counselling; problem solving; information gathering; asking questions; transcripts; pictures; blog; bring a friend; silence

Groups put post-its in appropriate house – group discussion

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Day 5 Pre-appointment Training & Assessment

Understanding the role of the safeguarder in Court & Children's Hearings processes

Aims:

1. to establish an understanding of an effective contribution from the safeguarder during court proceedings
2. to establish improved confidence in ability to operate in court proceedings as a safeguarder
3. to establish an understanding of the safeguarder contribution in and around children's hearings
4. to understand the end of the appointment to a child for safeguarders

Learning outcomes:

By the end of the day the participants will be able to:

1. explain the general court context that the safeguarder will operate in and around
2. explain the safeguarder role in different court proceedings
3. understand in broad terms the different children's hearings that a safeguarder may engage with
4. understand the different ways that a safeguarder can contribute to a children's hearing
5. understand the implications of the ending of a safeguarder appointment
6. know where to access information to understand the practice and its context

Programme

Coffee/ registration / networking

Welcome to the day/ programme outline

Activity & discussion:

- the overall training and assessment expectations
- understanding of the role in court proceedings
- the wider context for the role

Comfort Break

Activity & discussion

- the role in practice in court proceedings
- expectations, including those of reporters, panel members and the court

Lunch

Activity & discussion

- the role in practice in the Hearing system
- key reference points for the role

Reflections & learning from day

Next steps & home

PARTICIPATION AT THE HEARING

Views of child in reports

- A child must be given the opportunity to express a view and if the child wants to, they must be given the opportunity and support to do so.
- Where a child has expressed a view this must be included in the report provided by the local authority to the hearing.
- If the view is told to another and passed on to the report writer, it still must be included in the report.
- A safeguarder must do likewise and
- there is a further obligation on the Safeguarder to put in their report the means of obtaining these views.

Duties on the chair at the hearing

- The chair has many duties to try and ensure participation. The Act places duties on the chair and the hearing and the new rules add to and expand on these duties. Many of the changes reflect good practice. The chair sets the tone for the hearing and regulates its procedure. A key competency of panel membership is an ability to communicate effectively with children and young people.
- Whilst there are specific duties placed on hearings and report writers, it is everyone's responsibility to encourage, support and facilitate the child to participate in the hearing, where they are able to do so.
- People attending the hearing in their professional capacity will have standards and expectations about their conduct that will support effective participation for the child.
- Information provided in advance of the hearing or matters sorted out at pre-hearing panels or by agreement (e.g. waiting arrangements) can all contribute to effective participation.

Listed below are some of these duties and powers in the Act of 2011 that can support participation of the child:

Duty on hearings and on the sheriff to regard the need to safeguard and promote the welfare of the child throughout the child's childhood as the paramount consideration when coming to a decision (s.25)

Duty on a hearing and a sheriff to consider the appointment of a Safeguarder when deciding matters in relation to a child (s.30, 31)

Duty on the hearing and on the sheriff to give a child the opportunity to indicate whether or not the child wishes to express views, and if the child wishes to, give the child an opportunity to express views and have regard to those views when making a decision (s.27)

Right of the child to have a representative and for that representative to attend a hearing and court (s.78, 104, 113)

Power of the hearing to exclude a relevant person or their representative (s.76, 77)

Right of the child to object to the attendance of certain persons granted permission to attend a hearing by the chair of the hearing (s.78)

Power of the hearing to exclude the press from a hearing (s.78)

Right of the child to attend court even if excused from attending (s.103)

Duty on the chair to confirm with the child if the child's views expressed in the reports accurately reflect the child's views (s.121)

Duty on the chair to inform the child of the availability of children's advocacy services (s.122)

Right of the child to call a review of a compulsory supervision order (s.132)

Rights to appeal decisions to the court (Part 15)

Power of a hearing to not disclose information to a person even where there is a legal obligation to provide information (s.178)

Publishing restrictions (s.182)

Right of a child to legal aid, advice and assistance (s.191)

Rules cover the following:

Power of the hearing to excuse the child where it would be unreasonable to require the child's attendance at all or part of a hearing or pre-hearing panel.

Duty on the Reporter (in certain specified circumstances) to take all reasonable steps to ensure a child or relevant person excused from attending can communicate with the hearing by telephone, video link or other method of communication.

Duty of the chair to introduce members of the hearing and to explain the purpose of the hearing to the child.

Duty on the chair to ensure that the child has received all papers and has had the opportunity to review these and to understand them.

Duty on the chair to try and clarify the child's views if the child confirms that documents containing the child's views do not accurately reflect the child's views.

Duty on the chair to take reasonable steps to ensure child and relevant person understand and participate.

Duty on the chair to take reasonable steps to ensure where child wants to express views that reasonable arrangements are made to enable this.

Duty on the chair to have a record kept of decisions and reasons.

Power of the chair to exclude a relevant person if their presence is preventing the child accepting or denying grounds.

Duty on chair to tell of the substance of any relevant report or document.

Duty on chair to take reasonable steps to obtain the views of child as to the reports, documents or matters being considered and as to what measures would be in the best interests of the child.

Duty on the hearing to state decisions and reasons and for these to be properly recorded and authenticated, and to provide information about rights of appeal.

Power for the hearing to ask for continuity of panel members to sit on a subsequent hearing.

Methods of participation open to the child and young person in certain limited circumstances

Rules provide for methods of communication with a hearing that will allow a child to participate. Certain conditions apply before the methods can be accessed:

1. the child has been excused from a hearing or part of the hearing, and

2. the child wants to attend the hearing
OR
3. the child wants to attend a pre-hearing panel, and
4. the relevant person or individual wishes to attend the pre-hearing panel

Then the Reporter will have a duty to take reasonable steps to enable the child to attend by way of telephone, through video link or by using any other method of communication, if requested to do so by the child. The Reporter must be satisfied that the child has a good reason for not attending.

Advocacy

There is provision in the 2011 Act for children's advocacy services, a term defined as *services of support and representation provided for the purposes of assisting a child in relation to the child's involvement in a children's hearing*. Scottish Ministers may make provision by regulations for such services, the qualifications and training and payment of expenses. These regulations are not yet finalised and in force and considerations are ongoing about the nature of Advocacy services to be provided.

Legal representation

The 2011 Act makes provision for the Scottish Legal Aid Board to administer the appointment of legal representatives rather than the local authorities or courts. A lawyer continues to be able to attend a hearing as a representative but payment would only be received if they were appointed by the Scottish Legal Aid Board and the criteria apply. The Act set up a new registration scheme for lawyers with a Code of Practice. Legal aid will automatically be made available in certain circumstances for children wishing to be legally represented at children's hearings, including where it might be necessary to make a compulsory supervision order with a secure accommodation authorisation. A Duty scheme operates so that appropriate legal representation is available at short notice. Where representation is required to ensure effective participation at a hearing this can be made available.

Information sharing / non-disclosure

There is an expectation in the legislation that those involved with a child and their contact with the hearing's system will work on the basis of the Getting it Right for Every Child information sharing principles. Information sharing allows the best method to ensure participation to occur and allows co-ordination to prevent participation being affected negatively.

Non-disclosure is now covered in detail in the 2011 Act and is also covered in the new rules in Part 19 and Rules 15 and 16. These provisions will allow any measures necessary to protect a child (and others) to be put in place (s.178). These measures can support the child to participate at a hearing as can the measures allowing a person to be excluded.

Vulnerable Witnesses

The 2011 Act provides new provision to support a child who is a witness to participate in a court process as a vulnerable witness. S.173 limits questioning or evidence regarding sexual character or history. Where a child is the subject of the proceedings, the Reporter has the power to lodge a vulnerable witness application on that child's behalf (s.176).

In relation to a hearing to establish or review the grounds, a statement given by a child can be used as the child's evidence without the child having to speak to that evidence in court in offence by the child grounds (s.176).

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AGREE / DISAGREE

Listen to the following statements and move along the line depending on how strongly you agree / disagree with them

A	There is no point seeing children under five years old because they can't understand the process and it is unlikely that you will get much information from them anyway.
B	The strict timescales that safeguarders work to mean less time with children.
C	With disabled children it is better to talk to someone who knows them rather than meeting them.
D	Unannounced visits to family homes is a good idea as you will get a more accurate picture of their life.
E	If you can gather all the information that is required for a report from the papers and other interviews it is not always necessary to actually see the child.
F	Some situations are just so sensitive or horrific that it is completely inappropriate to involve children and gather their views.
G	If you are working with a teenager who refuses to engage with you, there isn't much you can do about it. You just have to do the investigating without their input.
H	It is a good idea to see a child at nursery or school.
I	You should always share the recommendations of your report with children and families before they get the papers.
J	Sharing recommendations with social work prior to a hearing may be seen by others as a lack of independence.