



Centre for excellence  
for looked after children in Scotland

# Safeguarders Research Summary Report

## Executive Summary and Action Plan: Summary version

Andressa Gadda, Malcolm Hill, Emma Young, Vicki Welch  
CELCCIS

May 2015

## Acknowledgments

This study has counted on the support of a number of organisations and individuals. We would like to thank all panel members, safeguarders and social workers who have taken time out of their busy schedule to provide data for this study and, in some instances, assist us in organising local focus groups. We are very grateful to all those individuals in the relevant organisations who provided valuable advice during the setting up and execution of the study. Crucial to the development of this study have been the contributions from the Research Advisory Group (RAG) made up of representatives from Children's Hearings Scotland, Children 1st, Scottish Children's Reporter Administration, Scottish Government, participating Local Authorities and Safeguarders.

## Contents

1) Executive Summary .....	4
1.a) Background to the research .....	4
1.b) The study .....	4
1.c) Characteristics of safeguarders .....	5
1.d) Safeguarder appointment to cases: numbers and reasons .....	5
1.e) Performance of the safeguarding role.....	6
1.f) Comparative perceptions of safeguarder and social worker assessments and reports.....	6
1.g) Safeguarders and permanence .....	7
1.h) Time considerations .....	7
1.i) Conclusions and implications in relation to cases concerning permanence away from home ..	7
1.j) Key Messages from the Research .....	8
2) Action plan .....	9
2.a) National Safeguarders Panel .....	9
2.b) The Children’s Hearing Improvement Partnership .....	9
2.c) The valuable resource of safeguarders and multi-agency assessment reports to children’s hearings .....	9
2.d) Clarity regarding the role of the safeguarder.....	10

# 1) Executive Summary

This executive summary draws out relevant points from across the whole study. It is necessarily brief and lacks some of the nuance of the detail in other sections of the report. We urge readers requiring a higher level of detail to consult the main report which is available from CELCIS on request; equally the authors would be happy to provide any further clarification where we can.

## 1.a) Background to the research

Safeguarders may be appointed by children's hearings or courts in cases where it is thought necessary in the interests of the child. Their primary role is to make an independent assessment of what plans and arrangements are in the child's best interests and to provide a report based on that assessment to assist decision-making. Since the introduction of safeguarders to the hearings system three decades ago, they have made a valued contribution. Some concerns were voiced by a number of local authority professionals to the CELCIS Permanence and Care team (PaCT) in 2013 about safeguarder appointments in relation to the permanence process. These included stated views that, in some cases, involvement of safeguarders may lead to 'unnecessary delays' and hamper the timely placement of looked after children with a permanent family.

The present study was carried out by the PaCT researcher to explore this further, to assess reasons for the appointment of safeguarders by the hearings and to examine the impact of their involvement on subsequent decisions about recommendations by panel members<sup>1</sup>. Whilst the research emanated from concerns about the permanence process, it explored perceptions of strengths and concerns in relation to the appointment and practice of safeguarders more generally.

The study took place at a time of significant changes to the way in which safeguarders are recruited, trained, appointed and managed with the introduction of new Regulations and the creation of a national Safeguarders Panel.

## 1.b) The study

Following approval from the research ethics committee at Strathclyde University in October 2013, the study commenced in December 2013. The research used mixed methods to generate data that was partly quantitative and partly qualitative. Online questionnaire surveys were conducted with safeguarders, panel members and social workers. In total, 122 panel members, 62 safeguarders and 45 social workers took part in the surveys. In addition the researcher met with smaller numbers from each group, for individual or group interviews. The focus of the study was on safeguarder appointments by hearings, not courts. Particular attention was given to experiences and views about cases where planning for permanence was relevant.

The mixed-methods approach means that we are able to present some issues quantitatively, for example, by giving percentages. We note that percentages are mostly based on small numbers and should be treated with caution. Other findings are more qualitative being derived from themes

---

<sup>1</sup>. In the study, questions were posed about hearing decisions in general and most respondents referred to hearings making decisions. Legally, children's hearings make 'decisions' in most cases, but with respect to permanence they make 'recommendations' for Sheriffs to consider. The Report seeks to reflect this distinction, where applicable.

that emerged in participants' descriptions in open questions, focus groups or interviews. These findings are not described numerically, but where possible we try to give a sense of how frequently a particular issue was raised.

The research phase was completed by the end of 2014, and the first draft report from the research was shared with the Research Advisory Group (RAG) in February 2015. Between February and May 2015, the RAG met three times to consider the report and to draw together recommendations for action from the report.

### 1.c) Characteristics of safeguarders

When completing a questionnaire (during the latter months of 2014), about a quarter of the safeguarders indicated that they had been recruited within the last year, but most had begun this role under the previous arrangements through local authorities. Half had been safeguarders for more than 10 years. Usually the role was undertaken on an occasional basis and covered several local authority areas.

Two-thirds of the survey participants were female. Most were aged 55 or over, so had extensive professional and life experience, which in many cases included considerable prior involvement with the hearings system. In terms of professional history, half had a legal or social work background, though a smaller proportion than 15 years ago were solicitors. The next largest group comprised teachers.

These different backgrounds were portrayed as providing diverse expertise, skills and strengths. Unsurprisingly each group of participants tended to appreciate and foreground the importance of their own areas of expertise. For example, social work trained safeguarders prioritised the ability to work with children and knowledge of child development and legally qualified safeguarders prioritised knowledge of legal processes. Participants from all backgrounds tended to think that the ability to communicate with children and independence of judgement were the most useful skills for safeguarders to have.

### 1.d) Safeguarder appointment to cases: numbers and reasons

Most safeguarders had had between one and four hearing's appointments in the previous six months. Extrapolation of these figures and comparison with earlier research suggests that the appointment of safeguarders has increased in recent years.

In 1985 safeguarders could be appointed only in situations where there was a conflict between a parent and a child, but since 1995 appointments have been permitted whenever panel members think this is in the child's interest. In practice, conflicting viewpoints remain the most important reason, but nowadays the differences of opinion are normally between parents and social workers. In such circumstances, panel members believed that safeguarders could provide a fresh perspective and help the hearing to resolve differences or adjudicate between opposing views. Some thought that safeguarders would provide information that social workers had not. It was also a common perception of panel members that safeguarders would provide a better account of the child's views than social workers.

In focus groups and interviews many social workers reported a view that safeguarders added little

that was new compared with their own assessments. This was on the one hand welcomed as it provided further support for social workers' own assessments. On the other hand, social workers were concerned that, if nothing new was added, the appointment of a safeguarder simply delayed the proceedings.

Understandably, few panel members (14%) thought that safeguarders were appointed when it was not absolutely necessary, but more substantial numbers of both social workers (69%) and safeguarders (37%) believed this was the case. It was recognised by all three types of participant that sometimes panel members looked to safeguarders to help them cope with strong representations by parents' solicitors, or to provide support for panel members when complex or difficult decisions regarding recommendations had to be made. Many safeguarders also noted that often appointments lacked a clear statement of reasons for the appointment. Some safeguarders said that on occasion they were asked to answer impossible questions or to undertake tasks beyond their expertise.

### 1.e) Performance of the safeguarding role

The majority of safeguarders stated that their main duty was to act in the child's best interests, which accords with the law which requires them to 'safeguard the interests of the child'; however, a minority gave priority to other aspects of their role, notably promoting the voice of the child.

Not uncommonly, safeguarders did not meet with the child, because s/he was too young or it was seen as unhelpful for the child to meet yet another person involved in the case. However, when seeing children was appropriate, safeguarders believed they were able to spend more time than social workers on ascertaining the child's views. Social workers, in contrast, tended to think safeguarders spent too little time with the children to fully capture or understand their views.

Panel members were usually very appreciative of safeguarders' work. They regarded them as both trustworthy and independent. Both panel members and safeguarders were divided in opinion as to whether or not the appointment of a safeguarder led to improved decision-making and more than one third were uncertain. Most social workers recognised that safeguarders are a valuable resource for hearings and were generally positive about the quality of their work. However, considerable numbers thought safeguarders did *not* generally improve decisions, mainly because they thought that safeguarder's assessments and reports largely duplicated their own.

### 1.f) Comparative perceptions of safeguarder and social worker assessments and reports

Seventy one percent of panel members in the questionnaire survey claimed to give equal weight to safeguarder and social work reports, but in interviews and discussions many suggested they regarded social work reports as biased whereas safeguarder reports were seen as impartial. Social workers mostly thought more weight was given to a safeguarder report at a hearing. They believed that panel members might lack confidence in social work assessments and underestimate the extent to which social work reports were based on plans designed and agreed with other professionals and agencies.

Even so, it was reported by various participants that safeguarder report recommendations were usually the same as in social work plans, so that it was only in a minority of cases when

disagreement occurred that panel members would be required to decide between the two. Panel members, who discussed this point, generally agreed that in these circumstances they would tend to accept the safeguarder's conclusions. This is perhaps not surprising since panel members noted that they would normally appoint a safeguarder when the social worker's assessment and plans were being disputed by other parties. Additionally, safeguarders' reports were perceived to be more detailed, impartial and up-to-date than other reports. Many panel members also emphasised that they regarded safeguarders as experts (although it was not clear on what). By contrast, some social workers believed that often panel members did not know safeguarders' professional background or training.

### 1.g) Safeguarders and permanence

Only a small proportion of hearings cases involve children where an alternative permanent family placement is being considered. However it was reported that in cases where permanence was being discussed often a conflict occurs between parents and social workers, so that an independent assessment is particularly likely to be seen as helpful. Many panel members in the study acknowledged that recommendations in such cases could be particularly difficult, so that a safeguarder perspective would often be useful. In discussions, some panel members and safeguarders expressed views that safeguarders should always be appointed in such cases on account of the fraught and final nature of the with respect to permanence. However, many social workers and also some safeguarders thought that all cases considering permanence away from home should be referred to the Sheriff Court directly.

### 1.h) Time considerations

Safeguarders are expected to submit reports within 35 working days of the issue of case papers. They reported typically spending 20-30 days on making assessments and preparing reports, plus usually time spent attending the hearing. Longer periods were attributed, by those safeguarders involved in the research, to late arrival of papers or contact information, and difficulties in making arrangements to meet family members or professionals.

Allocating a safeguarder inevitably adds to the time taken before a hearing recommendation or decision is made. Several participants stated that a further delay sometimes occurred when safeguarder reports were not ready by the specified deadline. The majority of panel members and safeguarders agreed that the delay caused by appointing a safeguarder was justified because it made for better decision-making, whereas most social workers doubted that the delays were worthwhile. Opinions varied about the impact of delays. Some felt it made little difference to the overall time taken in planning for permanence, while others believed it negatively compounded the problems for children caused by a long wait to be in a family for life. Another view was that appointing a safeguarder saved time in some cases by reducing the likelihood of an appeal or contestation at a later stage.

### 1.i) Conclusions and implications in relation to cases concerning permanence away from home

The study confirmed that a considerable proportion (69%) of social workers think that involvement of safeguarders was sometimes unnecessary. However, panel members were usually not in agreement with this; only 14% suggested that this was the case. In fact, many were of the view that they should appoint safeguarders more frequently and some wanted to see the use of

safeguarders extended to all cases about this form of permanence. Social workers expressed concern about delays in the child's journey to permanence resulting from unnecessary appointments or late submissions of safeguarder's reports, whereas some panel members and safeguarders pointed to potential time savings resulting from appointments. There seems to be no easy way to reconcile these differences in perspective, though more dialogue to foster trust and greater understanding of each other's roles may bring them closer together.

Training of panel members could give more detailed attention to the role of safeguarders, particularly in cases concerned with permanence away from home. This training could also cover the role of social workers especially concerning their role in multi-agency assessment and planning for children.

Certain chairing panel members might welcome further preparation for handling 'hotly' contested hearings and adjudicating between opposing viewpoints. It may also be helpful if the allocation of particular safeguarders to cases considering permanence away from home takes account of the specialist knowledge that is desirable. Where specific requests like this are made they can be met. Social work reports should emphasise and make clear the reasons why an early decision is desirable, when this is the case, and also describe the multi-agency processes that have contributed to the plan for permanence.

Possibly more contentious, is the suggestion from some participants that safeguarders should disclose their professional qualifications to panel members.

## 1.j) Key Messages from the Research

- The work of safeguarders is regarded very positively by panel members and social workers;
- Many social workers believed that appointments of safeguarders were at times unnecessary, duplicated their own assessments and led to avoidable delays. In contrast, panel members believed that the appointments were nearly always needed and could save time in the long run;
- Both social workers and safeguarders thought that in certain cases conflict at hearings could be better managed to reduce the need to appoint a safeguarder;
- Some panel members did not trust the objectivity of social work recommendations;
- Panel members tend to prefer the flexible and succinct formats used in safeguarder reports compared with social work reports;
- Social workers could make explicit the nature and extent of multi-agency contributions to their recommended plans;
- Some support was expressed for the idea that safeguarders ought to be involved in all cases concerning permanence away from home, while an alternative view was that these should go directly to the Sheriff Court.



## 2) Action plan

This action plan has been drawn together by the RAG who guided the research. The action plan responds to the key findings of the study. It also reflects the fact that during the period of 14 months between the start of the research and its final reporting, actions have been taken to address some of the issues covered by the study.

### 2.a) National Safeguarders Panel

Children 1<sup>ST</sup> is contracted by the Scottish Government to assist Scottish Ministers with the management and operation of the National Safeguarders Panel in terms of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012. Changes to recruitment, training and management of safeguarders were introduced as a result of the 2011 Act at the time of the research and it will be interesting to see how these impact on the general operation of safeguarders in the future. Their role includes recruitment and selection, training, managing appointments, complaints and monitoring performance of safeguarders across Scotland. Children 1st work with the Scottish Government, safeguarders and all those involved in the Children's Hearing System to ensure that a child's best interests are at the heart of any children's hearing or related court proceeding.

Action 1: The National Safeguarders Panel is currently developing national standards. The national standards will make the role and expectations clear for all, improving the accountability of safeguarders.

### 2.b) The Children's Hearing Improvement Partnership

The Children's Hearing Improvement Partnership (CHIP) was reconstituted in February 2014. The fundamental purpose of the partnership is to deliver better outcomes for children across the Children's Hearing System.

Action 2: The CHIP is supporting the improvements necessary in relation to national training and awareness of children panel members. The CHIP is asked to consider whether the training should give more detailed attention to the role of safeguarders, particularly in cases considering permanence away from home. Certain chairs might welcome further preparation for handling strongly disputed hearings and adjudicating between opposing viewpoints. It may also be helpful if the allocation of particular safeguarders to cases concerning this form of permanence took account of any specialist knowledge that is needed.

### 2.c) The valuable resource of safeguarders and multi-agency assessment reports to children's hearings

The evidence is that most participants agreed that safeguarders were a valuable resource for hearings. For the most part, panel members accept safeguarders as experts, even though they are often unaware of individuals' qualifications for the role. Social workers questioned the validity of these assumptions and believed that fewer safeguarder appointments would be needed if panel members trusted social worker assessments and recommendations more, and if they recognised that these might well be based on multi-agency consultations.

It would be helpful if all social work reports made clear the nature of the consultations with other agencies that form the basis of their assessment and recommendations and the extent to which there is multi-agency support for the plan. The rationale for recommendations being made could be explained more lucidly, when applicable leading to clearer more accessible reports.

Action 3: Support to two local authorities. The RAG recommend that the CHIP support the proposal that 2 Local Authorities are approached to take part in a facilitated exercise which will focus on making improvements to the pro formas used, and materials contained in, a multi-agency assessment children's hearing report. This will include clear detail about the fact that the social work report is a multi-agency view report and of the steps taken to gather these views.

## 2.d) Clarity regarding the role of the safeguarder

A number of panel members and safeguarders thought that safeguarders should always be appointed to cases concerning permanence away from home in view of their complexity and difficulty. On the other hand, many social workers and safeguarders thought that such cases might be better dealt with by the courts. In light of this, it would be helpful to create further opportunities for social workers, safeguarders, panel members, health and education staff to understand each other's roles with greater clarity.

Action 4: To this end, the RAG seeks the CHIPs support for the proposal that the 2 Local Authority areas (identified at action 3 above) are supported to undertake facilitated work to focus on the roles of safeguarders and other key partners in order to improve the relationships of trust and partnership which should underpin the work of the Children's Hearings System.

## About CELCIS

CELCIS is the Centre for Excellence for Looked After Children in Scotland. Together with partners, we are working to improve the lives of all looked after children in Scotland. We do so by providing a focal point for the sharing of knowledge and the development of best practice, by providing a wide range of services to improve the skills of those working with looked after children, and by placing the interests of children at the heart of our work.

## For more information

Visit: [www.celcis.org](http://www.celcis.org)  
Email: [celcis@strath.ac.uk](mailto:celcis@strath.ac.uk)