POLICY NOTE

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (SAFEGUARDERS PANEL) AMENDMENT REGULATIONS 2023

SSI 2023/66

The above instrument was made in exercise of the powers conferred by section 32(2) of the Children's Hearings (Scotland) Act 2011 and all other powers enabling them to do so . The instrument is subject to negative procedure.

This instrument updates the definition of "the Practice Standards" for Safeguarders, to allow revised Practice Standards to be implemented.

Policy Objectives

In 2013, Ministers established a national Safeguarders Panel in accordance with Section 32(1) of the Children's Hearings (Scotland) Act 2011. The role of a Safeguarder is to safeguard the interests of the children and young people to whom they are allocated in Children's Hearings proceedings.

As part of a wider and ongoing review of policies relating to the operation and management of the national Safeguarders Panel, the Practice Standards for Safeguarders have been updated to account for recent developments in practice and legislation. The current Practice Standards have been in place since 2016. In preparation for the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots Law, the revised standards reflect a rights based approach to the work of Safeguarders.

Regulation 3 of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016 defines "the Practice Standards" as "the Practice Standards for Safeguarders published by the Scottish Government in July 2015." In order for the revised Practice Standards to be implemented, this definition must be updated to refer to the publication date of the revised Practice Standards in February 2023.

Consultation

Throughout the development of the revised Practice Standards, targeted consultation has been undertaken with key stakeholders. Primarily this has involved gathering the views of Safeguarders, and the Support Managers who monitor and assess their practice and performance. Key operational partners were also invited to give their views.

As part of the process of gathering evidence to support this change, engagement was undertaken with children and young people. This included in-person engagement workshops with Our Hearings, Our Voice, the independent board for children and young people from across Scotland between the ages of 8-18, who have experience of the Children's Hearings System.

Through this engagement process, it was established that revised Practice Standards should focus on the impact of Safeguarder practice on the rights and best interests of the child to

whom they are allocated. It was also established that the revised Practice Standards should reflect and reference recent developments in policy and legislation as a result of the publication of the Independent Review of Care, the work of The Promise, and the progress towards incorporation of the United Nations Convention on the Rights of the Child.

Impact Assessments

An Equalities Impact Assessment and a Children's Rights and Wellbeing Impact Assessment have been completed on the implementation of the revised Practice Standards and are attached. No negative effects regarding equalities or children's rights and wellbeing have been identified . The revised Practice Standards will give better effect to the implementation of the United Nations Convention on the Rights of the Child by embedding children's rights into the practice of Safeguarders. As a result of the impact assessments undertaken, child-friendly and accessible versions will be developed as part of the implementation of the revised Practice Standards.

Having given due consideration to the limited impacts of this policy, it has not been considered necessary to undertake a Strategic Environmental Assessment (SEA), a Data Protection Impact Assessment, an Island Communities Impact Assessment (ICIA) or a Fairer Scotland Duty assessment.

Financial Effects

The Minister for Children and Young People confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Children and Families

March 2023