

Equality Impact Assessment Results (EQIA) for the Implementation of Revised Practice Standards for Safeguarders

March 2023

Equality Impact Assessment – Results

Title of Policy	Implementation of revised Practice Standards for Safeguarders
Summary of aims and desired outcomes	As part of a wider and ongoing review of policies relating to the operation and management of the national Safeguarders Panel, the Practice Standards for Safeguarders have been updated to account for recent developments in practice and legislation. The current Practice Standards have been in place since 2016. In preparation for the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots Law, the revised standards reflect a rights based approach to the work of Safeguarders.
Directorate: Division: Team	Directorate for Children and Families Children's Rights, Protection and Justice Children's Hearings Team

Executive Summary

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Equality legislation covers the protected characteristics of: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, sex, sexual orientation and religion and belief. The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- Advance equality of opportunity; and
- Foster good relations between different groups - by tackling prejudice and promoting understanding

This Equality Impact Assessment (EQIA) has considered the potential impacts of the implementation of revised Practice Standards for Safeguarders on each of the protected characteristics. As the impact of this amendment is

anticipated to be limited, this EQIA is brief, but identifies important considerations relating to the potential impacts on children and young people, and people with disabilities in terms of their ability to access and understand the revised Practice Standards. The broader impact on children and young people is considered in greater depth in the associated Children's Rights and Wellbeing Impact Assessment.

Background

In 2013, Ministers established a national Safeguarders Panel in accordance with Section 32(1) of the Children's Hearings (Scotland) Act 2011. In 2015, Scottish Government officials and Children 1st, the contracted managers of the Safeguarders Panel, developed Practice Standards for Safeguarders to bring rigour and consistency to the practice, development and monitoring of Safeguarders. These Practice Standards were implemented in 2016 following the publication of The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016 ("the 2016 Regulations").

Regulation 3 of the 2016 regulations defines the Practice Standards as "the Practice Standards for Safeguarders published by the Scottish Government in July 2015." As part of a wider ongoing review of policies relating to the operation and management of the national Safeguarders Panel, the Practice Standards for Safeguarders have been updated to account for developments in practice and legislation. In order for the revised Practice Standards to be implemented, this definition must be updated to refer to the publication date of the revised Practice Standards. As part of this process, the Scottish Government has undertaken consideration of the impact of the revised Practice Standards, of which this EQIA forms a part.

Scope of the EQIA

This EQIA draws upon evidence from the Scottish Children's Reporter Administration and Children 1st regarding the age range of children to whom Safeguarders are allocated. Due to the very limited extent of the impact on groups of people, this EQIA is necessarily light touch, focussing on the potential impacts on children and young people, and on those with additional accessibility requirements.

Key Findings

There is no evidence to suggest the implementation of revised Practice Standards will have adverse impacts on those with protected characteristics. There is no evidence to suggest a discernible impact on any protected characteristics other than Age and Disability, and this impact is positive given the revised Practice Standards' focus on children's rights, and specific references to the rights of children with disabilities.

The key finding of this EQIA is that younger children will constitute the majority of children and young people who will be allocated a Safeguarder. Pre-pandemic, Safeguarders were appointed in approximately 4.2% of children's hearings, allocated to approximately 2,000 children annually.ⁱ The majority of Safeguarder allocations are for younger children, with 52% of children who were allocated Safeguarders in 2019-20 being aged seven or under. Furthermore, we are aware that the service will be used by children and young people, as well as parents and carers, who may have additional speech, language and communications needs, or disabilities which may require accessible material to be available.

Recommendations and Conclusion

The evidence available from the Scottish Children's Reporter Administration and Children 1st shows the prevalence of younger children allocated a Safeguarder. This EQIA therefore recommends that age-appropriate and accessible easy-read versions of the revised Practice Standards are produced and made available to ensure all service users can understand the levels of service they can reasonably expect from Safeguarders, and how Safeguarder practice can uphold their rights and best interests in Children's Hearings proceedings.

ⁱ During the pandemic, Safeguarder allocations fell in line with a reduction in the number of children's hearings held. Numbers of Safeguarder allocations are expected to rise to pre-pandemic levels, so data for 2019-20 has been used here.



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St Andrew's House
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ISBN: 978-1-80525-596-3 (web only)

Published by The Scottish Government, March 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1255262 (03/23)

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