

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?

Comments Yes but individual applications should be considered -

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

CommentsYes

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?

Comments Some further provision should be made re persons who had, or may have a conflict of interest

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?

Comments YES

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?

Comments Following an agreed complaints and disciplinary process – YES. What is meant by 'reasonable excuse'?

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?

Comments YES

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?

Comments YES

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?

Comments

11(4) and (5) regarding monitoring of safeguarders carrying out their functions.

I agree that there should be accountability and that there has been an 'varied' practice in the way that some safeguarders carry out their duties and this is not necessarily a good thing.

However if there is a robust complaints and disciplinary process agreed upon I see little benefit of monitoring safeguarders. Who would carry this out, would it compromise the safeguarder's independence? Do other professions involved with this system get monitored?

A more defined recruitment and selection process should also help to eliminate those applicants who would not attend training, which would ensure that there is a continuity and consistency in the safeguarders approach to their commission.

Safeguarders are self employed experienced professionals and bring a range of professional skills to their position. Do you intend to monitor Reporters, social workers, solicitors, who also take part in a children's hearing? Why just safeguarders.

It would also mean that yet another person would be in the hearing room, adding stress to the child and family. If a safeguarder oversteps their remit or makes a recommendation that is totally inappropriate, then yet again, a well defined, sturdy complaints procedure would be in place to address this.

In Regulation 11(5)© the word 'included' occurs. I am unsure what is implied by this? Do you mean that observers will go along to interviews with the children and families etc?

Safeguarders must at all times be independent and their remit is to safeguard the interests of the child in the proceedings. They must carry out this work without fear of losing this independence and if the suggestion of feedback from panel members were to be part of the 'monitoring' of safeguarders, is it not possible that this would happen? I would have no problem with their comments if confined to factual information ie Was the report in time, did the safeguarder attend the hearing.

As far as court proofs and appeals are concerned, these are heard in chambers and no one except the people directly involved are permitted within the court room and I would doubt that the sheriff would agree to a 'monitor' to be present.