

# PRACTICE STANDARDS FOR SAFEGUARDERS

## Ministerial Foreword

Every Safeguarder appointed to the national Safeguarders Panel does vital work in support of vulnerable children and young people. Safeguarders act independently of other agencies whether appointed by a court or a children's hearing.

Safeguarders are appointed and reappointed to the national panel by Scottish Ministers, who in turn are bound by regulations to keep under review the operation and management of the panel, and to monitor the performance of its members. This document sets out the Practice Standards expected of Safeguarders. Safeguarders themselves can expect a programme of support and training to be put in place, together with a fair and supportive performance monitoring scheme. The Standards seek to bring together and codify good practice and have been designed in concert with serving Safeguarders. I thank all those who have helped to develop these standards.



A handwritten signature in cursive script that reads "Fiona McKeown".

Minister for Children and Young People

## The Standards

The Standards are statements that describe an expected minimum level of performance from all Safeguarders for every child in every appointment. This is what children and families and others can expect from a Safeguarder and from all Safeguarders on the national Safeguarders Panel.

### **Standard 1 - CHILD AT THE CENTRE**

A Safeguarder will safeguard the child's interests through his or her practice, participation in process, and influencing decisions that lead to better outcomes for children.

### **Standard 2 - RELATIONSHIPS**

A Safeguarder will provide an active and positive contribution to the development of good and effective interpersonal and professional relationships with all involved, including the child, parents and carers, and representatives from services and agencies.

### **Standard 3 - INDEPENDENCE**

A Safeguarder will act with independence of practice within the parameters of the role, ensuring that any and all decisions are informed by rigorous and comprehensive review of relevant background information and are considerate to the views of those individuals and services involved.

### **Standard 4 - REPORTS**

A Safeguarder will provide a report to the children's hearing or to a court if required, within the timescale, and in the manner stipulated by law and in a way that ensures the recommendations made in the report are clear, reasoned and justifiable.

### **Standard 5 - CONFIDENTIALITY**

A Safeguarder will maintain confidentiality and shall not disclose information unless in accordance with the law.

### **Standard 6 - PERSONAL CONDUCT**

A Safeguarder will behave with integrity, honesty, fairness and openness, and at all times respect the worth and dignity of everyone with whom the Safeguarder comes into contact.

### **Standard 7 - KEEPING UP TO DATE WITH SKILLS AND KNOWLEDGE**

A Safeguarder will value the role and that of others by taking responsibility for his or her own learning and development.

## Purpose of the Standards

The Standards:

- 1) Set out the **minimum requirements** of how all Safeguarders should be operating.
- 2) Allow the Safeguarders and those who are in contact with a Safeguarder to know what they **can reasonably expect**.
- 3) Allow people to feel confident that there is a **quality of practice** in the role and that there is **consistency** of practice that can be expected.
- 4) Allow people to **understand the role** of the Safeguarder.
- 5) Allow Safeguarders and those involved in the performance monitoring and development of Safeguarders to **identify areas for development or other actions required**.
- 6) Ensure that performance is measured against these minimum standards and where performance falls short, appropriate support or action is taken so that children and families are **not exposed to unacceptable practice** and **best practice is experienced** by children and families and others.

## Application of the Standards

- The Standards apply to all Safeguarders appointed to the national Safeguarders Panel.
- The Standards are inter-related and work together to inform the Safeguarder role in practice.

## Context

The Children's Hearings (Scotland) Act 2011 (the 2011 Act) introduced significant changes to the management of Safeguarders. In particular, it removed responsibility from each local authority to establish a local Safeguarder panel and provided for the establishment of a national Safeguarders Panel. Section 32 of the 2011 Act provides that Ministers must establish the Safeguarders Panel and gives them the power, by regulation, to make provision in connection with this.

The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012 (the 2012 regulations) amended by The Children's Hearings (Scotland) 2011 (Safeguarders Panel) Amendment Regulations 2016 provides the statutory framework for the new arrangements, replacing The Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001. The 2012 regulations include, among other things, provision on recruitment and selection, appointment and removal, training and the operation and management of the panel.

The regulations place a duty on Scottish Ministers to monitor the performance of members of the Safeguarders Panel (regulation 11(4)). On appointment, Safeguarders were advised that the details of the monitoring arrangements were still

in development, that full monitoring arrangements would not be in place at go live and that Safeguarders would be consulted before full implementation of the scheme. The development of national Practice Standards and the Performance Support & Monitoring Framework (PSMF) provide the structure for monitoring and assessing performance. The practice standards have been co-produced by a working group and consulted on with Safeguarders. Following this, the group of Safeguarders developed the PSMF and it is now foreseen that the monitoring arrangements required will work through the staged application of this framework. The PSMF also establishes arrangements for the training and support of Safeguarders, particularly on the standards expected of Safeguarders and the means by which performance against them can be assessed. The PSMF and the recommendations initially presented to the Minister contained elements that went further than current regulations allow, this included monitoring and assessment of whether Safeguarders can demonstrate fitness to practice. The current regulations provide for re-appointment unless a Safeguarder is deemed to be unfit to be a member of the panel by reason of inability, conduct, and failure without reasonable excuse to comply with training requirements. Those Safeguarders that are up for re-appointment next year will continue to fall under the tests set under those regulations. Children 1st will be undertaking further work to assess Safeguarders against those tests where possible using the PSMF.

Ministers have asked Scottish Government officials to review the current regulations to ensure that they offer the right regulatory regime and both Scottish Government officials and Children 1st will be working to look at how the PSMF will be implemented in the first, second and third year of operation. The framework spans training, support and assessment and we are conscious that this cannot all be put in place from now and that it will be an incremental process. We intend to provide more detail of the implementation of the framework and consult on any changes required to the regulations later in the summer.

The Standards are set within the broader context for the Safeguarder role, i.e. recruitment, training, learning and development, support, performance management and re-appointment, which together support the quality of Safeguarder practice.

The Safeguarder:

- is governed by specific legal requirements connected to the unique role
- works to a shared vision, values and competences for Safeguarders
- may only be appointed if he or she is capable of satisfying the key competencies, and continuing appointment is based on satisfactory performance to the standards
- performs their role within the wider context of children's services, all of which are focused on the wellbeing of a child and improving outcomes where required
- works within the current national policies and frameworks and in support of collaborative approaches with particular reference to the principles of Getting it Right for Every Child and Early Years Framework
- respects and promotes children's rights as set out in key international Conventions, in particular the United Nations Convention on the Rights of the Child.

## Standard 1 - CHILD AT THE CENTRE

### **What:**

A Safeguarder will safeguard the child's interests through his or her practice, participation in process and influencing decisions that aim to lead to better outcomes for a child.

### **Why:**

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 support best outcomes.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- the views of the child are actively sought and the child's participation is encouraged, where possible, to inform the Safeguarder's recommendations
- every child is treated and valued as an unique individual
- each individual child's culture, background, language, age and stage of development, any disability, or any other individual needs and circumstances are considered
- appropriate language is used in all discussions involving children and all jargon or technical terms, if required, are clearly explained
- 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.

## Standard 2 - RELATIONSHIPS

### **What:**

A Safeguarder will provide an active and positive contribution to the development of good and effective interpersonal and professional relationships with all involved, including the child, parents and carers, and representatives from services and agencies.

### **Why:**

To ensure that the child, family and others experience meaningful and purposeful relationships with a Safeguarder based on good communication. A Safeguarder will always work within the current national policies and frameworks and in support of collaborative approaches, with particular reference to Getting It Right for Every Child and the Early Years Framework. This ensures that Safeguarders work with others to achieve the best outcome for a child. A Safeguarder's engagement and communication needs to be effective to allow him or her to be able to inform decisions that promote best outcomes for a child.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- the role of the Safeguarder within each individual context is described and defined to those concerned, including the child, parents and carers and relevant persons
- the child or young person is met and communicated with, and listened to
- the parents and carers and relevant persons are met and communicated with, and listened to
- representatives from services and agencies and others involved are met and communicated with, and listened to
- all concerned are treated with respect, honesty and fairness.

## Standard 3 - INDEPENDENCE

### **What:**

A Safeguarder will act with independence of practice within the parameters of the role, ensuring that any and all decisions are informed by rigorous and comprehensive review of relevant background information and are considerate to the views of those individuals and services involved.

### **Why:**

To ensure that the Safeguarder brings an independent perspective to each situation to help to maintain the integrity of the children's hearing system. To clarify what independence means to individuals involved enabling the role to be understood.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- the independent nature of the Safeguarder role and its significance, is confirmed as understood by those involved, including the child, parents, carers and relevant persons
- the review and assimilation of information and views is carried out in a considered, appropriate and purposeful way in relation to each child
- information and views already available from other roles or services helping, advising and supporting the child and family are considered and critically assessed
- opinions reached by the Safeguarder are based on reasoning and justification following reflection and critical self-assessment
- honest conclusions and recommendations are made that are not influenced by undue pressure or persuasion from any other source
- clear and articulate conclusions and recommendations are provided to the children's hearing or sheriff court, focused upon the best interests of the child and arrived at following rigorous, detailed and proportionate independent

enquiries

- there is a transparency of approach ensuring trust and integrity in all activity
- the parameters within which the independent role of the Safeguarder operates, including the responsibilities of being a member of the national Safeguarders Panel, are understood and acted upon
- whilst independent, the Safeguarder demonstrates accountability through engagement with performance monitoring and review.

## Standard 4 - REPORTS

### **What:**

A Safeguarder will provide a report to the children's hearing, or to a court if required, within the timescale, and in the manner stipulated by law in a way that ensures the recommendations made in the report are clear, reasoned and justifiable.

### **Why:**

Effective presentation, conclusions and recommendations in reports allow all readers or listeners to understand what is recommended, to know how the recommendation was reached, and when it is based on fact and or opinion. This enables children and families to participate and engage more fully in the hearing system. This allows the Safeguarder's report to inform decisions that promote best outcomes for a child.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- a report required for a hearing provides details of:
  - the name of the Safeguarder
  - the name of the child with date of birth
  - the date and reasons for appointment
  - people spoken to in the course of inquiries 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 key events or issues that have emerged during enquiries
  - 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

- reports are provided within timescales given, and if an interim report is required for a children's hearing, to provide the reasons why such a report is only available and an estimation of how long will be required to complete investigations
- if a supplementary or specific report is requested or required for an interim decision for a hearing, court or panel, to present the report in a manner that is proportionate
- only information that is necessary and relevant is included in a report
- sensitive historical or new information that it is required to be included in the report is treated in a manner that minimises the possibility of any further distress, in particular for the child
- where a child does not wish their views included in the report, the appropriate process for non-disclosure of information is followed
- any report prepared by the Safeguarder for a children's hearing is safely and securely provided to the reporter to distribute to others, and reports required for court are sent to the sheriff clerk
- recommendations to be made by a Safeguarder are shared appropriately with children, parent, carers, relevant persons and representatives from services and agencies in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child.

## Standard 5 - CONFIDENTIALITY

### **What:**

A Safeguarder will maintain confidentiality and shall not disclose information unless in accordance with the law.

### **Why:**

To respect peoples rights to privacy, in particular that of the child and family. To ensure that all Safeguarders treat information carefully and not share it beyond when this is allowed and required by law. To avoid breaching people's rights and causing distress to those affected by sharing information unlawfully, negligently or unintentionally.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- 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
- information obtained by the Safeguarder will not be disclosed to others, except
  - as permitted by law
  - information about any crime that a child or other person indicates he or she will commit or, concerns about child protection or adult protection in line with the policies and guidance relevant to Safeguarders
- information held electronically will be securely protected by him or her and in line with policies and guidance relevant to Safeguarders
- information is not disclosed in conversations in public places to others who have no right to know an individual's details
- the Safeguarders Panel Team and the Scottish Children's Reporter Administration are informed immediately when the Safeguarder has lost or mislaid information
- at the end of the Safeguarder's appointment, all information held by the Safeguarder in documentary or electronic format is returned as required or destroyed so that no information continues to be held unless the Safeguarder can justify this in line with policies and guidance relevant to Safeguarders
- appropriate action is taken if a Safeguarder is aware that there appears to be a breach of confidentiality due to another's action or inaction.

## Standard 6 - PERSONAL CONDUCT

### **What:**

A Safeguarder will behave with integrity, honesty, fairness and openness and at all times respect the worth and dignity of all those with whom the Safeguarder comes into contact.

**Why:** To gain the trust, confidence and respect of child, parents and carers, relevant persons and representatives from services and agencies which in turn will help a Safeguarder make informed, balanced and considered conclusions as to what is in the best interests of a child, and be able to effectively convey these at a children's hearing and or court.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- children, parents and carers are engaged with fairly, promptly, effectively and with sensitivity
- diversity is recognised and different cultures and values are respected
- behaviour is always without discrimination or prejudice towards any person on the basis of characteristics such as culture, age, race, disability, gender, marital status, sexual orientation or religious and spiritual beliefs
- appropriate personal boundaries are established by discouraging and avoiding any kind of social relationship with a child or family throughout the Safeguarder's appointment, not accepting or giving gifts or abusing the position of Safeguarder to gain any personal, family or business, financial or material benefit actual or perceived
- he or she has self-awareness of any potential or perceived conflict of interest which may affect objectivity and practice, declining an appointment where practicable or declaring the conflict to person or persons affected and the children's hearing and or court
- he or she has self-awareness and recognition of how his or her own values, principles, beliefs assumptions may impact on practice and in particular communication with others and take appropriate action

- he or she has an appreciation of how behaviour, language and presentation can impact on child, parents and carers, relevant persons and representatives from services and agencies, and he or she adapt them to suit the circumstances and settings
- his or her behaviour at any time does not damage professional and public confidence and respect in the national Safeguarders Panel
- contact is not maintained in any way with children or families, beyond the end of the Safeguarder's appointment
- information about any change of personal or professional circumstances that would impact on the Safeguarder role is disclosed to the Safeguarders Panel Team.

## Standard 7 - KEEPING UP TO DATE WITH SKILLS AND KNOWLEDGE

### **What:**

A Safeguarder will value the role and that of others by taking responsibility for his or her own learning and development.

### **Why:**

To ensure that children and families get the best contribution from a Safeguarder who is up to date with required knowledge and can apply this knowledge into practice and fulfil their role properly and effectively to support decisions that achieve the best outcome for the child. Safeguarders need to be self-aware and reflective and to ensure that practice requiring improvement is identified so that appropriate support can be provided or action taken.

### **How:**

It is the responsibility of a Safeguarder to ensure that:

- learning opportunities are valued and developed and he or she encourage and contribute to a positive learning environment
- he or she has a commitment to reflection, critical self-evaluation and continuing professional development as a means of improving practice and broadening knowledge, including local knowledge, and expertise
- practice is shared and developed with others and that he or she collaborates on continuing professional development with other Safeguarders and with agencies and professional bodies that the Safeguarder is commonly working alongside
- excellence is promoted both within the Safeguarder's own practice and within that of other Safeguarders
- where practice that requires improvement is identified, that this is passed on to the national Safeguarder's Panel for appropriate support and action
- he or she acts as a Safeguarder only in those matters that he or she is competent and has the skills base to do so, drawing on own personal skills and levels of expertise but using these only within the parameters of the Safeguarder role.

## Support to meet Standards

The Safeguarders Panel Team on behalf of the Scottish Government will support and manage Safeguarders to be competent in the role and to meet the Practice Standards.

The Safeguarders Panel Team has the responsibility to ensure that there is scrutiny of practice of Safeguarders against the Practice Standards and to work with Safeguarders to support, advise and where required direct practice improvement.

It is the responsibility of the Safeguarders Panel Team, on behalf of the Scottish Government, to ensure that:

- Safeguarders are selected, trained and supported to have the required interpersonal, communication and practice skills, and legal knowledge to fulfil their role
- Safeguarders are supported by training and materials to develop his or her skills in communicating with, and understanding the development and other needs of children
- Safeguarders performance and conduct are assessed by the Safeguarders Panel Team against the Practice Standards and competences throughout the Safeguarders term of appointment
- where practice or conduct needs to be supported, advised, or is required to improve in terms of the Performance Support and Monitoring Framework, this is identified with timely action by the Safeguarder Panel Team
- any issues, concerns or complaints about individual Safeguarders are responded to in accordance with the Complaints Policy
- Safeguarders are supported appropriately when they raise concerns related to other organisations or services
- the Safeguarders Panel Team works with children and families, Safeguarders and partner agencies to address issues that impact on Safeguarder performance, whether relevant to an individual appointment or with local or national relevance
- themes and issues are reported to the Scottish Government Team to support accountability and continual improvement.

The responsible policy and administrative officials within the Scottish Government – principally the Children’s Hearings Team in the Care and Justice Division - will discharge their responsibilities on an inclusive, collaborative basis using co-production wherever possible. All official decisions will be fair, efficient, evidence-based, and will comply with the law.