

Practice Standards For Safeguarders



Ministerial Foreword

As Minister for Children and Young People, it is my responsibility to keep under review the operation and management of the Safeguarders Panel, and to monitor the performance of its members. Since the first Practice Standards for Safeguarders were published in 2015, there have been many significant developments regarding Children's Hearings, and the rights of all children in Scotland, and these revised Practice Standards reflect this.

There are of course more changes coming for the Children's Hearings System, as we work to Keep the Promise, and embed the United Nations Convention on the Rights of the Child in our children's services. Children's rights and best interests will remain at the heart of all we do, and central to the practice of Safeguarders. These revised Practice Standards set out what is expected of Safeguarders as they perform their role, and how they will uphold the rights of children as they safeguard their interests. They have been designed in consultation with active Safeguarders, support managers, key operational partners, and of course children and young people with experience of the Children's Hearings System. I am grateful for the efforts of everyone who has contributed.

Clare Haughey MSP



Minister for Children and Young People

A Safeguarder's role, as outlined in the Children's Hearings (Scotland) Act 2011, is to safeguard the interests of a child in a children's hearing and any court proceedings that relate to that child.

The Safeguarder Practice Standards (the Standards) set out what children and families, and others can expect from a Safeguarder. The Standards support Safeguarders to apply a cohesive approach to understanding and safeguarding a child's interests, which is essential given the independent nature of the Safeguarder role.

Under the terms and conditions of appointment, it is a requirement that Safeguarders act in accordance with the Practice Standards. The Standards are supported by extensive and detailed practice notes which provide specific guidance on how Safeguarders can fulfil various aspects of the Standards, and these should be referred to in order to ensure the Standards are met. Safeguarders are also expected to act in accordance with current national policies and frameworks.

These Safeguarders Practice Standards published in February 2023 update and replace the previous Safeguarders Practice Standards published in 2015.

Purpose of the Standards

1. Set out the overarching principles under which Safeguarders are expected to be operating.
2. Help Safeguarders and those who are in contact with a Safeguarder understand the role of the Safeguarder, and the expectations on quality and consistency of practice in the role.
3. Help Safeguarders and those involved in the performance monitoring and development of Safeguarders to identify areas for learning, development and improvement of Safeguarder practice.
4. Ensure that performance is measured under these principles and the underlying practice notes, and where performance falls short, appropriate support or action is taken so that children and families are not exposed to unacceptable practice and best practice is experienced by children and families and others.

Application of the Standards

The Standards apply to all Safeguarders appointed to the national Safeguarders Panel.

- The Standards are inter-related and work together to inform the Safeguarder role in practice.

The Standards

The Practice Standards describe the expectations from all Safeguarders for every child in every appointment and is the basis for performance support and monitoring.

Standard One The Child's View

In all actions concerning the child, the Safeguarder must, in the best interests of the child, enable the child to exercise their right to be heard and express a view through the Safeguarder's practice and child's participation in the process.



Standard Two Relationships

Every child is supported through the Safeguarder's development of effective relationships with all relevant parties.



Standard Three Independence

A Safeguarder will act with independence within the parameters of the role, ensuring that the best interests of the child are their primary consideration.





Standard Four Reporting

The child's views and best interests are reflected in the Safeguarders' verbal and written contribution into proceedings.



Standard Five Confidentiality

The Safeguarder must respect the child's, parents' and carers' right to privacy and maintain confidentiality and not disclose information unless in accordance with the law.



Standard Six Value Based Practice

A Safeguarder must treat the child, their parents, carers, and people involved in the children's hearing and court proceedings with integrity, fairness, openness, respect, and without discrimination.



Standard Seven Learning and Development

Every child's Safeguarder takes responsibility for their continuing professional learning and development.



Further detail on the Practice Standards can be found [here](https://childrenfirst.org.uk/safeguarders).

Children's Rights and Best Interests

Children's rights are all the things that a child needs in order to live a safe, healthy and happy life. The full list of children's rights is outlined in the United Nations Convention on the Rights of the Child (UNCRC). These rights apply to all children, no matter who they are or where they are from.

There are 42 articles in UNCRC that cover all areas of a child's. Four articles are seen as special, in that they help with the interpretation and realisation of the rest of the articles. These four articles, known as the General Principles of the UNCRC are:

-  The **best interests** of the child shall be a primary consideration in all actions affecting the child (Article 3);
-  There shall be **no discrimination** on the grounds of race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status (Article 2);
-  States parties recognise that every child has the inherent **right to life** and shall ensure to the maximum extent possible the **survival and development** of the child (Article 6); and
-  Children shall be assured the **right to express their views freely** in all matters affecting them and their views will be given due weight in accordance with the child's age and level of maturity (Article 12).

It is a Safeguarder's role to safeguard the interests of the child, so the understanding of a child's best interests is of particular importance to the role of a Safeguarder. The concept of best interests is aimed at "ensuring both the full and effective enjoyment of all the rights recognised in the Convention (and its Optional Protocols) and the holistic development of the child" (UNCRC General Comment 14). While Article 3 of the UNCRC places the best interests of the child as a primary consideration, in Scotland the law goes further than this. In the Children's Hearings (Scotland) Act 2011, the welfare of the child is the paramount consideration, unless there are issues of serious risk of harm to members of the public.

All seven Standards have been developed to keep children's rights and the concept of best interests at the heart of Safeguarders' practice. Each of the seven Standards are linked to specific articles of the UNCRC so that a Safeguarder can identify clear links between their role as a Safeguarder and their duty to uphold and fulfil the rights of the child in every aspect of their involvement with a child to whom they have been appointed.



The Promise

In February 2020, the Independent Care Review published its findings and set out ‘the promise’ to care experienced infants, children, young people, adults and their families - that every child grows up loved, safe and respected, able to realise their full potential.

In The Promise, the Care Review identified five foundations for change, and over 80 specific changes that must be made to transform how Scotland cares for every child. Statements from ‘The Promise,’ relevant to the Standards have been included to demonstrate how Safeguarder practice can contribute to Scotland’s ambition for children.



**the
promise**



Standard One

The Child's View

In all actions concerning the child, the Safeguarder must, in the best interests of the child, enable the child to exercise their right to be heard and express a view through the Safeguarder's practice and child's participation in the process.



Aim

To ensure that the child has the right to express their views in a manner preferred by the child, to have them considered and taken seriously, regardless of the child's age and stage of development, so that their best interests can be promoted.

Safeguarders must treat children with dignity, in accordance with their rights, and ensure they are supported to play an active part in the decision-making processes, including ensuring that they have the information they need to participate.

The views of the child must be listened to and considered. Their participation is encouraged and supported to help Safeguarders identify their needs and best interests and inform Safeguarders' conclusions and recommendations.

Safeguarders must respect a child's choices where they choose not to express their view.

Safeguarders must decide how to engage with each child most effectively. This will take into account the following:

- Each individual child's culture, ethnicity, background, and language
- The child's age and stage of development
- Any disability or other individual need and circumstance affecting the child
- The child's preferred way of communicating
- Where and when to meet a child, and whether someone like a support person could be present
- Involvement the child may already have with other adults whose role it is find out their views, such as an advocacy worker

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 2
Non-discrimination

Article 3
Adults must do what is in the best interests of the child

Article 12
Respect for child's views

Article 13 & 14
Freedom of expression and freedom of thought, conscience and religion

Article 23
Children with disabilities



Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need.

Active listening and engagement must be fundamental to the way Scotland makes decisions and supports children and families.



The Promise

Standard Two Relationships

Every child is supported through the Safeguarder's development of effective relationships with all relevant parties.



Aim

To ensure that Safeguarders provide an active and positive contribution to the development of good and effective interpersonal and professional relationships with all involved, including the child, their parents, carers, and people involved in the children's hearing and court proceedings.

Safeguarders must work towards building positive relationships with the child, parents, carers, and people involved in the children's hearing and court proceedings.

Safeguarders must work in a way that promotes diversity, and respects different cultures and values.

Safeguarders must find the most appropriate way to communicate with, listen to and wherever possible, meet with all the significant people in the child's life.

Safeguarders must show sensitivity to the impact of trauma.

Safeguarders must work within the current national policies and frameworks and in support of collaborative approaches, with particular reference to Getting It Right for Every Child and the Early Years Framework

Safeguarders must ensure that the ending of the appointment is clearly and sensitively communicated with children, parents, carers, and all the significant people in the child's life.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 2

Non-discrimination

Article 19

Protection from harm and violence

Article 23

Children with disabilities

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The children that Scotland cares for must be actively supported to develop relationships with people in the workforce and wider community, who in turn must be supported to listen and be compassionate in their decision-making and care.

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The Promise

Standard Three Independence

A Safeguarder will act with independence within the parameters of the role, ensuring that the best interests of the child are their primary consideration.



Aim

To ensure that the child's best interests are promoted through independent consideration and analysis of information and views provided by the child, their family, and all relevant individuals and agencies.

Safeguarders must introduce themselves and explain the independent nature of the role and its boundaries to children, parents, carers, and other people involved in the proceedings.

Safeguarders must consider and check for any potential conflict of interest which may affect objectivity, or any circumstances which may be perceived as a conflict of interest particularly to a child, their parents, carers, and people involved in the children's hearing and court proceedings and, if so, take appropriate action in the circumstances.

Safeguarders must understand and address issues of role boundaries and separate their role as a Safeguarder and any other professional role that they may have.

Safeguarders must not undertake the role or responsibilities of other professionals or decision-makers.

Safeguarders must ensure that conclusions and recommendations are not influenced by undue pressure or persuasion from any other source.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 3

Adults must do what is in the best interests of the child

Article 13

Right to receive information, either orally, in writing or in print



Children, families and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support and accountability must be ready and responsive when it is required.



The Promise

Standard Four Reporting

The child's views and best interests are reflected in the Safeguarders verbal and written contribution to proceedings.



Aim

To ensure the Safeguarder presents the child's views and represents the child's best interests in the children's hearing and court process, within the required timescale, and in the manner stipulated by law in a way that ensures their recommendation are clear, reasoned and justifiable.

A Safeguarder's conclusions and recommendations must be informed by:

- A purposeful and proportionate review of relevant background information
- Active listening and careful consideration of the views of those individuals and services involved
- Critical and objective analysis and evaluation

The Safeguarder's report will provide a holistic sense of the child's world and their needs to help the children's hearing and court to make decisions that are in the best interests of the child.

Reports must only contain information that is necessary and relevant. Appropriate consideration must be given to information that might distress a child.

Recommendations made by the Safeguarder must be shared appropriately with the child and the people involved in the children's hearing and court proceedings, in advance of hearings.

The Safeguarder should explain how, and in what circumstances the views of the child were obtained and how it informed their recommendations.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 3

Adults must do what is in the best interests of the child

Article 12

Respect for child's views

Article 16

Protection of privacy



Care experienced children and young adults must have ownership over their own stories and personal data so that they can understand and influence how their stories are shared.

Listening and decision-making must be honest and transparent so that everyone understands what has been decided and why.



The Promise

Standard Five Confidentiality

The Safeguarder must respect the child's, parents' and carers' right to confidentiality and privacy.



Aim

To ensure that Safeguarders maintain confidentiality and respect for the child's, parents', and carers' right to privacy. All personal information will be protected, and not shared beyond where this is allowed and required by law, adhering to Safeguarders Panel Team and local authority Child Protection policies.

Safeguarders must explain to the child, their parents, carers, and other significant people in the child's life what personal information the Safeguarder holds about them, what the Safeguarder will do with that information, who they will share it with and how their privacy will be respected.

Safeguarders must comply with the data protection legislative framework, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. All personal information, whether held digitally or in paper format, relating to the appointment held by the Safeguarder must be destroyed securely following the end of the appointment.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 16
Protection of privacy

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The development of new ways to share information that recognise the ownership of care experienced children and young adults over their stories will benefit all children in Scotland.

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The Promise

Standard Six

Value Based Practice

A Safeguarder must treat the child, their parents, carers, and people involved in the children's hearing and court proceedings with integrity, fairness, openness, respect and without discrimination.



Aim

To ensure that public confidence in the Safeguarding role is upheld through the conduct and performance of Safeguarders.

Safeguarders must appreciate how their behaviour, language and presentation can impact on a child, their parents, carers, and people involved in the children's hearing and court proceedings and adapt them to suit circumstances and settings.

Safeguarders actions must not contribute to delays in the decision-making process for a child. For example, Safeguarders are expected to attend the hearings and court in accordance with Practice Notes.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 2
Non-discrimination

Article 3
Best interests of the child

Article 14
Freedom of thought, conscience and religion

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Everyone involved in the lives of children and families must know that their primary purpose is to develop nurturing, patient, kind, compassionate, trusting and respectful relationships that keep children and families safe.

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The Promise

Standard Seven

Learning and Development

Every child's Safeguarder takes responsibility for their own continuing professional learning and development.



Aim

To ensure that children, parents, and carers receive the best contribution from Safeguarders who are up to date with required knowledge and can apply this knowledge into rights-based practice.

Safeguarders must demonstrate how they continue to update and improve their own knowledge and reflect on and improve their practice.

Safeguarders must complete mandatory training.

Safeguarders must familiarise themselves with the relevant legislation and guidance, and keep up to date with legislative changes.

Children's rights form the foundation for the Practice Standards of Safeguarders. The specific articles of the UNCRC to consider in relation to this Practice Standard are:

Article 4

Making rights real

Article 42

Everyone must know about rights



Learning must support the interaction between family, carers and other professionals. It should nurture equal partnerships and encourage joint learning, with informal learning, mentoring, coaching and support networks, and opportunities for joint reflective practice. Feedback must be a routine component of development.



The Promise

Support to meet the Practice Standards

The Safeguarders Panel Team on behalf of the Scottish Government will support and manage Safeguarders to be competent in their role and to meet the Practice Standards.

The Safeguarders Panel Team has the responsibility to ensure that there is scrutiny of practice of Safeguarders against the Practice Standards and to work with Safeguarders to support, guide and, where required, direct practice improvement.

It is the responsibility of the Safeguarders Panel Team, on behalf of the Scottish Government, to ensure that:

- Safeguarders are selected, trained and supported so they possess, and can further develop, the required skills, and knowledge to fulfil their role.
- Safeguarders are supported by training and materials to develop their skills in communicating with children, as well as to strengthen their understanding of children's human rights, development, and other needs.
- The range of supports and training which are available for Safeguarders include: mandatory training, which may be on-line or in person; non-mandatory learning and development resources and events; individual support sessions, including report sampling; group and regional support sessions; informal advice and support; access to specialist legal advice and representation, when deemed necessary; peer mentoring; access to practice notes, guidance, and other policy resources.
- Safeguarders performance and conduct are monitored and assessed by the Safeguarders Panel Team against the Practice Standards and competences throughout the Safeguarders term of appointment.

- This performance and conduct is monitored through a range of approaches including: individual support sessions, including report sampling; feedback and complaints; engagement in training, learning and development; and through the use of individual development plans.
- Safeguarders are recommended by the Safeguarders Panel Team for re-appointment for a further full or shorter term, or recommended for non-reappointment, on the basis of whether Safeguarders can provide evidence they have met these Practice Standards and the terms and conditions of their appointment. The Scottish Government makes decisions regarding re-appointment.
- Any issues, concerns or complaints about individual Safeguarders are responded to in accordance with the Complaints Policy.
- Themes and issues are reported to the Scottish Government Team to support accountability and continual improvement.

The responsible policy and administrative officials within the Scottish Government – principally the Children's Hearings Team in the Children's Rights, Protection and Justice Division - will discharge their responsibilities on an inclusive, collaborative basis using coproduction wherever possible. All official decisions will be fair, efficient, evidence based, and will comply with the law.

CHILDREN FIRST

Safeguarders Panel

www.childrenfirst.org.uk/safeguarders



**The Scottish
Government**

Children First is contracted by the Scottish Government to assist with the management and operation of the Safeguarders Panel in terms of Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012.

Children First Registered Office: 83 Whitehouse Loan, Edinburgh, EH9 1AT
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