

## Consultation Response

<b>Title of Consultation:</b>	The Children's Hearing (Scotland) Act 2011 Safeguarders Panel Regulations 2012	
<b>Consultation ID Number:</b>	568	
<b>Response to:</b>	The Scottish Government	
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### Response:

## The Children's Hearing (Scotland) Act 2011 Safeguarders Panel Regulations 2012

### CONSULTATION QUESTIONS

#### 1. For draft Regulation 3, do you agree with the proposed arrangements for the recruitment and selection of members of the Safeguarders Panel?

We agree that openness and transparency are key in any recruitment process for members of the Safeguarders Panel. Recruitment through open advertisement and interview would be the most appropriate way of ensuring openness and transparency however we agree it is desirable to have members of the Safeguarders Panel from all local authority areas and that a more proactive and targeted approach may be necessary in areas of the country where open advertisement does not attract a sufficient pool of suitable candidates.

We agree it is important that members of the Safeguarders Panel should be independent from CHS and SCRA.

**2. In respect of draft regulation 5(2) and 5(3), do you agree with the suggested prerequisites for appointment to the safeguarders panel?**

We think it is helpful to use the existing competency framework. We suggest that the ability to work “within agreed timescales” would be a useful addition to the competency “work within procedures”. This would emphasise the importance of the need for timeous production of reports by any appointed safeguarder, recognising the adverse impact of any delays in decision-making on the experience of, and outcomes for, children in the Children’s Hearing system.

We consider it important that the existing competency about effective communication with children and young people be retained and highlighted.

**3. In respect of draft regulation 5(4), do you agree with the proposed classes of persons disqualified from appointment, or from continuing as a member of the Safeguarders Panel?**

As stated above, we agree on the importance of members of the Safeguarding Panel remaining independent of CHS and SCRA.

We agree with the proposal to remove the link between a local authority and a local Safeguarders Panel. We concur that a code of conduct is a more flexible tool by which conflicts of interest may be addressed. However, we suggest the code of conduct should specify clearly the kinds of circumstances which would be regarded as a conflict of interest. Both contractor and potential safeguarder should be able to highlight any potential conflicts and the code would need to be supported by a clearly understood and transparent process by which the contractor can reach decisions on potential conflicts without undue delay.

**4. Based on draft regulation 7(1) & 7(2), do you agree with the basis on which the Scottish Ministers must appoint and reappoint a person as a member of the Safeguarders Panel?**

We agree that a three year period of appointment is appropriate in most circumstances, bringing consistency to the Safeguarders Panel and allowing sufficient experience to be built up and skills to be consolidated. We agree that there should be the facility for shorter periods of appointment to allow for particular circumstances. However, we do not consider that appointing for a shorter period is an appropriate response to any potential safeguarder’s unwillingness to comply with training requirements or inability to meet required standards of performance. In our view, both of these should be reason for removal from the Safeguarders Panel.

**5. In considering draft regulation 7(4), do you conclude that the grounds on which a person may be removed from the Safeguarders Panel are sufficiently wide?**

We agree that the grounds for removal are sufficiently wide.

**6. Do you support the requirements set out in draft regulation 8 – that mean that members and prospective members of the safeguarders panel must attend (and successfully complete) training required by the Scottish Ministers?**

We agree and strongly welcome this proposal. We think it takes due account of the importance of achieving and maintaining the highest standards of practice and recognises the critical role played by safeguarders in making key decisions in the lives of the most vulnerable children in our society. We strongly urge that processes for evaluating the impact of training on individuals' skills and confidence should be suitably robust.

**7. Do you support the proposals set out at draft regulation 10 for the payment of fees, expenses and allowances to members and potential members of the Safeguarders Panel?**

We agree this is an appropriate and fair way to address the issue of remuneration.

**8. Do you agree with the proposed arrangements set out at draft regulation 11(4) and (5) for the monitoring and assessment of the performance of members of the safeguarders panel? Are they realistic and proportionate?**

We strongly welcome this proposal for the reasons outlined in Q6 above. While we agree it is a reasonable expectation that the contractor should be responsible for monitoring safeguarders, we suggest consideration is given to achieving this through a dedicated resource. Clear standards should be set for the quality of reports, against which monitoring is undertaken. We agree that observation of practice should not be confined to a safeguarders' training stages, instead sampling of interview practice as well as written reports should be a routine part of ongoing performance monitoring. Regular reporting on adherence to agreed timelines for submission of reports should also be included. A formal annual appraisal system including identification of learning achieved and learning needs may be a useful addition to ensuring a high practice standard is maintained. This could also be a helpful tool when making decisions about reappointments at the end of the three-year appointment period.