

Frequently Asked Questions

What is a Safeguarder and why are they appointed?

Safeguarders are people who may be appointed by Children's Hearings or Sheriffs to Safeguard the interests of the child in children's hearings and related court proceedings. Safeguarders are independent and it is their role to help the Children's Hearing or Sheriff make the best decision for the child or young person.

Does every child have a Safeguarder?

Not all children involved in Children's Hearing proceedings will be appointed a Safeguarder. It is for the Children's Hearing or Sheriff to decide whether a Safeguarder is needed to safeguard the interests of a child. For example:

Conflict of Interest

If parents, local authorities, or other parties disagree on what's best for the child, the Safeguarder provides an independent, unbiased, objective, neutral, child-centred perspective to the Children's Panel.

Child's situation

Particularly where the child is very young, has communication difficulties, trauma, or complex needs, a Safeguarder ensures their views aren't overlooked and that the child's best interests are kept at the centre of all the proceedings.

Complex or High-Stakes Cases

In situations involving serious concerns, a Safeguarder helps ensure thorough fact-gathering to build a clear, informed picture of the child's situation, critical analysis of those facts and then well evidenced and supported recommendations to the Children's Panel.

What is within the parameters of a Safeguarder's role?

Exactly what an appointed Safeguarder will do in each child's case will depend on the particular needs and circumstances of the child. Whilst Children's Hearings and Sheriffs may say what they want a Safeguarder to do when they appoint a Safeguarder (called reasons for appointment), it is up to the Safeguarder to complete their enquiries as they feel relevant and proportionate to safeguard the child's interests.

In general, these include:

- Read all the papers and speak to the child and the people involved with a child
- Give the child an opportunity to say what they think and want and, if the child does give their views, to pass these views on to the Children's Hearing or Sheriff
- Write a report to the Children's Hearing or Sheriff, to assist the Children's Hearing or Sheriff in deciding what to do
- Attend Children's Hearings and Court to be part of the consideration of what is best for the child

The Practice Standards for Safeguarders and Practice Notes set out, in more detail, what is expected from the role (see [Performance Monitoring of Safeguarders](#) webpages).

How must Safeguarders carry out their role?

The [Practice Standards for Safeguarders](#) state what Safeguarders should do and how they should behave. In general terms, the Standards say that the Safeguarder must always:

- Keep the child at the centre of the proceedings
- Develop good and positive relationships with everyone involved, especially the child
- Act independently
- Report where required in a clear, reasoned and justifiable way
- Maintain confidentiality, keeping information safe
- Behave with integrity, honesty, fairness and openness; respecting other people's worth and dignity
- Keep up to date with skills and knowledge needed for the role.

What is not within the Safeguarder role?

- Act as a representative for the child in the way that a Lawyer or Advocate can do
- Keep in contact with a child or family after the appointment has ended
- Keep information received or held by them, after the appointment has ended
- Act beyond their role by taking on someone else's role e.g. to assess or provide services.

Do Safeguarders make decisions about a child?

No. The Safeguarder helps those making decisions: the Children's Hearing and Sheriffs.

Do Safeguarders get paid?

"This is not a salaried role. Safeguarders are paid fixed fees and reasonable expenses and travel costs. Fees and expenses are set out within the [Policy on Safeguarder Fees, Expenses and Allowances](#), which the Safeguarders Panel Team operate on behalf of the Scottish Government. There is no guaranteed income from Safeguarder fees; fees payable depend on the number of appointments available as well as the unique circumstances of each appointment. It is the responsibility of each Safeguarder to familiarise themselves fully with the rules under which fees, expenses and allowances can be claimed. Safeguarders can contact the team for support and advice on this. Claims are expected to be submitted when an individual appointment has concluded, but interim claims are accepted in some circumstances. Claims should be submitted electronically using claim forms and will be paid within 35 days. Safeguarders are appointed as individuals and are responsible for their own tax affairs, including submitting tax returns in line with HMRC guidance. Attendance at Safeguarder training, support sessions or working groups is not paid but reasonable expenses are reimbursed. Training is usually held locally so that significant travel is reduced". **Jenny, Contract Co-ordinator**

Note, there is currently a review of the fee structure taking place, aiming to create a structure which is easier to understand and administer. This review is expected to be completed next year and may result in some changes to the current fee structure.

Who can become a Safeguarder?

Anyone aged over 18 – there is no set academic or professional qualification required. As long as you meet the relevant role specification and there is no conflict of interest. For example, you are unable to apply if you are an active Children’s Hearing panel member or a Children’s Reporter.

What do you need to become a Safeguarder?

Scottish Ministers need to be satisfied that you are capable of satisfying the key competencies and have appropriate experience for the role. The role description and person specification set out the competencies, values, skills, knowledge and experience expected.

How do you apply to become a Safeguarder and who decides?

- Recruitment to the national Safeguarders Panel is advertised.
- You make an application using the required paperwork.
- Interviews are held for successful applicants – the interview will involve completing an exercise on the day.
- After successful interview, you complete the requisite six-day Pre-appointment Assessment and Training.
- After successfully completing the assessment and training, you are recommended to Scottish Ministers to be appointed to the national Safeguarders Panel.
- Scottish Ministers appoint you.
- You sign and return the letter of Acceptance of Appointment which contains the terms of your appointment.

What should Safeguarders be good at doing?

- Understanding children and their world
- Communicating with children
- Communicating with everyone else involved
- Understanding the Children’s Hearings System and how it works
- Gathering and analysing relevant information
- Making clear, reasoned and justifiable recommendations
- Writing clearly
- Working independently
- Working with others
- Understanding their role: its limitations and what is required of them.

How much time is involved in being a Safeguarder?

- There is a significant commitment expected before appointment to successfully complete the six-day Pre-appointment Assessment and Training.
- Once appointed, there is a requirement to attend requisite training and support sessions.
- Children’s Hearings and Sheriffs appoint a Safeguarder when this is needed, so the number of Safeguarder appointments varies over time and geographic area.
- It is difficult to predict how much time will be required once a Safeguarder is appointed. This varies greatly depending on how many cases the Safeguarder accepts at any one time, the number of children in a family, each child’s unique circumstances, needs and complexity of the process.

- Individual appointments, which are sometimes for more than one child in the one family, vary in the amount of work required. This is dependent on the child's unique circumstances, needs and complexity of the process.
- You will also need to consider whether or not any other role/employer you have will offer flexibility around the role of the Safeguarder as you may be called to attend court hearings or Children's Panels on any day of the week.

How are appointments allocated to Safeguarders?

"Allocations are processed using a fair and transparent taxi rank system. Safeguarders identify local authority areas that they are available to cover and are then distributed according to operational need. Each local authority area's activity varies widely, and an individual's level of appointments cannot be guaranteed. As the number of appointments in an area depends on the judgment of need from a Sheriff or a children's panel the numbers of appointments are not consistent month to month. The number of areas a Safeguarder is allocated to and any movement around this is monitored and decided upon by the Allocations Coordinator in conjunction with reporting around operational need. Reasonable travelling time will be factored into any decisions made around any local authority area requests. All Safeguarders need to be able to take a minimum number of appointments in order to demonstrate practice standards". **Ashley, Allocations Co-ordinator**

Can I have other jobs or roles at the same time as being a Safeguarder?

- Yes, it is possible to have other roles and be a Safeguarder if no conflict of interest exists between your role and being a Safeguarder.
- You must be able available to take sufficient Safeguarder appointments for your practice to be monitored.
- The Children's Hearings (Scotland) Act 2011 Safeguarders Panel) Regulations 2012, section 5 outlines those who are disqualified from being appointed as a member of the national Safeguarders Panel.

Who are Safeguarders accountable to?

Safeguarders are appointed by Scottish Ministers. Scottish Ministers have contracted Children First to manage and administer the national Safeguarders Panel. The Safeguarders Panel Team, within Children First, monitors and supports Safeguarders to ensure that Safeguarders continue to meet the practice standards.

What support do you get as a Safeguarder?

Every Safeguarder has an allocated Support Manager to support them to best meet the needs of the children and perform their role in the best way possible and ensure that their practice meets the Practice Standards. To do this, a minimum of two Support Sessions take place between Safeguarder and their Support Manager every year during which, practice is discussed, good practice is recognised and acknowledged and development explored. A minimum of two reports produced by a Safeguarder will be sampled at random every year and discussed during a Support Session. Safeguarders can contact their Support Manager for support on a day-to-day basis but if for any reason they are unavailable, there is a duty system in place so that Safeguarders can be supported in their Support Manager's absence. [Policies and Guidance](#), e.g. Data Management, Lone

Working and Complaints for Safeguarders, Practice Note on Courts are available and support the role and work of Safeguarders.

Do you get trained to be a Safeguarder?

- Pre-appointment Assessment and Training allows you to learn in more detail about the role as it works in practice and to feel confident performing the role.
- Once appointed, there are opportunities to undertake further learning and development and take part in short-life development groups to support the Safeguarders Panel Team.
- You will be supported in your learning and development as a Safeguarder through individual support sessions ([Performance Support & Monitoring Framework for Safeguarders](#)).
- Once appointed you will also be expected to keep up to date with skills and knowledge as required for the role.

How long can you be a Safeguarder?

- Initial appointment to the national Safeguarders Panel is for three years.
- Re-appointment after three years is possible and is based on continued fitness to be in the role with evidence of practice and conduct meeting the Practice Standards.
- Re-appointment can be for a period of less than three years (for one to three years) where improvements are required but not yet achieved.
- You can be removed from the Panel at any time if you become disqualified or barred from being a Safeguarder or if Scottish Ministers consider you are not fit to be a member of the Panel because of your conduct, compliance with the terms of your appointment or you are unable or unwilling to work consistently to the Practice Standards.
- You can resign, usually with one month's notice, when you wish to.

What do existing Safeguarders say about why they applied to become a Safeguarder and what they contribute to proceedings?

"This week I attended my first court hearing for a child aged 11 years. Proceedings have actually been ongoing for many months, but the Sheriff only recently appointed a Safeguarder in light of a scheduled four-day Proof Hearing and the prospect of child being cited as a witness by his father's solicitor.

Prior to the hearing, I met with him, his social worker, foster carers, and mother and briefly with his father who allegedly assaulted his son. The Sheriff was appreciative of my input and initial expression of concern at the prospect of the child being required to evidence during the proceedings.

I became a Safeguarder in 2013 with a view to using the skills and experienced gained over the years to make a difference for children and young people. The role affords a challenging and rewarding mix of independence, autonomy and professional accountability as illustrated by the service practice standards and performance monitoring framework.

Safeguarders are uniquely placed to ensure the interests of children are at the forefront of decision-making within the Children's Hearings System and associated legal proceedings." - **Allan, Safeguarder**

"The main reason I became a Safeguarder was to ensure that children's voices are heard within the Court and Panel system, and that their needs are not inadvertently overlooked. I had observed in my previous role as Solicitor that it is easy in hearings for discussions to be focussed on the parents or carers, and the often very serious and complex issues affecting them. Whilst that is understandable, and often beneficial, I wanted to ensure that there was someone in the room who would bring the conversation always back to the needs of the most important person: the child.

My hope is that I bring a willingness and a determination to speak up for the child; to be unafraid of respectfully challenging others, whether that be parents or agencies, when I disagree with what they are saying. The window of opportunity in Panel Hearings can be small, and it is in my view essential that the limited time is used to greatest effect.

Children and young people going through the care system meet a great many adults who intervene in their lives. Whilst as a Safeguarder I am not able to solve all their problems, I can at least ensure that they have been encouraged to communicate and listened to respectfully, that their views (should they choose to share them) are conveyed to the Panel either by supporting them to do so direct or by conveying those views for them should they prefer, and that the interests of the child are kept at the forefront of the Panel's minds and decision-making." - **Allie, Safeguarder**

"I am a Safeguarder because I feel I can make a critical difference in the lives of children and families at critical times.

Over the past 20 years I have seen Children's Panels and Courts recognise that at certain times in the progress of a child's case, often when there is conflict about a way forward and important decisions need to be made, an independent view can help steer a path forward. I think being a Safeguarder is such a valuable role to have, bringing that extra bit of insight and clarity that is often needed to move a child's case forward.

What I bring to the role is 31 years of experience of working with vulnerable people, with most of them spent working with children and families. I enjoy the range of tasks involved in safeguarding - whether it is gathering views from those who have often struggled to be heard; or making sure the child's views and perspectives are centre stage at a hearing; or trying to achieve consensus behind the scenes.

Most of all, I bring a strong commitment to help change children's lives for the better by keeping a focus on what they need." - **Derek, Safeguarder**