



Scottish Government
Riaghaltas na h-Alba
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safeguarders
panel

Complaints Policy:

**Addressing complaints, concerns and
issues for continuous improvement**

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1. Introduction

- 1.1 The Children's Hearings (Scotland) Act 2011 sets out the legislation relating to the appointment of a Safeguarder by children's hearings or sheriffs where there is a requirement to safeguard the interests of the child to whom the proceedings relate. Safeguarders provide the hearing or court with an independent view and analysis of assessments and plans for children with the core aim of doing what is in the best interests of the child and to provide a report.
- 1.2 There are also the additional requirements in The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012 to take the views of the child, and to inform the child, any relevant person and anyone else they interview of their functions (Regulations 7 and 8).
- 1.3 Children 1st is contracted by the Scottish Government to assist Scottish Ministers with the management and operation of the national Safeguarders Panel in terms of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012. The role of the Safeguarders Panel Team includes recruitment and selection, training, managing appointments, complaints and monitoring the performance of Safeguarders across Scotland. There are further provisions in relation to this in the Children Hearings (Scotland) Act 2011 Amendment Regulations 2016.
- 1.4 Safeguarders are independent but they are accountable and their performance is measured against the Practice Standards which set out the minimum expectation of a Safeguarders practice and conduct [Practice Standards for Safeguarders](#).
- 1.5 Safeguarders are supported and monitored using the Performance Support & Monitoring Framework ([PSMF](#)).
- 1.6 Feedback is part of the PSMF. Complaints are a form of feedback and managing complaints is part of the Safeguarders Panel Team role. It is important that the national Safeguarders Panel is accountable and transparent and the management of complaints is integral to this. To achieve this we will respond constructively and proportionately to all issues, concerns and complaints raised and reported in accordance with this complaints policy.
- 1.7 On occasions when issues, concerns and complaints are raised in relation to Safeguarders these will be addressed in a timely manner in the interests of continuous improvement, to maintain the trust in the national Safeguarders Panel and also recognising that, for the Safeguarder this can be an unsettling process.
- 1.8 At all times the Safeguarders Panel Team will have the best interests of the child who is subject to any Safeguarder appointment at the centre of their considerations.

2. What is a 'complaint'?

- 2.1 For the purposes of this Complaints Policy, a complaint is any expression of dissatisfaction about an aspect of the performance or the conduct of a Safeguarder that can be treated as a complaint by the Safeguarders Panel Team in accordance with this policy. The Safeguarder's statutory function is to safeguard the interests of the child as described in section 1 above. The Practice Standards for Safeguarders set out the minimum level of performance that is expected from every Safeguarder for every child to whom they are appointed.
- 2.2 Whether any such expression of dissatisfaction is treated as a complaint by the Safeguarders Panel Team will be decided by the Safeguarders Panel Team *after* a) a detailed consideration of the expression of dissatisfaction, having regard to all aspects of this Complaints Policy, including the necessity for proportionality, and, very importantly, b) initial conversations about the substance of the expression of dissatisfaction with both the 'complainant' *and* the Safeguarder concerned. Should the Safeguarders Panel Team then deem the expression of dissatisfaction to constitute a complaint it will be taken forward formally as per the process outlined below in Section 8.
- 2.3 The Safeguarders Panel Team will not treat any element of an expression of dissatisfaction as a complaint, if it concerns an issue which is currently for consideration by a children's hearing or court or if it constitutes any disagreement with the decision of a children's hearing or sheriff where a statutory right of appeal exists. In these circumstances, the Safeguarders Panel Team will re-direct the person to the appropriate person/service or suggest who might be best placed to respond to the issue of concern.
- 2.4 It is important to acknowledge that the proper place for any matters of dissatisfaction relating directly to the content of a report or recommendation by a Safeguarder is the children's hearing or the sheriff court hearing the child's case and not this complaints process. The proper course of action for addressing such a point of concern would be the children's hearing or sheriff court hearing or through the appeal mechanisms.
- 2.5 The Safeguarders Panel Team *can* investigate the practice and conduct of Safeguarders and the process they applied in reaching recommendations and compiling reports and whether this has met the Practice Standards for Safeguarders.
- 2.6 Some expressions of dissatisfaction, whether or not they are formally treated as a complaint, may be attributed to a fundamental misunderstanding of the Safeguarder's role. By way of example, and in particular, there may be confusion around the distinction between someone representing the child's views as distinct from safeguarding the child's best interests. In these circumstances, the Safeguarders Panel Team will seek to clarify with the complainant the parameters of the Safeguarder role.

- 2.7 The Safeguarders Panel Team cannot reopen a previously concluded complaint.
- 2.8 Where there is an expression of dissatisfaction about a Safeguarder's practice or conduct, which is determined to be a complaint, and the proceedings are live any investigation may have to wait until proceedings are at an end and the period for appeal has elapsed.
- 2.9 Where it is decided that a complaint into a Safeguarders practice and/or conduct requires an investigation to take place, whilst proceedings are live, this would be required to occur with minimal interference with children's hearing or court proceedings.

3. What is an 'issue' or 'concern'?

- 3.1 An issue or concern is information passed to the Safeguarders Panel Team. For example, an individual may simply want to comment on how a Safeguarder has discharged their role but not formally complain. If someone expresses dissatisfaction, the Safeguarders Panel Team will clarify this, during the initial conversation referenced above at para.2.2 to establish if it is their preference or intention for the matter to be treated as an issue, concern or complaint. If the person wishes only to provide information or comments of a general nature, we will note this and respond to this as an issue or concern.
- 3.2 If following clarification, the individual wishes to proceed with the matter as a complaint this will be taken into account as part of the process by which the Safeguarders Panel Team will decide whether or not it should be so treated and if it is not to be taken forward as a complaint the Safeguarders Panel Team will clearly explain the basis of their reasoning to the 'complainant'.
- 3.3 Issues and concerns will always be regarded as opportunities to evaluate practice and identify any areas of learning or improvement. Information received on issues or concerns may result in a review of aspects of the Safeguarders practice between a Safeguarder and their individual support manager and may be incorporated into the Safeguarders Individual Development Plan (IDP).
- 3.4 All issues and concerns will be acknowledged but, because not all of them will be treated as complaints, this acknowledgement will not necessarily involve an investigation and, whilst a certain level of detailed feedback to the person raising the issue or concern will be provided whenever appropriate to do so, in some cases it will not be appropriate to do so.

4. Who can make a complaint?

- 4.1 Any individual who has cause to do so can raise a complaint or raise a concern or issue. They are most likely to be involved in the children's hearings system and have had contact with a Safeguarder as a result of an appointment by a children's hearing or sheriff. These will include children and families, local authorities, voluntary agencies, the Scottish Children's Reporter Administration (SCRA), Children's Hearings Scotland (CHS), sheriffs etc.
- 4.2 Sometimes a person may be unable or reluctant to raise a complaint on their own. Expressions of dissatisfaction submitted by third parties on behalf of someone else will be accepted where the individual concerned has given their written or otherwise recorded consent to this.
- 4.3 Any expression of dissatisfaction made anonymously will be considered and treated on its merits and on the basis of information available. However, it will be appreciated that it may not be possible to fully follow the process set out in this Complaints Policy in that circumstance,
- 4.4 Where-ever possible, expressions of dissatisfaction should be submitted in writing or in a recordable format of the complainant's choosing, so that there is no obstacle to the person submitting the expression of dissatisfaction.
- 4.5 Where the complainant is not able to provide the expression of dissatisfaction in writing, a verbal submission will be acceptable but this must be clear and sufficiently detailed. On such an occasion the team member receiving the verbal submission should ensure the complainant agrees with what is recorded and the matter will *only* be progressed once this agreement has been obtained and recorded.
- 4.6 The Safeguarders Panel Team, in discharging its responsibilities, may raise a complaint in respect of a Safeguarder's practice or conduct, when issues or concerns are raised by a team member or experienced by a team member in respect of a Safeguarder and when it is also considered by the Safeguarders Panel Team that it is not appropriate to address such matters by other means, the matter can be investigated in accordance with this complaint policy.

5. Initial considerations and potentially immediate action

- 5.1 The full complaints process is outlined below, including what initial actions will be appropriate in most cases.
- 5.2 In some cases, immediate action may be required as a matter of priority. Having received information the Safeguarders Panel Team will immediately address the question of harm or risk of harm to any child and whether any action is required as a result. The Safeguarders Panel Team will also assess the viability of the Safeguarder involved continuing with: the appointment, other ongoing appointments and future appointments. The best interests of children will be the guiding factor in this assessment If the Safeguarders Panel

Team considers that harm or risk of harm is present and/or it is not viable to for the Safeguarder to continue with respect to the appointment or other appointments, the Safeguarders Panel Team will contact the Safeguarder and discuss the matter with them. This will include a discussion of whether or not the Safeguarder should step down from their role, either in the case at issue and possibly other current appointments.

- 5.3 If information appears to involve allegations of a criminal nature, the Safeguarders Panel Team will notify the police and Scottish Government prior to any contact with the Safeguarder. There will be an agreement reached between the Safeguarders Panel Team, the police and the Scottish Government Children's Hearings Team as to what is shared and by whom. The complaints process will then be suspended pending the outcome of any police investigation. No new allocation of Safeguarder appointments will be made to the Safeguarder during this time and the Safeguarder will be advised of this.
- 5.4 If the information does not appear to involve allegations of a criminal nature and the Safeguarder chooses to remain 'in role' against the clearly stated view of the Safeguarders Panel Team, the Safeguarders Panel Team will consider whether the matter is sufficiently serious to warrant asking Scottish Ministers to agree that it is appropriate in the interests of the safe and effective administration of the Panel that the Safeguarder is temporarily deemed not operational as a Safeguarder and not available on the list of Safeguarders whilst the matter is further considered by Safeguarders Panel Team and Scottish Ministers.
- 5.5 Where a Safeguarder is temporarily deemed not to be operational and not on the list of available Safeguarders the Safeguarder will be advised of this in writing (to include any appropriate timescales or conditions relating to this), by the Safeguarders Panel Team in conjunction with Scottish Ministers
- 5.6 In other circumstances, if it is the Safeguarder's decision to remain involved the Safeguarders Panel Team will seek to discuss the matter with the Safeguarder at the earliest opportunity.
- 5.7 Where it is appropriate and possible the Safeguarders Panel Team will seek an early resolution to the matter.
- 5.8 As noted in Section 2, the Safeguarders Panel Team will consider any live proceedings and decide if this prohibits further investigation of the matter at this stage (which it will normally do). This and the nature of the matter will be considered and, if the matter is to be taken forward as a complaint, Safeguarders Panel Team will decide on the timing of any investigation to give full respect to the children's hearings proceedings.
- 5.9 The Safeguarders Panel Team will keep the complainant and the Safeguarder informed of progress periodically throughout the entire process as appropriate, and in response to enquiries from either.

- 5.10 The Safeguarders Panel Team will inform the complainant and the Safeguarder in question of any potential or actual delays to the process.
- 5.11 The details of the issue, concern or complaint, will be shared timeously with the Safeguarder's Support Manager.

6. Principles to which the Safeguarders Panel Team will adhere

- 6.1 The primary concern of the Safeguarders Panel Team will always be the safety and wellbeing of the child and consideration of any child who may be at risk of harm or affected by the issue, concern or complaint.
- 6.2 It will always be considered whether or not it is in the best interests of the child that the Safeguarder continues with the appointment to which the issue, concern or complaint relates and other appointments with which the Safeguarder is involved.
- 6.3 In discharging its responsibilities the Safeguarders Panel Team will respond fairly and proportionately to issues, concerns, expressions of dissatisfaction and complaints.
- 6.4 Where appropriate and possible the Safeguarders Panel Team will seek to secure an early resolution to the matter raised.
- 6.5 Issues, concerns, expressions of dissatisfaction and complaints will be shared with Safeguarders and their views sought on them.
- 6.6 Information relating to issues, concerns, expressions of dissatisfaction and complaints combine with other elements of the PSMF to contribute to the monitoring of Safeguarder's practice and conduct against the Standards.
- 6.7 In transmitting or sending information the Safeguarders Panel Team will seek to use minimal identifying information relating to children and their families. The Safeguarders Panel Team will check with Safeguarders the most appropriate means of sending or transmitting information about the complaint to them. The Safeguarders Panel Team will seek to send any information by e mail using an appropriate and secure e mail address.

7. Limitations on considerations and investigations under this Complaints Policy

- 7.1 The Safeguarders Panel Team are not in possession of all the relevant documentation of any child's case and indeed are not entitled to have this, unlike the Safeguarder, or the children's hearing or sheriff who would be furnished with all the relevant case papers.
- 7.2 The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016 makes provision for the Safeguarders Panel

Team to receive from Scottish Children's Reporter Administration (SCRA), relevant Safeguarder reports if this is considered necessary to the investigation of a complaint. This will be obtained from SCRA, in accordance with the agreed Memorandum of Understanding. The Safeguarders Panel Team will only request information about a child/children where this is absolutely necessary.

- 7.3 As stated above, it is important to acknowledge that the proper place for any matters of dissatisfaction relating directly to the content of a report or recommendation by a Safeguarder is the children's hearing or the sheriff court hearing the child's case and not this complaints process. The proper course of action for addressing such a point of concern is the children's hearing or sheriff court hearing or through the appeal mechanisms.
- 7.4 Due to the often complex nature of proceedings and legal process, the action the Safeguarders Panel Team takes in relation to an issue, concern or complaint raised may be limited, constrained or delayed to prevent any interference with the integrity of the legal process.

8. The process you can expect from the Safeguarders Panel Team

8.1 On receipt of an issue, concern or expression of dissatisfaction

- 8.1.1 Subject to any immediate action being required as per Section 5, the individual raising the matter will be sent a written acknowledgement and directed to the Complaints Policy and the Practice Standards for Safeguarders within 5 working days of receipt.
- 8.1.2 The individual raising the matter will be contacted by the Safeguarders Panel Team for further discussion on the detail of the information in order to clarify matters with the 'complainant' and to record their expectations of the subsequent process.
- 8.1.3 The possibility of early resolution will also be discussed where appropriate.
- 8.1.4 As referred to earlier it will be important to clarify the stage of children's hearing or court proceedings will be clarified at this point which may influence the timing of any action.

8.2 Initial Inquiries by the Safeguarders Panel Team

- 8.2.1 The Safeguarders Panel Team will make any further initial inquiries necessary to inform the most appropriate response. The initial inquiry phase will be carried out by a Service Manager at the Safeguarders Panel Team (or another senior member of Children 1st staff if for any reason a Service Manager is unavailable). The Service Manager carrying out such further initial inquiries will do so to ensure the most appropriate response; firstly for any child involved and secondly in the interests of fairness, proportionality and due process.

- 8.2.2 The Service Manager will clarify if the complainant consents to their complaint and the full or partial content of this being shared with the Safeguarder and how this will be done. Where there is no consent for sharing the Service Manager will point out to the complainant that relevant and appropriate content from the complaint will be reproduced in discussions and in writing with the Safeguarder for example in the terms of reference letters to enable the Safeguarder to receive explicit information about the complaint being made.
- 8.2.3 The Safeguarder who is the subject of the information received will be advised by the Safeguarders Panel Team immediately that information involving them has been received and their initial views on this will be sought and recorded.
- 8.2.4 The Service Manager undertaking initial inquiries will seek the early views of the Safeguarder on the matters raised and key issues to be considered. This may mean the Service Manager is gathering views and facts from the Safeguarder and others before it is decided that the matter is to be treated as a complaint involving an investigation.

8.3 What to expect once a matter is deemed to constitute a complaint

- 8.3.1 The Complaint Coordinator (an identified Service Manager or Senior Manager at the Safeguarders Panel Team (or another Service Manager or Senior Officer of Children 1st staff if for any reason a Safeguarders Panel Team Service Manager or Senior Manager is unavailable)) will be responsible for co-ordinating the process of the complaint investigation and from the information gleaned from the early enquiry stage will make an initial assessment on the scope of the investigation required.
- 8.3.2 The Complaint Coordinator will formulate the terms of reference for the investigation setting out the item(s) to be investigated and the scope of the investigation. These will link directly with the detail of the complaint and also the appropriate Standards for Safeguarders.
- 8.3.3 The scale of the investigation will be proportionate to the nature of the issues complained about. The Complaint Coordinator will advise the individual who complained and the Safeguarder of the proposed scope of the investigation and indications of timescale in the terms of reference letter.
- 8.3.4 The Complaint Coordinator will advise the Safeguarder's individual Support Manager that a complaint has been received and the nature of this as the Support Manager is involved in the ongoing support and monitoring of the Safeguarder.
- 8.3.5 The individual raising the complaint and the Safeguarder will be given an opportunity to respond to the proposed process for handling the complaint as well as the complaint itself.
- 8.3.6 In most cases, it is expected that an outcome will be reached within 35 working days of the investigation commencing. If the process is likely to be delayed, the Safeguarders Panel Team will inform the complainant and Safeguarder and

provide a revised timescale. It is recognised that some complaints may be more complex and require a longer time frame. Some investigations may be delayed due to live proceedings when the complaint is received.

- 8.3.7 Individual Support Managers may have contact with the Safeguarder through this process although this is limited to their role in providing support and monitoring only and is not to undertake the investigation.
- 8.3.8 The Complaint Coordinator will identify an Investigating Officer to carry out the investigation.
- 8.3.9 The Investigating Officer will be the person who is allocated to investigate the complaint. The Investigating Officer will be a Service Manager at Children 1st or another Senior Officer of Children 1st staff if for any reason a Service Manager is unavailable. The Investigating Officer will gather facts and supporting information. He or she will also interview the complainant, Safeguarder and any other person with information relevant to the complaint with a purpose of confirming or establishing facts concerning the allegation.
- 8.3.10 When considering what information is required for the investigation, due regard will be given to information which may be confidential, sensitive or covered by data protection legislation, court orders etc.
- 8.3.11 On receipt of a complaint, clarification will be sought on whether the complainant consents to the information in the complaint or the full complaint being released to the Safeguarder. Any request for sight of the original complaint information will be considered whilst respecting the confidentiality of that information and Data Protection Legislation. It is not automatic that the Safeguarder will be given permission by the complainant to see the original complaint.
- 8.3.12 The relevant detail of the complaint and the investigation process will be shared with the Safeguarder through the terms of reference letter, the interview and the outcome letter whilst respecting the confidentiality of the individual who complained and others and whilst observing Data Protection Legislation.
- 8.3.13 Safeguarder reports may be requested in undertaking investigations to complaints. These will only be requested when necessary to address the complaint. This will be requested from SCRA in accordance with the Memorandum of Understanding in place between SCRA, Children's Hearings Scotland, Scottish Courts and Tribunal Services and the Safeguarders Panel Team.
- 8.3.14 The [Safeguarders leaflet](#), designed for children and families sets out a privacy notice that states clearly that reports by Safeguarders may be checked by the Safeguarders Panel Team for quality assurance purposes.
- 8.3.15 When conducting the investigation, the Investigating Officer will send each person who has been interviewed a copy of a note of their interview and ask them to check for accuracy, sign and return. This will not be a verbatim

account. This will not contain any identifying information of children or families. Parties will be asked to return a signed copy to certify agreement or to approve the note by e mail, with any amendments noted on the original transcript. If a signed copy is not received within 10 working days of being sent, it will be deemed to be “agreed” unless other arrangements have been agreed during the investigation. This and other interview notes will be attached to the Investigation Report sent to the Complaint Coordinator.

- 8.3.16 The Investigating Officer will ask those interviewed if they are content for their note of interview to be shared in full or if there is any confidential information that requires to be redacted. If parties do not agree to sharing, the approach taken will be that all relevant evidence from the complaint and notes of interviews will be summarised in letters to the Safeguarder.

8.4 The outcome of the investigation

- 8.4.1 The Investigating Officer will provide a report of his/her findings which will contain a recommendation for any further action to the Complaint Coordinator.
- 8.4.2 The investigation report is not shared with the Safeguarder or the individual who complained as it is an internal document to inform the Complaint Coordinator.
- 8.4.3 The Complaint Coordinator will review all the evidence available including the content of the report and recommendation provided by the investigating officer and aim to make decisions on findings within 10 working days of receiving materials.
- 8.4.4 The outcome can be: that the complaint is upheld, partially upheld, not upheld or there is insufficient information to establish a finding. The findings will be in relation to the Practice Standards for Safeguarders and whether these have been met or not. All Safeguarders are required to practice in line with the Standards in accordance with their letter of appointment. The Complaint Coordinator in their analysis will consider the impact of any Standard(s) not met and whether there are any further actions or improvements for the Safeguarder in order to meet the Standards.
- 8.4.5 The Complaint Coordinator will where appropriate make clear the link with any recommendations or requirements for action with the Practice Standards for Safeguarders and the Framework for Support and Monitoring in place for all Safeguarders.
- 8.4.6 Any relevant Standard should be clearly highlighted and broad key areas for improvement noted with appropriate timescales in an Individual Development Plan (IDP) template attached to the outcome letter to the Safeguarder.
- 8.4.7 The Complaint Coordinator will seek to discuss their findings with the Safeguarder and the complainant in advance of sending the outcome letter.

- 8.4.8 The complaint outcome letter and any associated IDP will be stored in the Safeguarder's individual file.
- 8.4.9 The Support Manager will receive a copy of the outcome letter and any IDP and it will be for the Safeguarder and the Support Manager to discuss and agree the detail of the IDP building on the broad areas noted from the complaint outcome to detail how the improvements will be made in the context of the Performance Support and Monitoring Framework.
- 8.4.10 The Complaint Coordinator will inform the individual who made the complaint and the Safeguarder of his/her decision in writing in the complaints outcome letter.
- 8.4.11 In writing the outcome letter to the individual who made the complaint consideration will be given to providing relevant detail from the investigation and any outcomes whilst observing the confidentiality of the Safeguarder.
- 8.4.12 Complaints and complaint outcomes can have a bearing on the ongoing monitoring of Safeguarders practice and conduct against the Standards and also on the assessment of a Safeguarder as a "fit person" a requirement of their membership of the Panel.

9. Reappointment Process

- 9.1 There will be consideration of any complaint activity and outcomes from complaints during a Safeguarder's appointment period, at the point of a Safeguarder being assessed for reappointment.
- 9.2 The Complaint Process and the Reappointment process for Safeguarders are two distinct processes and care will be taken to maintain this distinction.
- 9.3 Should on occasion a complaint process and reappointment process be in close proximity to each other a Safeguarder will be advised of the outcome of a complaint and complaint review panel, if one is requested, in advance of any formal notification of how an outcome from the complaint may impact on their reappointment.
- 9.4 If the outcome of a complaint is expected at the point when a Safeguarder is being assessed for reappointment in accordance with the Understanding Document between the Scottish Government and Safeguarders Panel Team, no recommendation will be made by the Safeguarders Panel Team in respect of the imminent reappointment until the complaint process has been fully exercised and any Review of the complaint outcome requested has been completed or the time period for such a review has expired.

10. Requesting a review of the outcome of a complaint

- 10.1 The complainant or Safeguarder can request a review of the outcome of the complaint if they disagree with either the outcome itself or the recommended actions or requirements for improvement or other proposed resolution. They must do so within 20 working days of the date on the complaint outcome letter. A request for review should be made where possible in writing, setting out the reason for the request. The matter will then be considered by the Complaints Review Panel.
- 10.2 The Complaints Review Panel will comprise a senior officer from Children 1st and a senior officer representing of the Scottish Government. One officer will chair the Panel.
- 10.3 The Safeguarder and complainant will be informed that a review has been requested and that a Review Panel will be convened within 15 working days of receiving the notification of request for review.
- 10.4 The Review Panel will receive a pack of relevant papers in advance of the Review Panel. The Panel will consider relevant information and documentation including the original complaint, initial investigation papers, investigation report and interview notes, the request for review letter and any other information it considers necessary gathered through the investigation. This will include any views or additional information submitted by the Safeguarder or the complainant in requesting this review.
- 10.5 The Review Panel should consider and make a finding on three key areas only:
- Firstly, whether the process of investigation undertaken was appropriate and in accordance with the Complaint Policy.
 - Secondly, whether the outcome and any actions are appropriate or not and therefore if the outcome is upheld or not
 - Thirdly, any other specific matters raised in the request for the complaint Review Panel.
- 10.6 The Review Panel will record its conclusions and recommendations within 24 hours of the end of the meeting. Having reached a finding, the chairperson of the Review Panel will respond in writing to the complainant and Safeguarder within five working days of the meeting.
- 10.7 The decision delivered by the Review Panel will be final and there will be no recourse to further appeal or reconsideration. At this stage the original complaint is brought to a close.

11. Additional important information on outcomes

- 11.1 Any issue, concern or complaint raised may lead to a number of outcomes for a Safeguarder. This will depend on the nature of the complaint and any findings. Outcomes can include no further action, an apology from a

Safeguarder, points of learning to be addressed as part of the Framework for Support and Monitoring Safeguarders. As previously stated in this document outcomes may also lead to recommendations for the Safeguarder for specific areas of focus for follow up in Individual Support Sessions and may also be incorporated into Individual Development Plans to evidence improvements which have been recommended or required as an outcome.

- 11.2 Information about complaints will not be shared with regulatory bodies on a routine basis however there may be occasions that merit consideration of whether information needs to be shared with relevant regulatory bodies. This will be assessed on a case by case basis and the Safeguarder will be advised if this action is to be taken.
- 11.3 A complaint outcome, in the most serious cases could result in a Safeguarder's re-appointment being impacted or a Safeguarder being recommended for removal from the national Safeguarders Panel. The Scottish Ministers have power to refuse to reappoint a member of the national Safeguarders Panel, or to remove an existing member of the national Safeguarders Panel, by virtue of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel Regulations 2012 ("the 2012 Regulations") [SSI 2012/54]. The Amendment Regulations 2016 make further provision that Scottish Ministers may remove a member from the Safeguarders Panel if at any point they consider that the person is not fit to be a member of the Safeguarders Panel. Within this they will have particular regard to the Safeguarder's conduct, whether they are compliant with their letter of appointment and whether the Safeguarder is able and willing to operate in accordance with the Practice Standards.
- 11.4 In this event, the Safeguarders Panel Team would make such a recommendation to the Scottish Government Team and it would be for the Minister to remove a Safeguarder from the Panel, or refuse to reappoint a Safeguarder, if they were satisfied that the necessary conditions for removal/failure to reappoint, as specified in the 2012 Regulations as amended were met.

12. What we do with the information

- 12.1 Scottish Government requires the Safeguarders Panel Team to retain all documents relating to a complaint against a Safeguarder for a period of 20 years from termination of their appointment as a practising Safeguarder.
- 12.2 Documents to be retained should include the original complaint, any acknowledgements, and interviews with individuals involved in the complaint investigation, determinations and responses and all related correspondence and investigation records. All relevant documents will be retained in a confidential 'Complaints File' held by the national Safeguarders Panel and kept in secure storage.

- 12.3 The Safeguarders Panel Team will report to the Scottish Government on a quarterly basis the number of complaints, issues and concerns received, investigated and outstanding to support the analysis of the themes and key learning.

13. How to make complaints against the Safeguarders Panel Team

- 13.1 Comments or complaints in relation to the operation and management of the Safeguarders Panel Team can be sent to safeguarderspanel@children1st.org.uk or the Children's Hearings Team in the Scottish Government (childrens.hearings@scotland.gsi.gov.uk).
- 13.2 Any complaint in respect of the Safeguarders Panel Team or Children 1st in relation to the teams practice or conduct will be investigated by the Scottish Government.
- 13.3 Other information about how to make a complaint and an outline of the process involved is available on the Children 1st website. You can also contact the Safeguarders Panel Team directly on 0345 60 44 296.

14. We aim to keep this policy up to date

This policy will be reviewed on an annual basis, if you have any comments or feedback on the policy or for consideration at review time please contact us at safeguarderspanel@children1st.org.uk.

Summary of Complaints Process

1

- **INFORMATION RECEIVED and acknowledged within 5 working days**

2

- **INITIAL INQUIRY INC. TO DETERMINE WHETHER 'COMPLAINT' OR NOT**
- Initial discussions with complainant and/or safeguarder consideration of early resolution where appropriate, obtain views
- Consideration of any risk to child/children
- Consideration of continuation in current or future appointments
- If 'complaint', Complaints Coordinator will write to both parties outlining the complaint and terms of reference , (linked to the Standards for safeguarders) and process that will be followed, including an indication of timescales. In most cases this will be within 35 days of the investigation commencing.
- Support Manager informed

3

- **INVESTIGATION -**
- The Investigating Officer will conduct their investigation gathering facts and supporting information; interview parties , consider all relevant information and views
- Safeguarder report(s) may be requested from SCRA in accordance with the MOU
- Notes of interviews provided, signed and returned within 10 days
- Investigating officer writes report of findings
- Submits report and notes to Complaints Coordinator for consideration

4

- **OUTCOME -**
- The Complaint Coordinator will review all the evidence available including that provided by the investigating officer and make decisions on findings.
- The Complaint Coordinator, will inform both parties of the outcome in writing. This would include any proposed resolution or further action and any recommendations or requirements for improvement against the Standards contained in an IDP.
- Support manager informed of outcome .

5

- **RIGHT TO REVIEW**
- Either party can request a review of the decision if they disagree with either the decision itself or the proposed plan. They must do so in writing outlining their reason within 20 working days of the date on the complaint outcome letter.
- The Complaint Review Panel will be convened within 15 working days of notification.
- The final decision will be communicated to both parties in 5 working days following Review Panel.