

SCRA response to the Scottish Government's consultation

Background

The Children's Hearings System is Scotland's distinct system of child protection and youth justice. Among its fundamental principles are:

- That children who offend and children who are in need of care and protection are dealt with in the same system
- That the welfare of the child remains at the centre of all decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with other professionals such as social work, education, the police, the health service and the courts system.

SCRA's vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard.
- Our hopes and dreams for the children of Scotland are what unite us.
- Children and young people's experiences and opinions guide us.
- We are approachable and open.
- We bring the best of the past with us into the future to meet new challenges.

Detailed response

SCRA welcomes the opportunity to comment on the draft Safeguarder regulations. Safeguarders are an integral part of the Children's Hearings System and contribute enormously to the effective operation of the system.

We are supportive of the Scottish Government's policy intention to improve standards and support for Safeguarders and we are broadly in agreement with the content of the draft regulations, subject to our comments in response to the questions below.

Question 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 with the proposals for recruitment and selection to the Safeguarders panel.

Question 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 agree with the proposals for appointment to the Safeguarders Panel.

Question 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?

Regulation 5 provides a list of those who are prohibited from being appointed to the national panel. We agree that employees or members of the organisations listed should be barred from appointment to the panel. In addition, while we believe that former SCRA employees can bring valuable experience and a relevant skill set to the role, we do consider that there needs to be some means of ensuring that they are not appointed to cases which they may have dealt with in their previous employment. This consideration would also apply to other professions where there may be an actual or perceived conflict of interest, for example former Social Workers. It may be that this can be provided for elsewhere than in the regulations, but we think it necessary to consider.

Question 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 with the provisions for appointment and reappointment.

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

We agree that the grounds for removal from the Panel are appropriately drafted.

Question 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 that appropriate training should be compulsory, though the training programme will also need to have a degree of flexibility to ensure that Safeguarders, who come from a variety of different backgrounds, are able to identify and fill gaps in their knowledge and skills base. Some ability for Safeguarders to learn from each other would also be helpful.

We would suggest that regulation 8(4) appears to duplicate the provision in regulation 7(4)(c) and therefore question its utility.

Question 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 are supportive of the proposals for payments of fees, expenses and allowances.

Question 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?

Regulation 11(2) provides that Ministers must ensure that the membership of the Safeguarders panel is adequate for the purposes for which it is established. We assume that implicit in the notion of adequacy is the need for a balance of age, gender and backgrounds amongst members of the panel.

Regulations 11(4) and (5) provide that Ministers must monitor the performance of members of the Safeguarders Panel. We consider that a robust, clear and effective monitoring procedure is a key requirement if the desired improvements are to be realised and to ensure that Safeguarders may be reappointed with confidence. It will also provide security for the Safeguarders themselves, as any decision not to reappoint will have to be based on a demonstrable and challengeable evidence base. The monitoring system must have sufficient independence as well as being able to command the confidence of



the Safeguarders themselves. We note that Panel Members and Reporters may both also be monitored during Hearings to ensure that they are performing their statutory duties effectively and appropriately. Any “in-Hearing” monitoring arrangements for Safeguarders will therefore need to be co-ordinated with SCRA and CHS to avoid overloading individual Hearings.

SCRA
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