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# The Role of the Safeguarder in the Children's Hearings System - Executive Summary



CHILDREN, EDUCATION AND SKILLS



# **The Role of the Safeguarder in the Children’s Hearings System**

## **Executive Summary**

### **INTRODUCTION**

This research was commissioned by the Scottish Government in September 2016 to examine the role of the safeguarder in the children’s hearings system from the perspectives of six key stakeholder groups: safeguarders, sheriffs, panel members, reporters, social workers and solicitors who represent children and parents / carers. Its aims were:

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 specific research questions were:

- to explore how the current system of safeguarding 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.

The rationale for the research was to gather evidence to inform the future development of the role of the safeguarder and its place within the overall hearings system by identifying the added value of the role in promoting better decisions, and outcomes, for children.

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.

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. Other than those two previous research reports, there is little academic discussion of the role. 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 and a statement on the *Practice Standards for Safeguarders* (Scottish Government, 2015).

## **RESEARCH METHODS**

The project adopted a mixed methods approach involving both quantitative and qualitative methods which generated a particularly rich data set. Scoping interviews were initially conducted with one senior individual with particular responsibility in relation to each of the six stakeholder groups (eg senior manager at the Scottish Legal Aid Board in respect of solicitors). This helped to identify key issues in relation to the safeguarder role. An online questionnaire was then distributed to members of five stakeholder groups. In the end, 472 responses were received (from 99

safeguarders, 357 non-safeguarders (comprising reporters n = 41, 13%; lawyers n = 16, 5%; panel members n = 145, 47%; social workers n = 85, 28%; and others n = 20, 6%). A tailored version was separately distributed to sheriffs and 16 responded. All responses were analysed and coded to provide quantitative data on stakeholders' views.

The third phase involved documentary analysis of 50 sets of reasons for appointment given by children's hearings ("the SCRA sample") and 50 sets of sheriff's reasons ("the sheriff sample"). Whilst the sheriff sample was restricted to reasons for safeguarder appointments, much more information was provided in the SCRA sample allowing "tracking" of the 50 cases from safeguarder appointment to substantive decision and a richer overall analysis. Phase 3 also included a separate analysis of 17 pairs of social work and safeguarder reports in the same case ("the paired report sample"), allowing an insight into reasons for which safeguarders are, in practice, appointed and also some indication of convergence with, or divergence from, social work recommendations. The paired reports were examined on their own, rather than within the case papers and could not, therefore, be correlated with the substantive decision taken in these cases.

Phase 4 involved semi-structured interviews with 47 stakeholders (9 sheriffs, 10 panel members, 11 safeguarders, 5 reporters, 5 solicitors, 5 social workers and 2 Children 1<sup>st</sup> managers) allowing a more in-depth examination of their views. The final phase consisted of three focus groups (one for safeguarders, one for panel members and one for social workers) at which preliminary findings were discussed. Interviews and focus group discussions were recorded and transcribed and then coded and analysed to identify key themes and to triangulate responses in other phases.

All data were anonymised and electronic data were held in accordance with data protection requirements. While the data yielded were rich and varied, all of the sample sizes were small and not representative, and the qualitative elements reflect the views only of the small numbers of stakeholders involved, so that findings should be approached with this in mind and interpreted with caution.

## **OVERARCHING THEMES**

### **Promoting Understanding, Quality and Consistency**

The role of the safeguarder needs to be known and understood across stakeholder groups so that it is clear what safeguarders do and can do. Consistency and quality in the way in which the role is carried out by individual safeguarders is also key.

At interview, all 9 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.

Nine of the 10 panel members interviewed and several other professionals thought the statutory test to 'safeguard the interests of the child' was inadequate in that it did not stipulate the need to gather information and provide a recommendation to the children's hearing. All 9 sheriffs at interview, however, suggested the legislation was adequate.

In the questionnaire, the key activities identified by stakeholders for safeguarders were coded as those associated with

- looking out for the child's best interests (safeguarders n = 81, 82%; non-safeguarders n = 157, 44%; 9/16 sheriffs),
- information gathering and processing (safeguarders n = 19, 19%; non-safeguarders n = 119, 33%; 1/16 sheriffs),
- informing decision making (safeguarders n = 22, 22%; non-safeguarders n = 110, 31%; 4/16 sheriffs)
- obtaining the child's views (safeguarders n = 21, 21%; non-safeguarders n = 63, 18%; 4/16 sheriffs)
- the independence of the role (safeguarders n = 27, 27%; non-safeguarders n = 133, 37%; 4/16 sheriffs).

Questionnaire responses also indicated that while safeguarders felt that they were clear about what is expected of a safeguarder (all scores of 7 - 10 on a 0 – 10 scale with the majority n = 51, 58% scoring 10), their view was that other stakeholder groups had a less clear understanding (scores from 0 – 10 with the largest number scoring 7 (n = 22, 25%). At interview, members of some stakeholder groups also expressed the view that other such groups lacked an understanding of the role. For example some reporters suggested that panel members, sheriffs and children and families lacked this understanding.

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.**

A child-friendly version might also be developed. Joint training across stakeholder groups (for example, safeguarders and panel members or safeguarders and social workers) was also mentioned by respondents both at interview and in the questionnaires as potentially serving to enhance understanding.

Even where the role is both clear and clearly understood, its value to decision-making in a specific case is dependent on the way in which it is carried out by the individual safeguarder, which is recognised in the work undertaken by Children 1<sup>st</sup> in relation to performance support and monitoring. Questionnaire responses indicated that safeguarders have seen changes in how they work following the shift to the National Panel administered by Children 1<sup>st</sup>. The majority (n = 57, 70%) scored this between 7 and 10 (on a 0 – 10 scale) with 10 being the most common score (n = 19, 24%). By contrast, non-safeguarders were much less aware of change in this respect. The majority (n = 210, 77%) scored this between 0 and 5 with 5 being the

most common individual score (n = 106, 39%). The most common free text responses from non-safeguarders to a question asking about the changes they had seen was coded as none (n = 106, 40%) followed by 'don't know' (n = 94, 36%). This suggests that the shift to the National Panel has not greatly impacted on non-safeguarders.

Mixed views were expressed in free text responses to the questionnaire about these changes. Eighteen non-safeguarders (7%) and 34 safeguarders (40%) gave responses which were coded as demonstrating increased quality / standards and supervision including a more homogeneous approach to the role and a drive towards a national standard. By contrast, 29 non-safeguarders (11%) and 20 safeguarders (22%) gave responses coded as negative such as no improvement in safeguarder quality and less autonomy. Given that the research was conducted during Children's 1<sup>st</sup> modernisation programme, it is perhaps unsurprising that no fixed view emerged. Children 1<sup>st</sup> have introduced Ministers' 7 practice standards for safeguarders to adhere to in their work. Again, a small majority of non-safeguarders (n = 172, 60%) were not aware of this. Of these, 78 (45%) were panel members and 60 (39%) were social workers. Of those who were aware (n = 116, 40%), 54 (47%) were also panel members and 20 (17%) were social workers.

Eighty-two safeguarders answered the question in the questionnaire inviting them to rank the standards in order of importance and 'putting the child at the centre' was ranked first. The 116 non-safeguarders indicated their view as to in how many cases in which they were involved the safeguarder adhered to each of the practice standards. Since they promote consistency and quality in safeguarder practice, this level of awareness of, and ability to evaluate in relation to, the standards is encouraging. At interview, most safeguarders regarded the practice standards as a positive development though some felt that they merely reflected the work which safeguarders were already undertaking.

### **Overlap of the safeguarder role with other roles**

Safeguarders do not operate in a vacuum and the project sought to provide an understanding of their role from all agency perspectives. In the questionnaire, a majority of both safeguarders (n = 71, 81%) and non-safeguarders (n = 163, 59%;

9/12 sheriffs) felt that the role was unique. The largest group of non-safeguarders holding this view was panel members (n = 95, 72%) followed by social workers (n = 32, 40%). Of non-safeguarders who perceived an overlap however, (n = 113, 41%; 3/12 sheriffs) the largest number of respondents (n = 47, 42%; 1/12 sheriffs) felt that this overlap negated the safeguarder role. Social workers constituted the largest group holding this view (n = 24, 50%), followed by panel members (n = 10, 21%). Free text responses to the questionnaire indicated that the role was perceived to overlap mainly with that of social worker, child advocacy worker and solicitor/legal representative.

The analysis of the paired report sample suggested that there may be a particularly direct overlap with the work of the social worker. Safeguarders and social workers had both consulted with the child, parents, carers, relevant family members and professionals involved in the case in all 17 cases. Safeguarders made a recommendation as to whether a compulsory supervision order was necessary in respect of the child also in all 17 cases. The safeguarder adopted the same recommendation as social work in 12 reports (71%) and agreed partially with it in a further 3 cases (18%), leaving 2 (12%) where there was disagreement. 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. These five cases suggest that safeguarders do independently evaluate the material they gather even where their investigation has been broadly similar to that of social work.

The overlap between the role and that of others has an impact on appointment practices by decision makers (panel members and sheriffs). The questionnaire responses indicated that the main reason for appointment was conflict (non-



safeguarders n = 208, 58%; 6/16 sheriffs) which could be, for example between parents / carers and an external agency such as social work or within the family. This was followed by information gathering (non-safeguarders n = 139, 39%; 2/16 sheriffs) where, for example, the hearing considered that more information was needed to reach a substantive decision. Lack of information was also the most common reason for appointment identified within the SCRA sample. At interview, sheriffs indicated that they were likely to appoint a safeguarder to obtain the child's views (more so than the views of others such as parents), because of the safeguarder's independence in acting as a check on the child's safety and wellbeing and their ability to speak with all parties away from the court which some sheriffs felt sometimes played a part in quicker resolution of a case. In making the determination as to whether a safeguarder is needed at all, sheriffs and panel members may therefore 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 provide to the hearing the child's (and sometimes other family members') views as do child advocacy workers and legal representatives but safeguarders merely take these into account in ascertaining the child's interests. They go beyond presenting views and, unlike solicitors, they do not act on the child's instructions but rather (usually) present their own recommendation. At interview, some safeguarders indicated that they were clearly able to differentiate their role from these others. While there may be an overlap with the role of the social worker, the safeguarder role can still complement rather than duplicate this work by bringing new information (in the paired analysis, this was found in 5 reports (29%)) or, at least, independently verifying the social worker's recommendation (which might, for example, be important in a situation of conflict with the social work department). While at interview stakeholders generally indicated that they found the taxi rank principle of appointment introduced by Children 1<sup>st</sup> to be valuable for its consistency and fairness, a view was expressed that sheriffs and panel members should be able to request a safeguarder of a particular gender or with a particular skillset where indicated. Application of this proviso (if possible) might also, if infrequently, assist in navigating possible overlap. As stated by one participant in the panel member focus group, it is important that there should be a reason for appointment.

## **Contact / Residence**

The research suggests that safeguarders may be appointed relatively frequently in relation to issues of contact / residence. In the paired report analysis, the safeguarder was provided with some form of remit (see under Effectiveness for discussion of remits) in 11 of the 17 reports (65%) and in 9 of those 11 cases (82%) that remit related to contact. In 4 reports (36%), the remit covered residence. In the SCRA sample, specific information and a recommendation on contact arrangements were requested by hearings in 30 of the sampled records (60%) and on residence in 17 records (34%). At interview, stakeholders tended to confirm that safeguarders were often appointed in such circumstances and mixed views were expressed (including by some safeguarders) as to their ability to provide a meaningful assessment of these complex matters.

The first issue arising relates to timescale. Legislation requires that safeguarders should submit their reports (for children's hearings) within 35 days of appointment (Children's Hearing Scotland Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013/194, Rule 56(4)). (Safeguarders are not specifically required to provide reports for court – see s 33 of the 2011 Act). Contact and residence issues are often long term. It is clear from the paired report analysis that, particularly when considered alongside social work reports in the same case, safeguarders can offer only a 'snapshot' of the child's circumstances. In a five-week period, safeguarders may have limited scope to observe contact sessions depending on the arrangements in place even if specifically appointed by a children's hearing with a view to doing so. The paired report analysis indicated that, in the majority of those 17 cases, the safeguarder had met with the child on one occasion only (13 cases (76%)).

The second issue relates to professional qualification. Interview data indicates that some social workers and solicitors were sceptical about the extent to which a, possibly, one-off observation by a safeguarder not otherwise qualified in issues around, for example, child attachment would inform the decision-making process. Equally, the panel member focus group indicated that panel members particularly value safeguarder input on contact as the view of a third party on these issues and the safeguarder focus group was clear that any observation of contact is just one

piece of the overview which they present. The questionnaire sought free-text responses on safeguarders' existing underlying skills which are important to the role as well as non-safeguarders' view on skills useful for the safeguarder role. For the former, one response was an understanding of child development and, for the latter, training on attachment was mentioned. Further safeguarder training in these areas (child attachment and development) might benefit both safeguarders themselves in their role and the decision-making process around issues of contact and residence.

In the questionnaire, the value of the safeguarder's independence from all other stakeholders was identified in relation to both the key activities undertaken by safeguarders which constitute the content of the role (safeguarders n = 27, 27%; non-safeguarders, n = 133, 37%; 4/16 sheriffs) and the reasons for appointment (non-safeguarders, n = 68, 19%; 1/16 sheriffs). The largest group citing independence as a reason was panel members (n = 35, 52%) and the second equal largest were social workers and reporters (n = 13, 19% in both cases). Because issues relating to residence and / or contact are often contentious (as indicated in the paired report analysis, the analysis of the SCRA sample and at interview) the independence of the safeguarder's perspective on these may be particularly valuable especially where other attitudes are entrenched. Contact and residence are further areas in which decision-makers might benefit from more written guidance on when and whether to appoint.

### **Effectiveness**

Safeguarder effectiveness is affected by a variety of issues, some of which will be specific to individual cases. In the paired report analysis for example, one safeguarder was unable to obtain the child's views because of the child's illness at the time. Other issues, arising at various points in the process are, however, more generally relevant and may apply in relation either to making the decision-making more effective or to increasing the safeguarder's effectiveness in carrying out the role, or both.

As noted above in relation to avoiding overlap, a reason(s) for the appointment of a safeguarder should be identified by decision-makers before making such an appointment and the nature of such a reason(s) may have an impact on the

effectiveness of the safeguarder in a particular case. Both children's hearings and sheriffs are required by statute (2011 Act, ss 30(4) and 31(6) respectively) to give such reasons. Analysis of the SCRA sample indicated that children's hearings generally gave often multiple reasons whereas sheriffs (in the sheriff sample) tended to provide only a single, terse reason (if that). 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.

Safeguarders' meetings with the child are a key part of their work and much valued by decision-makers. For example, at interview, one sheriff described the safeguarder as "the sheriff's eyes and ears". 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 also 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. Social workers have no current right to see the report as they are not parties to the proceedings. At the social worker focus group, it was pointed out that, where a safeguarder recommendation was accepted, it could change the child's plan. In terms of effective planning, then, it may be valuable for the social workers to receive the safeguarder report in advance of the children's hearing.

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.

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.

The paired report analysis also indicated that the quality of safeguarder reports can be variable. For example, 6 of the 17 reports (35%) were deemed to lack structural clarity and 8 (47%) were lacking in analysis. This variability in quality was also identified at interview where the quality of safeguarder reports was described as varying from “brilliant” to “shocking”. Some safeguarders mentioned that it was good that reports were being audited. Children 1<sup>st</sup> undertake report sampling which will assist in addressing this perceived deficit and, at the time of writing, the Scottish Government has just published a comprehensive set of *Practice Notes for Safeguarders on Reports* which may assist in raising quality where this is lacking. Safeguarders might also benefit from further training on report writing.

At interview, safeguarders were regarded by some stakeholders as being less effective in the court setting. The safeguarder focus group suggested that there was a distinction between the legal focus of the court on whether there is evidence that a ground is established and the social justice focus of the children’s hearing on disposing of the case in the child’s best interests. 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 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). 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.

At interview, safeguarders also indicated that while they accepted 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 will 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.

### **ADDED VALUE**

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). 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). 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). It was also given as a reason for appointment (non-safeguarders n = 68, 19%; 1/16 sheriffs) 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.

### **FURTHER ISSUES TO EXPLORE**

The research indicates that safeguarders have a clear view of their own role. Training of other stakeholders should seek to promote a similar shared, correct understanding of the safeguarder role as this will help to avoid unnecessary duplication of work and to prevent unproductive overlaps with other roles. The research also suggests a need for further work with safeguarders and panel members around appointment of safeguarders in relation to contact and residence. Panel members need to be realistic about issues on which a safeguarder can and should make recommendations; safeguarders may need specialist training (including skills) in these highly sensitive issues and clarity around the limits of contact related recommendations. Key questions remaining 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 work is also suggested on drawing together safeguarders' underlying skills and qualifications (with which they enter the role) and the baseline competencies in which they are all trained, to ensure that these are deployed to maximise the benefits which can be achieved from both. The way in which safeguarders work within the court room during proof and appeal proceedings may benefit from further exploration, not just with more sheriffs, reporters and solicitors than this study could reach, but also with safeguarders as to how they can be trained and assisted to fulfil the specific role that is required of them within a legal context. Finally, research with children and families who have been involved with safeguarders should be considered around all of the issues covered in this project since their views on the role of the safeguarder are a hugely important part of the test of its value.



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