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Safeguarders  
Panel

# PRACTICE NOTES FOR SAFEGUARDERS ON REPORTS

June 2017

## Introduction

### The Practice Note on Reports

1. The Practice Note on Reports consists of a number of documents covering different areas of practice and conduct which supplement the [Practice Standards for Safeguarders](#) in relation to reports.

### Purpose of the Note

2. The purpose of the Note is to provide direction and tools that help Safeguarders in their role when providing reports.
3. The Note looks at different areas identified by Safeguarders as needing practice requirements and expectations to be clearer. The documents contained as part of this Note provide this.

### Access to the information in the Note

4. The documents in the Note can be read as a whole or dipped in and out of as required. Each note provides electronic links to documents which provide further detail if needed.

### Development of the Note

5. All of the documents were developed by Safeguarders and all Safeguarders were consulted on the documents and have helped to shape the Note's content and final form.

### Use of the Note by Safeguarders

6. As with all Safeguarder practice, there is a need for a Safeguarder to be able to respond to an individual child's needs in the particular circumstances of that child's situation. The Note defines parameters to the role of Safeguarder in responding to those particular needs.
7. This note includes practice required by legislation and other practice which can be seen as best practice. Best practice is provided for Safeguarders to consider the most appropriate practice required in response to each child and their situation. In any discussion or reflection on practice actually carried out, it is helpful for the Safeguarder to be clear as to why they have done what they did in this instance.

### Review of the Note

8. This Note will be reviewed a year after its introduction to ensure that it remains relevant to Safeguarders and effective in supporting the role's value for children.

**June 2017**

## Content of the Note

The following is a guide to the documents and their contents and provides a quick link to a specific practice area when this is needed:

PRINCIPAL DOCUMENTS		
No.	Document name	Covering:
1.	<a href="#">Types of Reports</a>	A list of possible reports including reports for children’s hearings, court, answers, oral reports and reports for hearings after appeal
2.	<a href="#">Reports Required and Not Required</a>	A note on reports for children’s hearings and courts, clarifying when reports are not required although they may be requested
3.	<a href="#">Reports During and After Grounds at Court</a>	Clarification on investigation during grounds at court and the provision of a report to a children’s hearing after court
4.	<a href="#">35 days for completion of reports and Interim Reports</a>	A flow chart with notes on the requirements to report within 35 days – full and interim reports
5.	<a href="#">Accessing Previous Safeguarder Reports</a>	A flow chart to clarify access to previous reports and covering contact with a previous Safeguarder
6.	<a href="#">Safeguarder contact and other details in reports</a>	Contact details, signing and dating reports, using own qualifications in reports, use of ‘copyright’ and family details in reports
7.	<a href="#">Sensitive information in Reports</a>	A flow chart to clarify considerations when there is sensitive information and clarification of the non–disclosure process with forms
8.	<a href="#">Use of Reports for Report Sampling</a>	Legislation, data management, privacy notice and exclusion from sampling
9.	<a href="#">Sharing Reports and recommendations</a>	Sharing in person with child and relevant persons and ways to share with social workers and others before hearings
10.	<a href="#">Secure Sending of Reports</a>	Duties and responsibilities of Safeguarders in relation to reports including sending and delivering reports
11.	<a href="#">Reports in Civil Processes</a>	Responses to approaches to use Safeguarder reports in other court processes, being cited as a witness to a report, affidavits for reports
12.	<a href="#">Speaking to Reports and Dealing with Challenges</a>	Advice on presenting reports and responding to challenges to reports

HELPFUL INFORMATION / TIPS		
No.	Document name	Covering:
13.	<a href="#">Legislation on Reports</a>	A link to all relevant legislation in the 2011 Act, Rules and various Regulations
14.	<a href="#">Investigation for Reports</a>	Advice and expectations for Safeguarders investigating for reports, including attendance at inter-agency meetings, mandates, recording, more than one child
15.	<a href="#">Communication - when Gathering Information</a>	Advice on ways to ensure that you get the most from speaking to people as part of your investigations using interpersonal skills
16.	<a href="#">Recording Information</a>	Advice on ways to ensure you note and collate information as you gather this when speaking to people
17.	<a href="#">Keeping the Child at the Centre in Reports</a>	Advice to ensure that you can keep the child central to preparing your report
18.	<a href="#">Structure and Content</a>	General writing tips for your report, requirements in the Standard
19.	<a href="#">Standard Phrases</a>	Examples of phrases that current Safeguarders have used to cover specific issues, for information
20.	<a href="#">Acronyms – Jargon Buster</a>	Common acronyms and their meanings and advice on the use of acronyms

## 1. Types of Reports

### 1. Report required for children's hearings as part of appointment (section 33(1)(a) 2011 Act)

This report is a report which is required on appointment by a children's hearing and should be submitted within 35 days from the date the hearing appointed. If this report cannot be submitted to the reporter at SCRA within 35 days, then an interim report (see 2 below) must be submitted<sup>1</sup>.

The Safeguarder can include anything that the Safeguarder feels is relevant to the consideration of the child's case at the children's hearing. The Safeguarder is not restricted to matters which the hearing asked to be covered but the Safeguarder should explain to the hearing the reason for not covering<sup>2</sup>.

### 2. Interim report where report at 1. cannot be provided (rule 56, 2013 Rules of Procedure)

This is a report that must be submitted if the Safeguarder cannot submit the report at 1. above within 35 days. The report must be submitted with

- (i) a statement explaining the reasons for an interim and not a full report,
- (ii) details of further investigations or information to be sought by the Safeguarder, and
- (iii) an estimate of how much more time the Safeguarder needs to complete the full report.

A children's hearing can decide to go ahead and make a decision without allowing further time for the Safeguarder to do a full report.

### 3. Report required by a children's hearing (including supplementary reports) (section 33(1)(c) 2011 Act)

This report is one that is not 1. above but is asked for by a children's hearing. A Safeguarder must provide a report and can go broader than what was asked for by the hearing. If unable to do what is asked for by the hearing, the Safeguarder should explain why to the hearing<sup>3</sup>.

A children's hearing may ask for a report supplementary to a report already provided at 1. or 2. above. A supplementary report should be clear as to what report it is supplementary to.

### 4. Report required by a sheriff on appeal (regulation 6, Further Provision Regulations 2012)

A sheriff can request a report in an appeal against a children's hearing decision.

A sheriff may specify what the report should cover, but the Safeguarder may cover broader areas if relevant to safeguarding the interests of the child and may decide not to cover what is asked for but if doing so, should provide reasons to the sheriff<sup>3</sup>.

### 5. Report required by a sheriff (using a sheriff's general powers)

A sheriff can ask a Safeguarder for a report, even in cases where a report is specifically not required, e.g. where there is an application to establish grounds at court. The sheriff has a general power, as a sheriff, to do this.

Where such a report is prepared by the Safeguarder during the court proceedings, the Safeguarder should ensure that this report is available to any children's hearing following on from the court by including the content of it or attaching it to their report to be sent to the reporter.

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<sup>1</sup> See Practice Note on Reports – During and After Grounds at Court and Practice Note on Reports – 35 days and Interim Reports

<sup>2</sup> See the Practice Note on the Role of the Safeguarder – Reasons for Appointment

## 6. Report required for court when a Safeguarder cannot attend court

A Safeguarder should attend court but in the exceptional circumstances where a Safeguarder cannot attend court but needs to make their contribution to any decision of the court, a written report can be submitted to assist the court in its decision. A written communication which explains an inability to attend a court hearing and or which provides information about the extent of the Safeguarder's investigations so far, does not amount to a written report for the purposes of claiming a fee<sup>3</sup>.

## 7. Oral reports

An oral report is essentially a written report that requires to be presented orally by the Safeguarder.

Oral reports are not simply the verbal contribution that the Safeguarder makes at a hearing. An oral report should contain a recommendation with reasoned justification.

Oral reports are usually justified, rather than providing a written report, where there is not enough time to prepare the written report, e.g. a supplementary report is needed in a very short timescale and the investigations of the Safeguarder are finished too late to produce a written report for the hearing.

There is an expectation that there is some preparation and planning for what will be said in this report, even in very limited timescales. Brief summaries or notes can be prepared and spoken to.

It is important that where possible there is a written record of the report and it may be possible to include this in a future report by the Safeguarder if the hearing is deferred. Where the oral report has been influential to the decision made, it is to be expected that the reasons for the decision will reflect the material part of what was said<sup>4</sup>.

## 8. Written Answers in Appeals

In appeals, Safeguarders can choose to write answers as part of the appeal process<sup>5</sup>. This is not a report as such<sup>6</sup>.

## 9. Reports to children's hearing following an appeal

Where an appeal has remitted matters back to a children's hearing, a report is expected to be provided by the Safeguarder to that children's hearing. This may be a new report if the Safeguarder was only brought into the child's case at the appeal or it may be a supplementary report if the Safeguarder was already involved.

Where the Safeguarder has provided a report to the sheriff at the appeal, the contents of that report or the report itself can be included in or with the report provided to the children's hearing.

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<sup>3</sup> [Current policy on Safeguarder fees, expenses, allowances](#) at Part G.

<sup>4</sup> The reasons for decision should contain the reasons why a particular decision was made rather than a narrative of what was said at the hearing. Therefore information about the Safeguarder's oral report would only be included if it explains why the hearing made the decision it did.

<sup>5</sup> Papers used in Safeguarder training on the appeals as these relate to Safeguarders, produced by Clan Childlaw, are available from the Safeguarders Panel Team if further detail is required.

<sup>6</sup> Payment for this is covered in the court fees as part of the appointment fee (unless no appointment fee is being claimed when there is no attendance at the appeal but written answers are submitted). In these circumstances a written report fee can be claimed for the written answers). See page 16 of [Current policy on Safeguarder fees, expenses, allowances](#).

## 2. Reports Required or Not Required

### Report required

1. A report **is required**:
  - on appointment of a Safeguarder by a children's hearing, and
  - where a children's hearing requires a Safeguarder to prepare one (section 33, 2011 Act).
2. A report **is required**:
  - where a sheriff requires a report in an appeal against a decision of a children's hearing. (The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012).

### Report not required

1. A report is specifically not required where the children's hearing to consider the matter is
  - a **2<sup>nd</sup> working day hearing** (considering the further continuation of a child protection order)
  - an **advice hearing** for a children's hearing to provide advice to a sheriff hearing an application at court to vary or terminate a child protection order
  - a children's hearing considering the further issue of an **interim compulsory supervision order**
  - a children's hearing to **review a contact direction** decision made by a children's hearing (s.126 2011)
  - a children's hearing considering the **suspension of a compulsory supervision order** pending an appeal against a children's hearing decision.
2. A report is not required where the children's hearing making the Safeguarder appointment send the grounds of referral for proof<sup>1</sup>.
3. A report is not required where a sheriff has initiated the appointment of the Safeguarder when grounds are sent for proof. There is no provision specifying that a Safeguarder must provide a report to a sheriff. A sheriff can however choose to use his or her general power to request a report. A Safeguarder should not routinely provide a report for a sheriff unless specifically asked to do so.
4. In appeals, Safeguarders can choose to write answers as part of the appeal process. This will depend on the individual circumstances of each case. Written answers are not a report as such.

### Report expected

1. Where a Safeguarder has been appointed
  - (i) by a sheriff at court when grounds have been referred to court, and the grounds are remitted back to a children's hearing for disposal, or
  - (ii) where a matter is remitted to a hearing following an appeal,
 the Safeguarder should provide a report, or interim report if time is insufficient to provide a full report<sup>11</sup>.

A Safeguarder should not wait until attending the post court children's hearing to provide a report to the children's hearing. This is the report expected as part of the hearing appointed responsibilities. Any report to that hearing should be as extensive as is required to safeguard the interests of the child. Timescales for this report may not allow a report to be provided within 35 days but the Safeguarder should provide a report as soon as possible, submitting an interim report to any hearing that has to be held before the report is ready. Safeguarders should try to discuss the timing of hearings to allow attendance where possible.

<sup>1</sup> See separate Practice Note on Reports – During and After Grounds at Court.

### 3. Reports During and After Grounds at Court

1. There is **no requirement in terms of the legislation for a Safeguarder to provide a report for the sheriff at court** whilst grounds are being considered.<sup>1</sup>
2. It is **not good practice**, on appointment by a sheriff, to wait and do little or nothing until the children's hearing (following the establishment of grounds) to then see if that children's hearing wish a report. It cannot be assumed that the conclusion of court proceedings amounts to conclusion of the Safeguarder's investigation into the child's circumstances and identifying the best way forward.
3. **During court proceedings** and before grounds are established, the investigation (which would usually be required to provide a report) may be limited because critical matters in the grounds require clarification. A Safeguarder may only be able to investigate so far until such time as disputed grounds are resolved. This will depend on individual circumstances.
4. Nonetheless, the Safeguarder would be **expected to investigate and engage** with the child, relevant persons and other key individuals, sufficient to contribute appropriately to what is required at court, e.g. the support of the grounds or not, to form their position in terms of a further ICSO. As a result of their involvement, the Safeguarder has often gained access to information and has had the advantage of observing and or participating in proceedings including the proof. There may also have been further contact with the child and family. Much of this investigation, information gathering and relationship building will help to produce a report that will assist the decision making of the children's hearing if the matter is remitted back to the hearing. Doing whatever is possible during court proceedings means that overall delay can be avoided.
5. If grounds are established and remitted back to a children's hearing for disposal **it is good practice for the Safeguarder to provide a report to the hearing** whenever this is possible<sup>2</sup>. The Safeguarder should not wait until the hearing.
6. In terms of any timescales to provide a report, when grounds are remitted from court and a hearing is arranged, there may be insufficient time between these two events to provide a full report. There may be timescales in place where the hearing has to be held within a limited period, e.g. where interim orders are involved. Where the Safeguarder has been able to start or partly complete investigations during the proof, this will assist with completing a report in a short timescale after court.
7. The Safeguarder should aim to provide a report as soon as possible and without causing unnecessary delay to the decision making required. Where there is **insufficient time between the grounds being established and the children's hearing** for the Safeguarder to provide a full report – the Safeguarder should provide a report to the hearing, outlining information or recommendation relevant to the hearing's consideration, indicating:
  - why it has not been possible or is not necessary to provide a full report,
  - what further investigation or information gathering they would wish to do and
  - how long it would take for this to occur.It is for the hearing to decide if they wish to defer the hearing further for a full report to be available.
8. The Safeguarder's report is **provided to the reporter** in time to be sent with papers for the hearing.
9. It is **good practice** for the Safeguarder to liaise with the reporter about the date for the children's hearing (following the establishment of grounds) so that the Safeguarder can provide a full report; can attend the hearing and prevent any potential delay.

<sup>1</sup> See sections 31 and 33, The Children's Hearings (Scotland) Act 2011 (as amended) There is nothing to prevent a sheriff from requesting a report from a Safeguarder and a Safeguarder should respond to such a request as appropriate in line with the Reasons for Appointment Practice Note

<sup>2</sup> See the separate Practice Note on Reports – Reports Required & Not Required

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

4. 35 Days and Interim Reports

Reports should take as long to produce as is needed and justified in each child’s circumstances

The overall intention of the rules is to minimise delay in decision making required for children. If further time than 35 days is needed, reasons and timescales are required.

**Day 1 = date of the children’s hearing that appoints the Safeguarder**

Within 2 working days of Day 1 – SCRA tell Safeguarders Panel Team of appointment & date of any future hearing (if known)

Within 2 working days of notification by SCRA – Safeguarders Panel Team to confirm Safeguarder

Within 3 working days of notification by Safeguarders Panel Team – SCRA to send papers to Safeguarder

If ICSSO hearings (do not need a report for this hearing)

If Safeguarder cannot complete full report within 35 days submit **interim report** (with reasons, further investigations intended and time needed) - to reporter by 35<sup>th</sup> day

If Safeguarder can submit **full report** in 35 days – send report to reporter by 35<sup>th</sup> day

**35 days**

Reporter to arrange hearing as soon as reasonably practical after receiving full or interim report

At least 7 days before hearing, Reporter to give formal notice of hearing and send papers

**Children’s Hearing**

(Interim report)

(Full report)

Hearing defer to get full report

Hearing make decision without full report

Hearing make decision

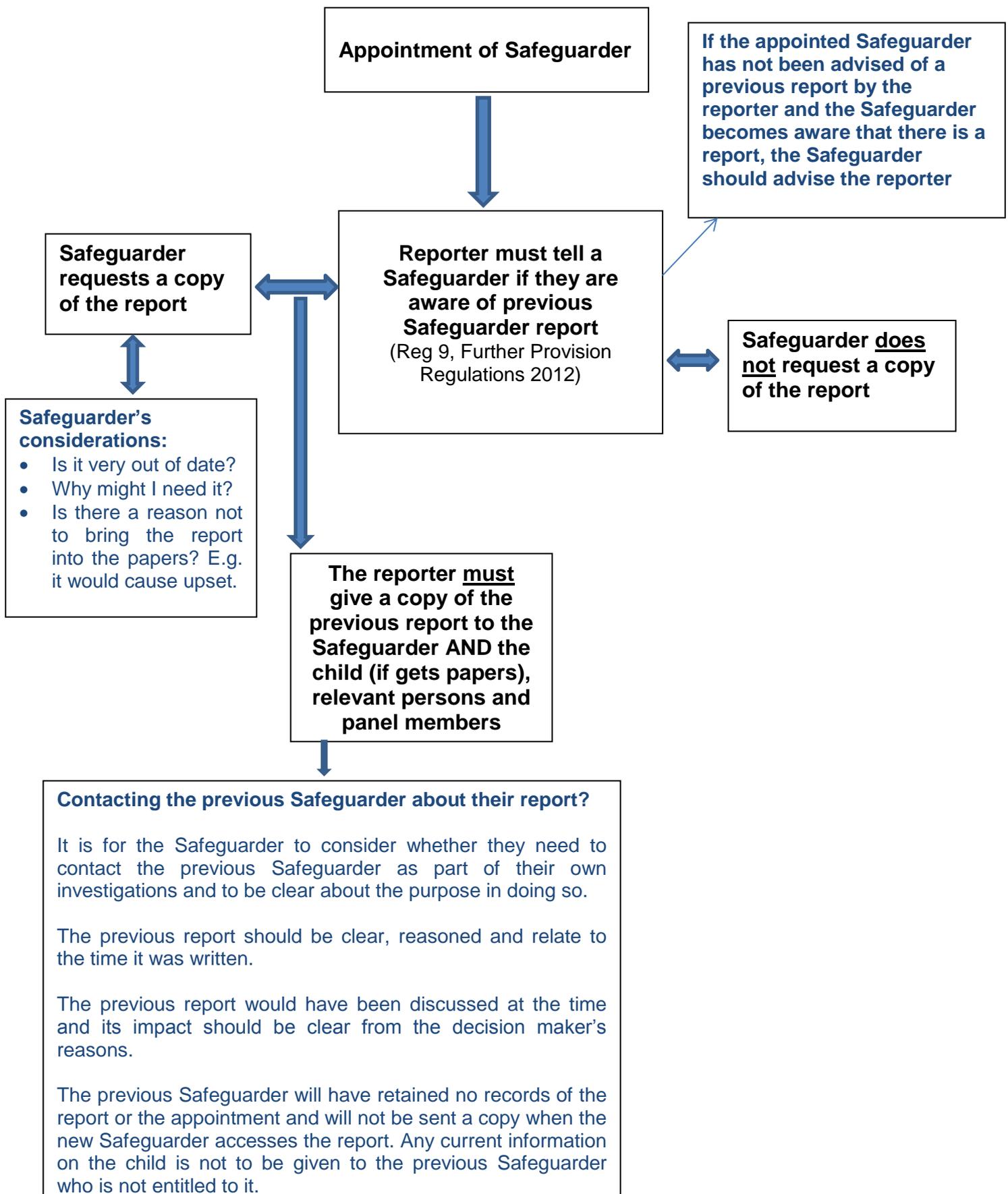
Hearing defer with/without supplementary report request

Where matters are referred to court for the establishment of grounds – the 35 days rule may not apply – see separate note on Reports During and After Grounds.

NB There may be a need for a hearing within the 35 days if there is an interim order or an urgent need to review the child’s case – if so a full report is not expected to be available

**ON APPOINTMENT:**  
It is vital that Safeguarders work to the 35 days to submit a report (full or interim if there is insufficient time for the Safeguarder to provide a report)  
Any future hearing date must be clear to the Safeguarder and avoid any unjustifiable delay in allowing a decision to be made for the child

5. Accessing Previous Safeguarder Reports



## 6. Safeguarder Contact & Other Details in Reports

### 1. Details required in a report.

When any report is provided the author of the report should be identifiable. This is not the same as providing contact details. Contact details should not be provided in a report.

The [Practice Standards for Safeguarders](#) at Standard 4 bullet 1 require that only the name of the Safeguarder is provided in a report.

### 2. Implications of supplying contact details in a report.

The provision of contact details implies that the author accepts that contact can be made outwith the specific forum in which the report will be considered and even after the appointment has been concluded. This is contrary to the [Practice Note on the Role of the Safeguarder](#) – Contact with children and families beyond appointment periods.

The Safeguarder has no control over the report once it has been submitted which means there is no control over access to the Safeguarder's contact details if provided in the report.

### 3. Safeguarder's responsibility for saying what their contact details are.

Safeguarders are responsible for identifying what their contact details are.

Remember:

- If using a mobile phone – ensure that you re-inforce the message that your contact has ended when your appointment has ended
- If providing a cover note with your report that contains contact details ensure that you specify that these are not to be included with your report

### 4. Use of Leaflets for Safeguarders.

Leaflets are available to Safeguarders which they are encouraged to use to give contact details to others. Distribution of these leaflets is within the control of the Safeguarder and the sharing of contact details can be contextualised.

### 5. Signing reports

Safeguarders can but do not need to sign a copy of their report at the end or on every page.

### 6. Dating Reports

The date of completion of the report should be included in the report.

## 7. Safeguarder Qualifications being included in Reports.

Safeguarders should not include any qualification that they hold in their reports.

Safeguarders are recruited on the basis of core competences and are trained and supported to have the required interpersonal, communication and practice skills, and legal knowledge, to fulfil their Safeguarder role and no other role. Safeguarders have various backgrounds, qualifications, experience and skills which they bring to the role.

Any qualifications that a Safeguarder holds are not a requirement of the role and are not related to any quality control or accountability that attaches to the competences that these qualifications portray. The inclusion of qualifications in a report may give the impression that these qualifications are related to the requirements of the role and may give an expectation and impression of the role that is not correct.

## 8. Copyright

The word 'copyright' is not appropriate and should not be included in a report.

## 9. Family details in a report

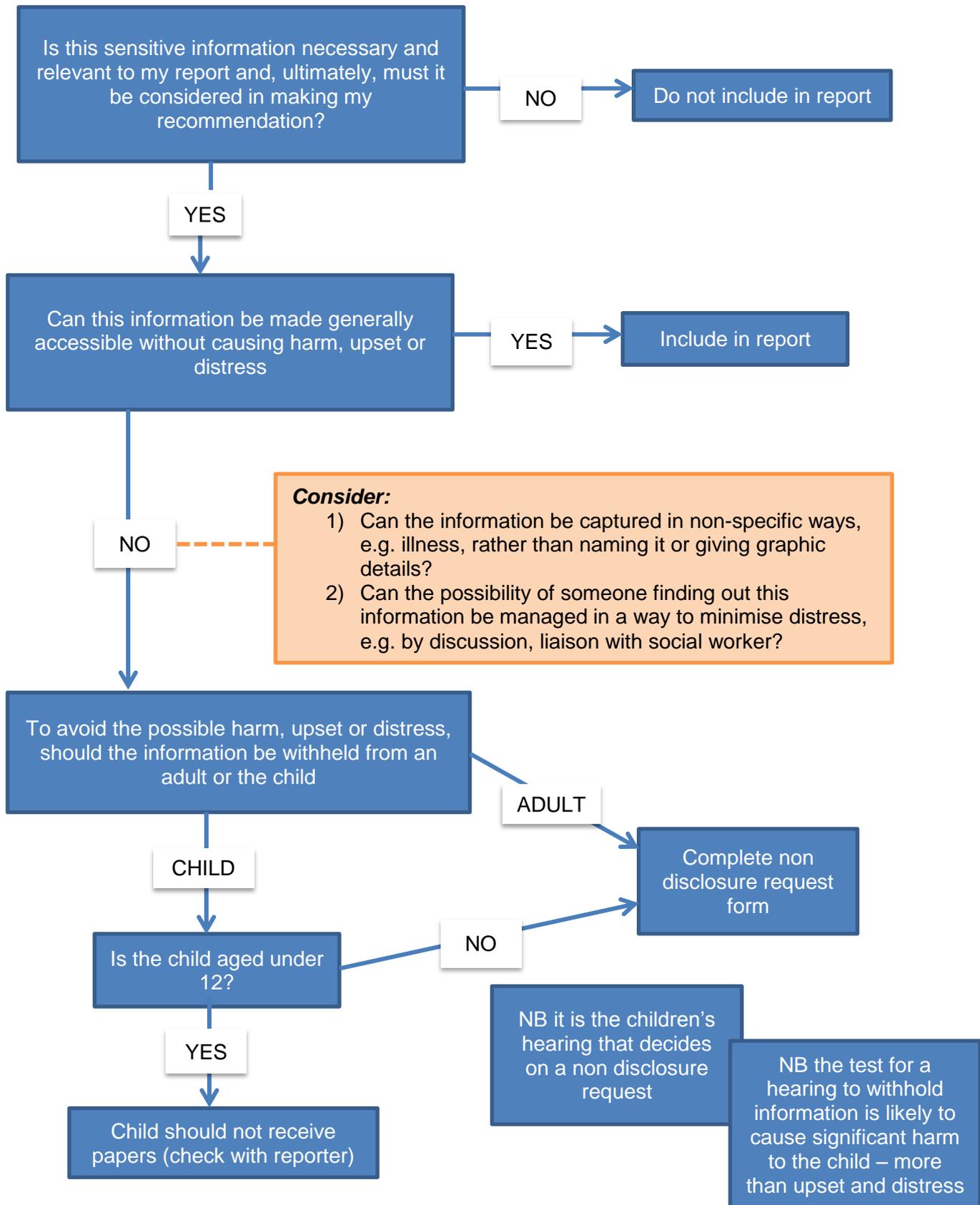
It is also important that contact details for a child or family are not included in a report unless this can be justified. The reasons for this are similar to those given above. Any information of a personal nature provided in a report must be relevant and proportionate. If details can be justified, and there is a need to restrict access to this information to others, non-disclosure provisions must be considered<sup>1</sup>.

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<sup>1</sup> See separate Practice Note on Reports – Sensitive Information in Reports  
Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

7. Sensitive Information in Reports

FLOW CHART FOR CONSIDERING SENSITIVE<sup>1</sup> INFORMATION



<sup>1</sup> The word 'sensitive' is used in the sense of particularly sensitive information where it may cause harm, upset or distress but also where the manner and detail of relaying information needs to be considered sensitively, e.g. details of a medical condition.

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

## 7. Sensitive Information in Reports (continued)

### Non-disclosure requests – helpful information

1. Provisions in the Children's Hearings (Scotland) Act 2011, and related Rules, about non-disclosure of information are for the purpose of enabling information which would otherwise have to be provided to an individual to be withheld from that individual. Non-disclosure can relate to information concerning address and whereabouts or other sensitive information to be withheld from specified individual (s). The different types of non-disclosure are responded to differently and further information is available via [CHIP Non-Disclosure of Information - Good Practice Guide](#) and is also outlined below.
2. **Non Disclosure requests.** Any person, and specifically a Safeguarder, may make a 'non-disclosure request' – a request that any document, or part of a document or information contained in a document relating to a hearing or pre-hearing panel should be withheld from a specified person on the grounds that disclosure of that information to that person would be likely to cause significant harm to the child. The request will be considered and decided upon by a hearing or pre-hearing panel (Part 19, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013)).

A Safeguarder should always be aware of the need to meet the criteria when considering a request to withhold information. Where a Safeguarder feels that the criteria for withholding information would not be met; the Safeguarder should still carefully consider the need to include the information in their report at all, and, if so, how to do this in as sensitive a way as possible.

3. **Non-disclosure Process.** As part of changes to processes in relation to Non-disclosure, SCRA has produced new forms for partners to use when making a Non-disclosure request to a Children's Hearing and has produced a guidance note to assist partners in completing both forms which can be accessed [here](#). Copies of the appropriate Non-Disclosure Request Forms are attached as an appendix to this part of the Note.

Where a request is being made, the Forms should be completed and should accompany the report to which it relates when submitted to SCRA. In practice, it is suggested that the Forms be attached to the front of the relevant report, rather than annexed to the back of the report to ensure that they are not overlooked.

4. **Circumstances when a non-disclosure request may not be required.** The reporter has powers to withhold information in particular circumstances which may mean that the Safeguarder does not need to make a request at all. These circumstances include:
  - Where the child is not to receive papers
  - Where there is already a non-disclosure measure on the child's order
  - Where the reporter is applying a specific rule to prevent significant harm to child or relevant person.

These matters are covered in the guidance referred to and Safeguarders can check with the reporter regarding the position where non-disclosure may already be an issue before deciding if a non-disclosure request is to be made by the Safeguarder.

- 5. Duties on reporter to redact information.** When information is to be withheld (including when a non-disclosure request has been made, but not yet considered by the hearing), the reporter must ensure that the relevant information is removed from any report being sent to the person from whom the information is to be withheld. Removing the information is sometimes called 'redacting'.

It may be possible for the Safeguarder to help the reporter with the process of removing information by ensuring that any information that the Safeguarder may include in their report that may be redacted is not included at all or at the very least ensure that this information is kept separate and is clearly identifiable.

Restricting where the information is held helps to manage the information not to be disclosed.

- 6. Address and whereabouts.** It is important to distinguish between information on address and whereabouts which the reporter will not provide to any party (including the Safeguarder) unless they request it, as opposed to other sensitive information where there should be an intention that it should be shared with panel members as relevant for their purpose and would therefore be provided as a matter of fairness to other parties apart from the person from whom it is intended to be kept from.

Safeguarders should therefore be aware that information apart from address and whereabouts will be available to others entitled to receive papers in case this is an issue.

A Safeguarder should carefully consider whether they do need access to address and whereabouts information from the reporter to allow them to perform their role, before requesting access to this information. If the information is required and accessed it must be managed securely by the Safeguarder and with a view at all times to not disclosing the information to any person who is not entitled to get it given the significant harm to the child that disclosure is likely to cause.

- 7. Later requests.** A Safeguarder can make a non-disclosure request, before or after their report is submitted, for example a request can be made during a children's hearing, although this should be avoided if the need for information to be withheld can be identified in advance as the request may be too late if the reports have already been sent out. It may be necessary for a request to be made during a hearing if information that is not included within a report comes to light at, or shortly before the hearing and disclosure of that information is likely to cause significant harm to the child.

APPENDIX: ND FORM 3

**Non-Disclosure Request  
Reports/Documents for a Children’s Hearing or Pre-Hearing Panel**

**This Form will be provided in full to the child (if able to understand), all relevant persons, any Safeguarder and panel members. The Request will be considered by the children’s hearing or pre-hearing panel.**

Child’s Name:	Date of Birth:
Name of Person making Request:	
Job Title:	
Date of Request:	

**1. Summary of the information requested to be withheld**

- Current address of the child
- Current address of (specify relevant person)
- Name of current carer
- Name of proposed carer(s)
- Address of proposed placement
- Child’s school/nursery
- Child’s GP/health centre

Other information to prevent disclosure of an address

*Please give outline description e.g. ‘name of headteacher’*

Other information unrelated to an address

*Please give outline description e.g. ‘medical history of X’, ‘previous behaviour by Y’, ‘family background of Z’*

**2. Person(s) from whom the information is requested to be withheld**

**3. Reasons for making the request**

*Reasons should explain why disclosure of the information to the specified person(s) would be likely to cause significant harm to the child.*

**4. Which Document(s) Contain the Information**

Form 4

*Ideally provide the information to be withheld only on Form 4 and not in any other document.*

Other document(s) – specify by name and date

*If the request does not relate to the whole of the document specify all places within the document where the information appears e.g. by page and paragraph number.*

Please send to the relevant SCRA team mailbox

**Non-disclosure Request – Full Details of Information**

Child's Name:	Date of Birth:
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Name of Person making the Request:
Job Title:
Date of Request:

<b>The following is the full information referred to in the Non-disclosure Request:</b>
<i>Current address of child:</i>
<i>Current address of (specify relevant person):</i>
<i>Name of current carer(s):</i>
<i>Name of proposed carer(s):</i>
<i>Address of proposed placement:</i>
<i>Child's school/nursery:</i>
<i>Child's GP/health centre:</i>
<i>Other information to prevent disclosure of an address:</i>
<i>Non-address related information:</i>

The above information is contained only in this Form, not in my report.

The above information is also contained in my report.

## 8. Use of Reports for Report Sampling

1. **Relevant legislation.** The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012 as amended by The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016 at regulation 12 allow the sharing of Safeguarders reports held by the reporter, for the purpose of
  - monitoring the performance of,
  - investigating complaints against and,
  - auditing requests for payment of fees, expenses and allowances by members of the Safeguarders Panel.
2. **Data management responsibilities.** The Data Management Policy and Guidance for Safeguarders lays out the responsibilities on Safeguarders as data controllers. This includes being transparent about how the Safeguarder intends to use the data collected by them, giving individuals appropriate privacy notices when collecting their personal data and telling people how they intend to use any personal data that they collect about them (unless this is obvious).
3. **Privacy notices.** Privacy notices are explained in the Data Management Policy and Guidance for Safeguarders. These can be given verbally or preferably in written form and should indicate how a Safeguarder will 'use your information'. The requirements of the content of a privacy notice are contained in the [leaflet available to Safeguarders](#).
4. **Use for Report sampling.** Safeguarders should be clear when explaining their role to those providing personal information, as to how their information will be used, including the fact that the report containing their information may be used to consider the performance of the Safeguarder's practice and conduct against national Practice Standards (See [Information for Safeguarders on Report Sampling](#)).
5. **Exclusion from sampling.** Where a child or relevant person indicates that they do not wish the report to be used for monitoring – the Safeguarder should inform the Safeguarders Panel Team so that the report will not be used for the purpose of report sampling for monitoring purposes.

## 9. Sharing Reports & Recommendations before the Hearing

### Sharing recommendations with Children and Relevant Persons

1. The [Practice Standards for Safeguarders](#) require that Safeguarders treat all concerned with respect, honesty and fairness. Recommendations in reports are to be shared appropriately by the Safeguarder with children, parents and carers, and relevant persons in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child.
2. Children and relevant persons will be sent a copy of the Safeguarder's report in advance of the hearing by the reporter. **Safeguarders are expected to share their recommendations before the report is sent.** Safeguarders should indicate at the start of their engagement what their general intentions are to share recommendations.
3. **Safeguarders are expected to share recommendations in person** i.e. face to face, with children and relevant persons in advance of the hearing where the report is to be considered. Safeguarders can make the offer to share but should respect anyone's wishes not to have a meeting in person. An offer to meet to share and discuss recommendations can be made in writing with or without a written summary of the recommendations.
4. **Sharing recommendations with key individuals** in advance of the hearing allows opportunities for clarifying the recommendations in person, for necessary corrections to the report to be made and, for any alternative views that may challenge the Safeguarder's recommendations to be considered and assembled in advance of the hearing.
5. **Where it is not possible for a Safeguarder to do this**, the Safeguarder should be prepared to justify this decision in terms of their practice in individual cases.
6. **Reasons for not sharing recommendations in advance** may include a lack of time, extensive travel (although telephone contact can be considered as an alternative) or where there is an element of risk (assessed by the Safeguarder) related to the circumstances of the case and the recommendations to be made and arrangements to deal with this risk are not possible.

### Sharing recommendation with social work (or others not entitled to receive a copy of the report)

1. **A Safeguarder cannot disclose information to others except as permitted by law.**
2. The [Practice Standards for Safeguarders](#) require that Safeguarders treat all concerned (which includes representatives from services or agencies) with respect, honesty and fairness.

**The Standard states that recommendations in reports are to be shared appropriately** by the Safeguarder with representatives from services or agencies **in advance of hearings, where this is necessary to allow appropriate preparation and minimise potential distress and delay, in particular for the child.**

3. **'sharing' means** that the Safeguarder can, dependent on the circumstances of individual cases:
  - share the recommendations with the person where they consider it is justifiable in terms of the requirements of the Practice Standards as outlined in 2 above
  - discuss the relevant content of the report with the person where the Safeguarder considers it is justifiable in terms of the requirements of the Practice Standards as outlined in 2 above.

Safeguarders should consider if sharing information or the report will promote; support or safeguard the wellbeing of the child and whether sharing that information or report will be compatible with their responsibilities as data controllers; in line with human rights and the law of confidentiality. The use of privacy notices provide a mechanism to gain agreement from children and family members to share information wider than the recommendations of the report.

- 4. Where the Safeguarder is asked their permission to share or send their report via the reporter.** SCRA's position is that reporters have no legal authority to share Safeguarder reports with social work or other professionals regardless of whether a Safeguarder has indicated to the reporter that they consider that it is justifiable in terms of the requirements of the Practice Standards as outlined in 2 above.

## 10. Secure Sending and Holding of Reports

1. **Duties on a Safeguarder.** Safeguarders must make sure that information and data is managed securely.
2. **Data Controllers.** As data controllers, Safeguarders are responsible for the personal data that they create, generate, send or otherwise process.
3. **Reports = 'data'.** Safeguarder reports, hearing papers, notes, etc. are data whether in electronic or paper format.
4. **Holding and Storing during appointment.** Safeguarder's reports in draft and final form must be held and stored
  - in paper copy - in a secure place with no access by others
  - in electronic format – only on the secure encrypted memory stick provided by the Scottish Government
5. **Sending to and returning/destroying.** Reports must be sent to SCRA or the sheriff clerk as appropriate and copies returned or destroyed following the end of an appointment.
6. **Secure email.** Any electronic submission of a Safeguarder's report must be made by using secure email (as approved by the Scottish Government). Secure email must be sent and received to secure email.

If someone sends you an email with personal or sensitive information from an email that is not secure or to your email that is not secure, you must immediately ensure the information is held securely by you (on your encrypted stick) or destroyed and you must notify the sender.
7. **Posting and delivering.** Any sending or delivery of a Safeguarder's report in paper format must be done in a secure manner. If posting, recorded delivery should be used to ensure that the report is securely delivered. If hand delivering out-of-hours, you may wish to check that the report has been received.

## 11. Reports in Civil Processes

### Approach to a Safeguarder to use their report

- 1. After appointment has ended.** If a Safeguarder is contacted by anyone<sup>1</sup> in relation to the access or use of their report in a legal process, usually a civil law court process<sup>2</sup>, the Safeguarder must confirm that their appointment is at an end and that they have no continuing involvement with the matter and no longer hold any information including a copy of the report.
- 2. During appointment.** If a Safeguarder is approached during their appointment, the Safeguarder must confirm that their appointment is ongoing and they have no right to give access to or authorise use of the report, related to their appointment to anyone who has no right to access it through the appropriate channels.
- 3.** In both of the above situations, the Safeguarder:
  - (a) may advise the person that the person may need to approach someone else who may have a right to have, hold or release the report. This would normally be the Scottish Children's Reporter Administration or the child or relevant person, but
  - (b) must not provide any details, if known, of any person who may have copies of the report or try to access details about the report for the person who is in contact.

### Approach to a Safeguarder to be a witness

- 4.** If a Safeguarder is contacted by someone who has or may have their report and wishes to cite them as a witness to speak to their report in a court process, usually a civil court process, the Safeguarder should be aware that:
  - (a) they cannot prevent someone citing them to be a witness and putting their report to them as a witness, but that
  - (b) the Safeguarder can explain that their report was relevant at the time; that it formed the basis of the children's hearing discussions on the day; and the reasons for the decision of the hearing may or may not indicate the weight put on the report in terms of the decision reached. The report itself should be clear about the conclusions and recommendations being made at the time and the justification for these.

### Affidavits

- 5.** Safeguarders can be asked to sign affidavits confirming that a report purporting to be their report, is their report. The Safeguarder's report is no longer in the Safeguarder's possession after their appointment has ended, so the Safeguarder will not be able to definitively confirm if this is a copy of their report. As the report is retained by the reporter or in some cases the court, SCRA or the sheriff clerk should be able to confirm if the report is the same report that was used in the proceedings.

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<sup>1</sup> 'anyone' includes a solicitor for example acting for a parent, a local authority legal representative, a parent or a social worker.

<sup>2</sup> This may be for example a dispute over residence or contact or in adoption or permanency proceedings.

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

## Ownership of Reports

6. Safeguarder reports for children’s hearings are retained by SCRA in line with their retention policy. Safeguarders operate in line with *The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013* and the *Practice Standards for Safeguarders*:

*Rule 9, The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013.*

*9.(1) Any documents which are given to a Safeguarder by the Reporter under, or by virtue of, the Act or any other enactment must be kept securely in the Safeguarder’s custody and returned to the Reporter on the termination of the Safeguarder’s appointment.*

*(2) The Safeguarder must not cause or permit any information which they have obtained by virtue of their appointment as a Safeguarder under the Act to be disclosed, except as permitted by virtue of the Act or any other enactment.*

*Practice Standard 5 – Confidentiality*

- *any documentation given to the Safeguarder in connection with a child by the reporter will be kept securely by the Safeguarder and returned to the reporter on termination of the Safeguarder’s appointment.*

## 12. Speaking to Reports and Responding to Challenges made to a Report

### Presenting reports

1. Safeguarders send their completed report to the reporter who ensures that it is available for a children's hearing. Where a report is required for court, the report must be sent to the sheriff clerk. The report for court must be made available to all other parties in the matter and the sheriff clerk can do this but the Safeguarder can and should provide a copy of their report to those others. In some matters at court, as a party the Safeguarder may need to provide copies to others, in other matters, the sheriff clerk may do this. The Safeguarder can find out what is required by asking the sheriff clerk or others, including the Safeguarders Panel Team.
2. Safeguarders ought to attend the children's hearing or court where their report is to be considered (section 33, 2011 Act).
3. Practice at hearings and at court differs, but the Safeguarder will usually be asked to speak to their report or be questioned as to parts of it. The Safeguarder should contribute at the hearing in relation to their role and their recommendation as appropriate without the need to be asked.
4. The Safeguarder may be asked to do this at the start of the hearing or after others have contributed. This is dependent on what the chairing member of the children's hearing feels is appropriate in the circumstances<sup>1</sup>.
5. The views of the child, if included in the report, will be checked with the child at the children's hearing<sup>2</sup>.

### Challenge to reports

6. The Safeguarder is part of the discussions at the children's hearing or the court and should be asked what they think is best for the child<sup>3</sup>. The Safeguarder's report will inform the discussions at the hearing and the Safeguarder should contribute to the discussions at the hearing as these unfold.
7. Where issue is taken with the content of the Safeguarder's report this should be a matter for discussion at the hearing with the Safeguarder justifying their position as appropriate.
8. A report which is clear, reasoned and justifiable<sup>4</sup> will assist with any challenge to the Safeguarder's report. Discussing recommendations and the basis for these with families and professionals in advance of hearings may allow any matters to be resolved before the hearing and prevent unnecessary discussion or distress at the hearing itself.
9. Discussion at the hearing may result in the Safeguarder changing their recommendation or feeling that something written in their report does not correctly reflect the situation. There is no mechanism for the Safeguarder to change their report if the written report becomes out of sync with the verbal contribution at the hearing. If a hearing is deferred a supplementary report could be submitted. The children's hearing's decision and the reasons for that decision should show the importance of the Safeguarder's recommendation to that decision.
10. If the Safeguarder feels that their change or correction to the report is important to record, then the Safeguarder can ask in a manner sensitive to the proceedings, for this change or correction to be noted and included, e.g. in the record of the proceedings or in another way that keeps a record of the change.

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<sup>1</sup> Rule 7, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

<sup>2</sup> Section 121, 2011 Act and Rule 58, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013. Rule 8 also requires that the child's views be included in documents where they are available.

<sup>3</sup> Rule 60, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

<sup>4</sup> See standard 4 of Practice Standards for Safeguarders

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

## 13. Legislation on Reports

### 1. Duty on Safeguarder to provide a report and the scope of the report.

Section 33(1)(a), (b), (c) and (2), The Children's Hearings (Scotland) Act 2011.

### 2. Reports not required for certain children's hearings.

Section 33(2) and (3), The Children's Hearings (Scotland) Act 2011 (as amended by section 68F, The Children and Young People (Scotland) Act 2014.)

Section 31(4), The Children's Hearings (Scotland) Act 2011 (as amended by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013.)

### 3. Reports requested in appeals against children's hearing decisions.

Regulation 6, The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012.

### 4. Right to be informed of date, time and place of hearings and right to information within certain timescales.

Rule 56(1)-(3) The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

[Blueprint for the Processing of Children's Hearings Cases](#), Standard 10

### 5. Duty on Safeguarder to keep documents securely and to return documents.

Rule 9, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

### 6. Access to previous Safeguarder's report.

Regulation 9, The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012.

### 7. Duty on Safeguarder to explain role.

Regulation 8, The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012.

### 8. Duties on Safeguarder regarding views of child (and providing the means of obtaining these).

Regulation 7, The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012.

### 9. Child's right at a hearing to challenge views provided by Safeguarder in report.

Section 121, The Children's Hearings (Scotland) Act 2011.

Rule 59(2), The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

### 10. Providing a report within 35 days from the appointment decision date and interim reports.

Rules 56(4) and (5), The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

## **11. Reports to be sent to SCRA who send on to child, relevant persons and panel members.**

Rules 57, The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013.

## **12. Termination of appointment.**

Regulation 3, 4 and 5, The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012.

### **Other relevant legislation:**

**Safeguarders Panel – recruitment, criteria for appointment/removal, training requirements, Practice Standards, access to Safeguarder reports, fees and expenses, adequate numbers of Safeguarders, monitoring of performance and complaints.**

The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012, as amended by The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016.

**Rules of court covering applications to establish grounds, applications to extend interim orders, appeals, etc.**

Act of Sederunt (Child Care and Maintenance Rules) 1997 as amended by the Act of Sederunt (Child Care and Maintenance Rules) Amendment (The Children's Hearings (Scotland) Act 2011).

## 14. Investigation for Reports – Tips/Helpful Suggestions

- 1. Information available.** You might find it helpful to get in touch with the reporter as soon as possible to get papers sent to or picked up by you. The reporter may also be able to advise of any future hearing dates or timescales.
- 2. Initial consideration.** Read papers thoroughly, highlight key points.
- 3. Inability to do what is asked.** If you believe what is asked of you by a hearing is unrealistic get in touch with the reporter<sup>1</sup>.
- 4. Initial Plan.** From information available, work out an initial plan who you wish to see and what information you may seek to provide a comprehensive report. This may change when you start seeing people. Sometimes you may have to do some reading to ensure you have a good grasp of legislation involved e.g. secure accommodation, or else seek out information from professionals (preferably those involved with the child or experts) or the internet on specific issues e.g. use of illegal drugs. Keep an open mind about the case as you are only seeing a limited perspective at this stage.
- 5. Gathering Information.** General tips on gathering information are available and may help you.<sup>2</sup>
- 6. Mandates.** Safeguarders should not routinely ask for mandates to be signed by parents or relevant persons for access to their medical information or criminal history. Information relevant to this should be contained in the child's assessment reports without the need for Safeguarders to check this information as a standard way of investigating. Where the information is not already available from reports or through the lead professional for the child, a request for mandates should be justifiable in the circumstances of each appointment. As with the seeking of any information, you should be clear why you need this information in each case.
- 7. Contact details.** Whilst some contact details for children, families and professionals will be available in the child's plan, some may be missing or out of date. Contact the social worker or lead professional as soon as possible to get contact details that you need so you can get going.

***Tip 1: it is helpful to find out from social worker if parents/others are good at responding to mobile telephone messages or if they prefer texts.***

***Tip 2: it is helpful if the social worker lets other relevant professionals know you have been appointed so that they are alerted to possible contact from you. This is particularly helpful if you determine a telephone interview with a professional is appropriate.***

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<sup>1</sup> Role of the Safeguarder - Reasons for Appointment

<sup>2</sup> [Action for Child Protection Gathering Information articles](#): Deliberate Information Gathering, Approach to Gathering Information for Safety Decision Making: Part 1 and Part 2, The Challenge in Safety Decision Making.

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

**8. Planning who to see when.** Consider the order of who you will see and when. Some Safeguarders believe it is good to see the parent(s) prior to seeing social work staff, as this promotes the independent nature of the Safeguarder's role as well as showing that you value their views. Circumstances often dictate the order of seeing people, e.g. people have other commitments, holidays, sickness, etc. Always see the child<sup>3</sup>. The order of seeing people may need to tie in with what information you have decided that you need to gather.

**Tip 3: do not neglect Family Support Workers etc. who often have very close links to the child and can provide valuable information about the child, particularly in cases involving contact issues.**

**9. Method of contact.** Consider how you will arrange visits to see people – contact by phone or text is certainly much speedier than making arrangements by post. Consider where to meet. Respect people – you have no right to enter their home or insist that they see or speak to you. Consider their needs.

**10. Face to face or telephone interview?** Will a telephone interview be appropriate with some professionals involved? Face to face gives more, but sometimes 'needs must'.

**11. Take the time needed.** Do what is necessary to get the information that you need to provide a comprehensive report. If you need to visit/telephone someone again, then do so.

**12. Attending a particular inter-agency meeting** e.g. a core group meeting may be tempting as a means of acquiring information but it can give mixed messages about your role. If you are invited to attend by family or professionals, your attendance needs to be carefully considered. If you do attend it is helpful to record this and why you have attended in your report. Be clear about why you are going and what you are trying to achieve. Are there other ways to get the information that you need? Can you arrange to meet people after the meeting? Be clear with people when you are there that you are an observer and not part of the decision making. Try and get this reflected in the Minute.

**13. Explaining your role.** Always ensure that all those you interview including professionals, are aware of the independent nature of your role. Explain verbally and provide a leaflet. Ensure parents are made aware that your report is confidential to the children's hearing but may be used by the Safeguarders Panel Team to assess the quality of Safeguarder's intervention.<sup>4</sup> Explaining, listening and clarifying any worries helps. People's understanding of the general process is usually always worth checking.

**Tip 4: let people know you are happy to hear from them again if they wish to provide further information to you.**

**Tip 5: be wary of assessing people on limited observations.**

**14. Recording information.** You need to ensure that you have a system for recording information obtained from your interviews. Some Safeguarders may only take brief notes to facilitate discussion, but type up more detailed notes later. Others prefer to take detailed notes at the time. Do what works best for you (and for the person being interviewed too). It is very easy to forget important details if you do not record during or very soon after interviews. See the document on tips for gathering information.

**Tip 6: use separate notebooks for each appointment that you are involved in - this makes it easier to reference and dispose of when the appointment ends.**

<sup>3</sup> Role of the Safeguarder – Meeting, Communicating and Listening covers appropriateness of meeting a child.

<sup>4</sup> Role of the Safeguarder – Explaining the Role provides further information

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

- 15. Views of children.** Getting the views and wishes of the child is a very important part of the Safeguarder's report. Not all children will readily talk to a 'stranger' about difficult areas of their life. If a child is living at home you should get agreement from the parent to see the child on their own.<sup>5</sup>
- Tip 7: make an initial visit to the child to so that they know you a little bit better, and on your second visit perhaps then seek to get their views and wishes.*
- Tip 8: seeing the child on their own is not always what a child may wish, so consider if they wish someone they are comfortable with and trust present.*
- Tip 9: don't assess children for truth or lies – views are views – you are not forensically interviewing.*
- 16. Use of techniques/tools to obtain views.** Some Safeguarders use other techniques to obtain the views of children – drawing, use of games etc. See [toolkits on Safeguarders Panel website](#).
- 17. Child not wanting or unable to express views.** If a child is not able or does not want to express their views and wishes verbally to you, then you may be able to obtain some of their feelings and wishes by other means. You will need to say in your report how you obtained any views included.
- 18. The impact of your intervention/engagement.** Remember that your involvement may have an impact on matters, e.g. in moving things forward, and you should capture and acknowledge this in your report.
- 19. Ready to draft your report.** Once you have gathered all the information you can then put your report together, using whatever style you feel is best for the particular case. NB - leave yourself enough time to consider and digest the information that you have gathered.
- 20. Informing child and relevant persons of your recommendations.** You should ensure parents and child (if old enough) are made aware of what your recommendations will be and why they are being made.<sup>6</sup>
- 21. More than 1 child – more than 1 report?** If there is more than one child involved you should consider whether circumstances merit producing separate reports for each child or one report only. A Safeguarder decides how to present their report (although separate report fees will not be paid where separate reports are drafted<sup>7</sup>).
- 22. Informing others of your report.** You should also consider whether you wish social work to know the contents of your report.<sup>8</sup>
- 23. Sensitive information in your report.** If there is information needed in your report which you believe will cause significant harm to the child if disclosed to the child or relevant person then you must ensure a non-disclosure request is completed for the reporter.<sup>9</sup>

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<sup>5</sup> [Practice Note on Role of the Safeguarder](#) – Meeting, Communicating and Listening provides further information

<sup>6</sup> See separate Note Reports - Sharing Reports and Recommendations before the Hearing

<sup>7</sup> Unless appointments separate out in terms of the [Current policy on Safeguarder fees, expenses, allowances](#).

<sup>8</sup> See separate Note Reports - Sharing Reports and Recommendations before the Hearing

<sup>9</sup> See separate Practice Note - Reports - Sensitive information in Reports

## 15. Gathering Information – Tips/Helpful Suggestions

Using interpersonal techniques and skills to enhance your involvement and interaction means that you gather greater and better information for making decisions.

It is best to communicate and behave in a purposeful way.

Be conscious of yourself when seeking to understand the person you are speaking to – what is their point of view; their story; the situation as they see it? Try to understand the person.

### TIPS

- Focus your attention on the person you are speaking to – not on the agenda of your questions – use eye contact, facial expressions, body language, vocal tone and pace
- Use open questions – ‘what’ and ‘how’ to get the person talking  
Use closed questions when you need precise detail or greater clarity
- Paraphrase – to clarify statements, issues or concerns – select and use the person’s own key words (not verbatim) – this allows you to check you’ve understood and get the person’s essential message. Conclude ‘Is that correct?’ ‘Sound right?’ ‘Is that fair?’
- Encourage the person by using prompts ‘uh-huh’, ‘I see’, ‘go on’, ‘then what?’ – or use precisely chosen key words used by them to get them to elaborate further e.g. ‘Angry?’, ‘not the first time?’, ‘always happens?’.
- Reflect on what you hear i.e. listen to what is said – process (think about) the information – speculate on the meaning of what the person says – reflect what you believe the person means in the form of a statement to them
- Keep matters conversational – it is not an interrogation – you won’t get spontaneous, unsolicited information from an interrogation
- Get the person invested in the interview – your introduction is crucial – how you approach the person, how you explain intent and purpose, how you involve them in the information gathering
- Be comprehensive in your understanding but thorough and focused on detail (i.e. check out meaning) - Listen
- Remain neutral and objective – present as calm, with a flexible and spontaneous manner
- Avoid identifying solutions – you can close a person down prematurely if you put yourself in the role of speaker or expert
- Values – what you believe will profoundly affect your behaviour, what the person tells you and the meaning of this to you
- Personal characteristics that help good information gathering are empathy, respectful, warm, genuine, concrete, self-disclosing, spontaneous - being self-conscious relates to awareness, realisation and perception which all help you to adapt and respond when gathering information
- Your personal authority will have an effect – the bossier you are the less information you will get - lower your profile and seek common ground.

## 16. Recording Information - Tips/Helpful Suggestions

You can tell a good note when you need to use it

### Before:

- What do you want or need? Are there particular answers or information that you need? Do you need to frame particular questions?
- How will you know if you've covered all you need?

### During:

- You need a good balance between active and passive listening – with active listening – ask yourself What can I let go? What do I need to capture?
- Separate out recording points so you can see individual points
- Direct quotes – use these when you need to – highlight words or phrases that seem really significant
- Underline key words – use abbreviations
- Make sure you capture enough for you to understand your notes later
- Reflect back to people what they have said – especially the child
- You may want to record non-verbal information or your wider general impression gained
- NB especially with children – there are different ways to capture information ([See toolkits on Safeguarders Panel website](#))

### After:

- Think and reflect on your notes – are they clear enough? Can you add to them to make them clearer?
- Do this immediately after or very soon after
- If you haven't covered everything you planned to cover or if when you reflect on what you got - you need more answers – follow up on this quickly and don't be embarrassed to go back to people.
- Once you are happy with your record – leave this part behind – it will capture what you have and can be used with your other information. Remember bullet point one – it should be useful
- Try and make sure each bit of information can be brought together with all your other information – it will help with your analysis of all your information
- Do you need to check back with people as to what they have said to you and you have recorded?
- You may want to record what needs to be followed up with the person spoken to or with other people as a result of the information that you have gotten.

17. Keeping the Child at the Centre in Reports – Tips/Helpful Suggestions

<p><b>Practice Standard 1 Child at the Centre:</b> A Safeguarder will safeguard the child’s interest through their practice, participation in process and influencing decisions that aim to lead to better outcomes for the child.</p>	
<p><b>Why?</b> To ensure that each child’s individual needs and interests are identified and his or her views and rights are respected. By keeping the child at the centre, the Safeguarder can contribute most effectively to decisions being made for each individual child that supports better outcomes.</p>	
How?	Further Guidance
<p>Ensuring the views of the child are actively sought and the child’s participation is encouraged, where possible, to inform the Safeguarder’s recommendations</p>	<p>The <b>focus</b> of the Safeguarder should be on improving the wellbeing of the child or young person by identifying a way forward which is in the best interest of the child.</p> <p>The child is <b>treated with respect</b> by the Safeguarder and provided with information and explanation to ensure that they make informed choices about their engagement, participation and contribution.</p> <p>The <b>child’s views</b> are taken into account by the Safeguarder when considering how to safeguard the child’s interests and what to recommend to decision makers.</p> <p>The Safeguarder’s <b>reasons</b> for not following the child’s views should be made clear to the child where possible.</p>
<p>Every child is treated and valued as an individual</p>	<p>Children can provide thoughtful and valuable views about their experience and <b>what works for them</b>. Where these are provided it is crucial that they are provided in the report.</p> <p>Ways of tapping into children’s views are observing and listening to them in a manner that <b>recognises the best way for them</b>. In one-to-one discussions, using play, using tools, in their environments or any manner that enables views to be given (if this is what the child wants to do).</p>
<p>Each individual child’s culture, background, language, age and stage of development, any disability or any other individual needs and circumstances are considered</p>	<p><b>Individual needs</b> are looked for, considered and responded to as required, in the engagement and consideration of their interest, by Safeguarders.</p> <p>Safeguarders to <b>use tools and supports</b> appropriate to the child’s age and stage e.g. a mindmap can be very useful with the child at the centre and drawing out important areas from them.</p> <p>Focus by the Safeguarder on what the child needs at his or her <b>stage of development</b>. Be clear about the gaps.</p> <p>Safeguarders not to be <b>distracted</b> by the parent’s needs.</p> <p>Be aware of <b>UNCRC and ECHR Principles</b> – non-discrimination – devotion to best interests.</p>

<p>Appropriate language is used in all discussions involving children and all jargon or technical terms if required are clearly explained.</p>	<p>Safeguarders need to be <b>clear in their communication</b> both verbal and written.</p> <p>Theory and quality need <b>explanation</b>. Terms such as ‘attachment’ - what does this mean.</p> <p>Reports must be <b>user friendly</b> but must also meet the needs of all, including children’s hearings and courts.</p>
<p>Assessments and information provided by others, including parents and carers and representatives from services and agencies involved are considered in helping to inform the Safeguarder’s communication and recommendations.</p>	<p>The views of <b>people closely involved</b> with the process themselves must be considered.</p> <p>Safeguarders must <b>consider and understand</b> other professional’s assessments to see if there are gaps or issues.</p> <p>Safeguarders must critically review other’s assessments and <b>make reasoned assessment themselves of all the information that they have collected in relation to making their recommendations</b>.</p> <p>Safeguarders’ recommendations should be obvious to the decision makers with <b>justification</b> for what is proposed.</p>

## 18. Structure and Content – Tips/Helpful Suggestions

**Remember, a report is simply a way of presenting information.**

1. **The Reader:** Reports should be designed to be read and understood easily and accurately by the reader. Will they understand what you are saying and why? Why should they do as you suggest? Always have in mind: who are the readers and what do they need to know?
2. **Stages:** There are 5 equally important stages to writing a report:
  - Planning – (both for focus of investigations and for time to write and submit)
  - Collecting information
  - Organising and structuring your information
  - Writing the first draft
  - Checking and re-drafting
3. **Structure:** use paragraphs – help the reader know where you are and where you are going – use numbers, headings or bullet points – be legible, type – number your pages – leave space in margins for notes by the reader – avoid fancy fonts – use at least 12 font size – are there access needs?
4. **Style:** keep it simple – avoid long sentences - avoid jargon and overly emotive statements – write in the 1<sup>st</sup> person ‘I recommend...’ – use names and titles consistently – use numbering consistently – check spelling of names – especially the child’s name and be clear and respectful
5. **Getting started** - basic structures – remember the Practice Standards and provide details of:
  - the name of Safeguarder - the name of the child with date of birth
  - the date and reasons for appointment
  - people spoken to in the course of enquiries and their details, if relevant
  - information provided as to the background of the child’s case and any inquiries made
  - information as to the views of the child - the views of all relevant persons
  - information or a summary as to the key events or issues that have emerged during inquiries
  - reasoned analysis of the information available and its link to and weight of importance to the conclusions made
  - a conclusion with recommendations as to what is in the child’s interests
6. **Be clear, concise and comprehensive** - shorter is more likely to be read but larger reports are sometimes required – get shorter – are some words unnecessary? – avoid repetition
7. **Be proportionate** – don’t just describe - don’t just regurgitate information – interpret significance of facts – what weight do you attribute to these? – what does the reader need to know?
8. **Try and cover other views** to your own – address why not to follow these? Why yours? Conclusions and recommendations should draw out the implications of your findings.
9. **Be transparent** – be clear what you have based your conclusions on – identify your sources to the detail required in individual cases – be aware that you may have to justify any further details about the basis of your conclusions at a children’s hearing or court.
10. **Don’t introduce** new information at the stage of your conclusions.
11. **The final draft:** leave time to read this – read first for typos and grammar and only this – then read again for the content – it can be difficult to do both at the same time – leave time (a day or so if you can) to see the report with a ‘fresh eye’ - as the reader might experience it.  
If you had to summarise the report would it be clear what it was saying and why?

**Be reflective, self-critical and uncompromising about the quality of your final report.**

## 19. Standard Phrases in Reports– Tips/Helpful Suggestions

### Introduction

The following are phrases that have been used by current Safeguarders which may be helpful to you.

Safeguarders are not required to use this wording.

#### 1. Where a Safeguarder has been asked to provide an assessment beyond the Safeguarder role<sup>1</sup>

'I am not providing an assessment as a properly qualified and accountable professional would be expected to do. If providing any comments or observations they must be taken as such.'

'Safeguarders are not recruited or trained to provide professional assessments. These should be obtained from those who are qualified, trained and employed to do so.'

#### 2. At the beginning of a report

- *Purpose of report stated here, copying the reasons provided by the children's hearing*
- 'The Safeguarder is obliged to consider all factors relevant to safeguarding the interests of the child'
- 'Throughout this report I will refer to all adults as ...' (*as appropriate to individual cases and where possible reflecting what the adult would prefer*). For example: 'by their first name or first name and surname, so that equal respect is given to all adults involved.')

#### 3. Where the report for the children's hearing is as a result of grounds for referral going to proof, with the sheriff appointing the Safeguarder

'At the children's hearing on XX the case was remitted to the sheriff due to the grounds of referral not being (e.g. 'fully understood by XX'). The sheriff appointed a Safeguarder to safeguard X's interests. If a Safeguarder is appointed by the sheriff, they continue to be involved in future proceedings, carrying out their role to safeguard the child's interests as if they had been appointed by a children's hearing. The Safeguarder remains involved until the children's hearing reach a substantive decision, and the appeal processes have expired. The Safeguarder is obliged to consider all factors relevant to safeguarding the interest of the child.'

#### 4. Referencing other reports

If you are referencing information in other reports or other reports, it is important to be clear where this information can be found i.e. the report name, author and date of the report with the page number of where you can find the information. It can be helpful to include the information itself if this is brief enough.

If you are using phrases which are contained in e.g. research papers, make sure you include the full quote and reference.

<sup>1</sup> Standard 7 of the Practice Note on the Role of the Safeguarder – Parameters of the role at bullet 6 covers the requirement that a Safeguarder only acts within the parameters of the Safeguarder role.

Practice Notes supplement the [Practice Standards for Safeguarders](#) by providing further clarity on the expectations of Safeguarder practice and conduct.

## 20. Acronyms - Jargon Buster- Tips/Helpful Suggestions

There are hundreds of ways that we use jargon when dealing with people. Every profession has its own jargon and it can be baffling. Here are some of the most common that Safeguarders have found.

Avoid using acronyms – write the full word or if you do use an acronym – use the full word or words when you first use them and bracket the acronym after so that the acronym can be used from then on - and the reader will know what you mean. e.g. Scottish Children’s Reporter’s Administration (SCRA) – challenge the use of acronyms.

Acronym	Area used	Meaning
DNA	Health	Deoxyribonucleic or did not attend
CPO	Social work/ Hearing/ Court	Child Protection Order or Community Payback Order
CPR	Social work	Child Protection Register
CSO	Hearing	Compulsory supervision order
ICSO	Hearing	Interim compulsory supervision order
IVCSO	Hearing	Interim variation of a compulsory supervision order
SCRA	Hearing	Scottish Children’s Reporters Administration
CHS	Hearing	Children’s Hearing Scotland or Children’s Hearing System
SHANARRI	Scottish Government	Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible, Included
GIRFEC	Scottish Government	Getting it Right for Every Child
CJT	Social work	Criminal Justice Team
SWR	Social work	Social worker
SWS	Social work	Social Work Services or Social Work Scotland
PO	Social work/ Hearing/ Court	Permanence Order
CAMHS	Health	Child and Adolescent Mental Health Services
CPN	Health	Community Psychiatric Nurse
CMHN	Health	Community Mental Health Nurse
FACT	Social work	Family and child team
MARAC	Public safety	Multi-agency Risk Assessment Conference
MAPPA	Public safety	Multi-Agency Public Protection Arrangements
CHCP	Health and social care	Community Health Care Partnership

Some words are used which require some explanation.

Word	Meaning
‘redacted’	to censor or obscure (part of a text) for legal or security reasons
‘assessment’	The act of evaluating or deciding the amount, value, quality or importance of something specific or multiple factors, or the judgement or decision that is made
‘parenting assessment’	Parenting assessments include an assessment of the capacity to protect children from risk and the capacity to promote and respond to a child’s physical & emotional developmental needs