

## 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?**

Yes I agree with the proposals and with the need to advertise vacancies for safeguarders as the best means of ensuring as broad a range of applicants as possible. I am not wholly in favour of nominations to the role as I cannot see any means by which these could be seen to be fair and open to scrutiny. I also firmly believe that nominations would adversely affect the independence that is supposed to be an essential part of the role.

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

Yes I am in agreement with the pre confirmation of appointment training requirements as these are a bare minimum in ensuring that applicants are up to the role.

**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?**

Yes I am in agreement as the role needs to be seen to be independent of the other elements of the children's hearing system.

**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?**

Yes I am in agreement as the timescales are continuation of current policy.

**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?**

I am not in agreement with the contractor being the only body to raise concerns with Ministers around the performance of a safeguarder. I believe that this would be the equivalent of allowing a poacher to become a gamekeeper. There should be an independent structure to allow for investigations of concerns and to recommend to ministers possible courses of action. This could be done through an existing regulatory body such as the SSSC or Law Society where safeguarders are from a social work or legal background. This would allow for a fair hearing while reserving the final decision with ministers. Complaints/concerns should be able to be raised by CHS, SCRA, sheriffs, local authorities, and families/young people. An alternative system would be to have a named individual with the power to carry out enquiries on behalf of ministers regarding complaints/concerns and reporting back to ministers with recommendations. This would however have to be someone with an understanding of the role

of the safeguarder and the way that the children's hearing system operates.

**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?**

Yes I am in agreement with this.

**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?**

I agree that there needs to be nationally agreed fees and allowances but that expenses such as mileage should reflect local circumstances e.g. large rural authorities have limited public transport and so this should be reflected in mileage allowances.

**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?**

I am in agreement to an extent but I am concerned about how the contractor would perform this function if a child/young person is unwilling to have them attend what is after all their hearing. It is different when a member of the Children's Hearing Advisory Panel attends as they are part of the system a private contractor is not and as such is a very different entity. The same information could be obtained through questionnaires or through asking the Reporter, panel members and young person to score the performance of the safeguarder on a pre-determined rating scale with plenty of space for comments.