

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

## **Children and Young People's Commissioner Scotland written submission, 11 April 2024**

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Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

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The Commissioner is fully independent of the Scottish Government.

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This submission should be read in conjunction with our previous response to the Committee on this petition<sup>1</sup>.

In our previous submission, we commented on the role of SPSO as the Independent National Whistleblowing Officer (INWO) for NHS Services and stated that an equivalent role for education and children's services would merit further exploration. This continues to be our position.

Whilst the role of a national whistleblower service is an important one, it is not one that could be fulfilled by our office. It is not a role which we have planned for adopting and would require a significant and inappropriate change to our remit and role. While the Commissioner's office is currently listed as a prescribed body to which whistleblowing disclosures can be made, this is limited by our statutory functions and powers.

A national office would require a broader remit, which would not be directly rights based and would require the office to take on a regulatory role which is quite different from the pro-active accountability role we currently fulfil. It would require a change in our legislation to cover protection of the rights of adults – as whistleblowers – which would be a fundamental change from the intended purpose of our office.

Even if this were not the case, as acknowledged by one of the petitioners in their evidence to you on 7th February this year, it would require significant additional resource.

We have recently undertaken an extensive consultation with children and young people, as part of the development of our Strategic Plan. Part of this engagement was discussion of what children and young people want from their Commissioner.

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<sup>1</sup> CYPES, 2023. [https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1979/pe1979\\_q.pdf](https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1979/pe1979_q.pdf)

We heard no evidence that children and young people want us to take on this type of role.

Whilst we continue to support exploration of a potential whistleblower for education and children's services, we do not feel it would be compatible with the function of the office.