

Minister for Children and Young People submission of 28 November 2022

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

Thank you for the opportunity to respond to the above petition. I am sorry for the delay in doing so.

The petition asks the Scottish Government to launch an independent inquiry to examine: concerns that allegations about child protection, child abuse, safeguarding, and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council Scotland (GTCS); gaps in the Scottish Child Abuse Inquiry; and establish an independent national whistleblowing officer for Education and Children's Services in Scotland to handle these enquiries in the future.

I want to assure you that the Scottish Government is committed to ensure that all children and young people grow up loved, safe and respected, through a consistent approach to care and protection.

Scottish Child Abuse Inquiry (SCAI)

As the Committee note, the Deputy First Minister has previously considered whether to widen SCAI's remit to include abuse that took place in different settings. He concluded in November 2016 that if a wider remit was set it would in practice take many more years for the SCAI to complete its investigations and produce its findings and recommendations. It would mean the Government failing to meet its commitment to survivors of in-care abuse, our commitment to learn from their experience and, by addressing the systemic failures which existed, ensure it can never happen again.

As the Committee highlight, there is wider learning from SCAI and the Independent Inquiry into Child Sexual Abuse (IICSA) in England and Wales about cultural and organisational factors that made children less safe and allowed abuse to perpetuate, which can be applied to other settings and circumstances. Given this, and the actions set out below which we have taken, and continue to take to strengthen our child protection system, I do not consider that the scope of the SCAI should be extended or a separate inquiry should be established to consider concerns that allegations about safeguarding have been mishandled by public bodies.

As will be set out below, we are already working actively with public bodies on the implementation of the revised National Child Protection Guidance and to promote consistent and robust practice around the handling of any concerns.

National Child Protection Guidance

The [National Child Protection Guidance in Scotland 2021](#) (“the guidance”) describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It incorporates our understanding of best practice from a range of sources, including practitioner and stakeholder experience, inspections, research, inquiries and learning from Significant Case Reviews.

This guidance is a comprehensive update of the previous 2014 version and was developed through a collaborative process informed by extensive public and stakeholder engagement, including a Scottish Government consultation. Whilst the guidance is non-statutory, the agencies primarily involved in child protection in Scotland, such as police and social work, have statutory duties of care and protection.

We expect everyone working with children to identify and act on any concerns to ensure the safety and wellbeing of the children concerned. Education authorities are responsible for preventing harm to the pupils attending their schools, and must take reasonable steps to prevent foreseeable harm, including harm caused by its employees to pupils. Every local authority is expected to have in place appropriate child protection policies and procedures and effective processes to ensure

that concerns about the safety and protection of children are identified and dealt with.

The guidance highlights that all agencies have a responsibility to recognise and actively consider potential risks to a child, irrespective of whether the child is the main focus of their involvement. It also, for the first time, makes clear that any concern around risk of harm to a child includes non-familial harm.

The guidance states that:

Agencies working with children and families must provide clear and relevant information about how they work together with families and the community to promote the wellbeing and safety of children. This includes information about the ways in which early help can be provided to avoid escalating need and risk and about relevant protective processes when this becomes appropriate.

Relevant information includes advice about:

- what to do if a member of the public has concerns about a child*
- sharing of information between core agencies, as defined in Part 3 of this Guidance, if there is concern about risk of harm to a child (as necessary, in a manner that is proportionate, relevant, accurate, timely and secure)*
- next steps and follow-up when concerns are reported*
- the role and responsibilities of named persons or of those professionals in universal services who hold a similar role*

A National Child Protection Guidance Implementation Group, chaired by the Deputy Chief Social Work Adviser, has been established to provide strategic oversight and offer support to local areas. Significant capacity is being devoted to support local areas to make the changes and adaptations required to align with the new national guidance. This includes a range of multi-agency activity and single agency activity to support specific sectors.

Creating more consistency and clarity around safeguarding roles, responsibilities, and information sharing practices is an area that my officials are actively pursuing with several bodies including GTCS, Police Scotland, Disclosure Scotland, Education Scotland and the Care Inspectorate.

We are prioritising support for local areas and public bodies to implement the guidance and to continue to explore where further support or clarity is needed. We will work with partners to review and update the guidance when required by significant legislative, policy or practice changes on an annual basis, with a broader review every three years to ensure it remains relevant and up to date. We are strongly of the view that guidance implementation should be accompanied by a constant improvement journey. Via the National Child Protection Leadership Group, the National Child Protection Guidance Implementation Group, and the work we are taking forward with partners alongside them, we are assured that we have a strong basis already in place to support bodies on this journey.

In addition, both the IICSA and SCAI have, and will, come forward with many recommendations relevant to the handling and response to child safeguarding concerns which we will consider.

I hope that the Committee and petitioner find the information above helpful.