

PE1979/BB: Establish an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding enquiries by public bodies

Minister for Children, Young People and Keeping the Promise written submission, 4 April 2024

Thank you for your letter of 11 March 2024 with questions to support the Citizen Participation and Public Petitions Committee's consideration of the above petition.

The safety of children is always paramount, and our children and young people have the right to be protected from all forms of harm. We are determined to ensure that robust child protection measures are in place across Scotland, and continue to be followed at all times. [The National Guidance for Child Protection in Scotland 2021 \(updated 2023\)](#) describes responsibilities and expectations for all involved in protecting children in Scotland. This includes how child protection concerns should be investigated.

Turning first to your recommendation for me to meet with Petitioners to discuss unresolved allegations. While I would be happy to do so, it is important to note that the Scottish Government and Ministers cannot comment on or intervene in individual cases. Therefore, while I would be very willing to hear direct from Petitioners about their concerns, it would not be appropriate for me to make any comment on how their particular experiences or cases were handled by relevant bodies. As outlined in the National Guidance, Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. They must account for the effectiveness of their child protection responses, including investigating and resolving individual cases.

All of these bodies have robust complaints procedures in place. Where there are concerns about how individual cases have been handled, a complaint should be submitted to the relevant body. If the complainant feels the outcome of this complaint is not satisfactory, complaints about Police Scotland can be raised with the Police Investigations and Review Commissioner (PIRC). Complaints about NHS boards and local authority services can be raised to the Scottish Public Services Ombudsman (SPSO), which includes the role of the Independent National Whistleblowing Officer (INWO) for the NHS in Scotland. The PIRC and SPSO are independent of the services they investigate and provide a final stage for review of how complaints have been dealt with.

Turning to your question about the Children and Young People's Commissioner Scotland's suggestion of a new principle for individual professional and agency responsibility in relation to child protection issues. We are of the view that this principle already exists in the National Guidance. Throughout the Guidance, there is emphasis on the duty of practitioners working with children to safeguard and protect children and to identify child abuse, neglect and risk to wellbeing. The foreword to the Guidance states that "whilst there are specific responsibilities associated with certain professional roles, everyone has a job in making sure children 'are alright'" with Part 2 setting out what these obligations are. In direct response to the

suggestion from CYPCS on this issue, a section on whistleblowing (para 3.17) was added in the August 2023 update of this guidance. This paragraph states that organisations should have policies in place to allow individuals to escalate child protection concerns outside of their management structure and describes situations in which these processes might be required. I therefore believe this point has been addressed.

Finally, on the need to ensure investigations take place close to the occurrence of concerns being raised, local authorities have a duty to promote, support and safeguard the wellbeing of children in need in their area. I believe that local authorities across Scotland are best placed to ensure concerns are investigated with the local knowledge required, and to minimise the length of time to reach a conclusion. As already mentioned, if individuals are unhappy with how a complaint has been handled by a local authority, the Scottish Public Services Ombudsman (SPSO) provides a final stage for complaints about public service organisations in Scotland.

I trust this answers your questions to be able to fully consider PE1979.

Yours sincerely,

NATALIE DON