

The Children's Hearings (Scotland) Act 2011 Safeguarder Panel Regulations 2012



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

West Lothian Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

West Lothian Civic Centre

Livingston

West Lothian

Postcode EH54 6FF

Phone 01506 281924

Email alan.colquhoun@westlothian.gov.uk

3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

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. It is assumed that the detailed arrangements would be produced in separate guidance and will not be reflected in the final regulations.

Over a number of years, a thorough and robust process for the recruitment and selection of Safeguarders has been developed in West Lothian. The primary focus is to ensure that Safeguarders are competent (i.e. they have the required qualifications, skills, experience and knowledge) to serve the best interests of the child. Given the high standards set, it is hoped that West Lothian's processes and practices are reflected in any nationally applied arrangements. Following are some of the key features of the recruitment and selection process in West Lothian:

- Use of a set job description.
- An application process which requires completion of a pro-forma and submission of a CV outlining relevant qualifications, skills, experience and knowledge.
- Seeking professional and character references.
- Seeking independent references from the area's Chief Social Work Officer, Sheriff Principal and the Authority Reporter.
- A Disclosure check.
- Requirement to complete Safeguarder training, provision of training on local resources and opportunities to attend relevant Children's Panel training events.
- Appointment is conditional on undertaking a Safeguarder case which is observed by a member of the Children's Panel Advisory Committee and comments sought from the Authority reporter.

It is welcome that Ministers will have the powers to seek nominations or make nominations themselves. It is hoped that these powers will be used not only to ensure that there are suitable numbers of Safeguarders on the national panel but that there is also a suitable balance of experience, expertise and specialisms reflected in its make-up.

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. It would also be desirable to include a reference to working within expected timescales wherever reasonably possible (e.g. preparation of

reports prior to set hearing or court dates).

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. Although stated in the additional information supplied with the question, it is not clear from regulation 5(4) that the requirement is for a person to resign where they become disqualified. If this is the case, it could be made explicit in the regulations. Also, any guidance produced would need to include the procedure to be followed in such circumstances.

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, the proposals are reasonable.

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?

Yes, the proposals are reasonable.

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. This is a welcome step given that currently there is no requirement for ongoing training. It should be noted that it is common practice for Safeguarders in West Lothian to be encouraged to participate in ongoing training which is appropriate and relevant to their role.

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?

Yes, the proposals are reasonable. The council supports further consultation with Safeguarders and key partners on fees, allowances and expenses. Further consultation on these matters should also highlight any

related taxation issues.

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?

Yes. It is encouraging that the proposals reflect the practice in West Lothian. In the most recent round of local appointments and re-appointments, every Safeguarder involved indicated that they welcomed feedback on their role and performance.

It is suggested that observations of Safeguarders be undertaken by a contractor, however, the option of this function being undertaken by those within Area Support Teams who may also be observing Panel Members, should be explored. Although training on the role of Safeguarders, and the related quality requirements, would need to be undertaken by the observer, the observing functions are very similar and such a combination of functions may give scope for cost savings.