

Anonymous submission of 22 December 2022

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

Existing child protection guidelines/practice assumes harm comes from within families when, in fact, professionals who should be caring can be sources of harm on occasions. Public services protect themselves in such instances whilst, conversely, families can be pressurised by nefarious allegations, questionable application of the law and rights, and the system 'circling wagons' against complainers or those they have chosen to pursue. Complaints procedures can have little impact in child abuse/safeguarding reports despite being evidenced/upheld.

Children have been assaulted/traumatised by some school staff. SPSO and TeamTeach state all incidents of physical intervention should be recorded and reported – they are not. In some cases, physical intervention is and has been illegally used to enforce compliance.

Data rights have been breached, including inaccurate information shared without knowledge/consent about families/complainers/whistleblowers.

These include:

- Police Scotland
- Police Investigations & Review Commissioner (PIRC)
- Procurator Fiscal/Crown Counsel
- Local Authority
- GTCS
- SPSO
- Information Commissioner's Office (ICO)
- Members of Parliament
- Parliamentary Standards Commission
- Scottish Children's Reporter Administration (SCRA)
- TeamTeach

- GIRFEC (Getting It Right For Every Child) Independent Panel,
- The Children's Commissioner's Office
- The Scottish Government.

Families pursue concerns through organisations' complaints process and *possibly* regulators/ombudsman where complaints remain unresolved – this could be improved through the introduction of an independent whistleblowing officer this petition calls for.

Experiences of pursuing complaints can involve:

- Police Scotland rewording complaints and sharing inaccurate information with other services. Police say there must be 'intent' to commit assault, knowing the assault is not accidental. Police are aware of child protection/safeguarding issues in schools, but protect schools. SPSO found in one case that school staff gave Police a false statement during their investigation, which is a criminal offence. Police say they didn't base their decision of no assault on information from school. Police have refused to process allegations of staff giving false statement during investigation as a crime.
- PIRC not revisiting their findings once evidence of false statements and vested interests becomes available.
- Procurator Fiscal taking precognitions, referring to families as victims after seeing evidence. Crown Counsel quoting various reasons for not pursuing further.
- Complaints against councils being put on hold and councils then making referrals to The Children's Reporter, with families being investigated before initial complaints considered.
- Child Protection investigations against staff don't always take place. Councils reword complaints to manipulate outcomes. The complaints system protects staff, as they investigate themselves.
- ICO upholding complaints about Police but do not regulate. They acknowledge council data breaches but refuse to investigate and do not regulate, advising parents to contact Parliamentary Ombudsman if unhappy.
- SPSO saying some areas are outwith their scope despite fact that they are final stage for complaints. SPSO are aware of child protection issues and noted safeguarding issues and breaches to human and data rights in cases.
- GTCS rewording complaints beyond recognition, then refusing to investigate. They say non-malicious lies told by teachers do not

breach their professional code. GTCS appear to be aware of child protection, but when challenged they investigate themselves. When parents go through council procedures before referring to GTCS, GTCS say it's a council issue.

- GTCS are accountable to no-one.
- MPs being made aware of child protection concerns but act against complainers and don't report the school.
- Parliamentary Standards Commission saying regulations don't cover MP's conduct under fraud unless relating to financial gain.
- SCRA rewording complaints, not processing evidence of school staff and police behaviour, and instigating referrals to themselves.
- SPSO applying wrong thresholds and misinterpreting legislation. SPSO incorrectly stated services had legal obligation to investigate GiRFEC wellbeing within families while there is no legal foundation. They've cited wrong threshold for state interference, upheld by Supreme Court (Named Person Judgment). Services require retraining post that ruling.
- TeamTeach not getting involved when school staff lie about following their policy.
- The Children's Commissioner disagreeing his remit includes legal duties to investigate breaches to children's rights such as UNCRC Article 16 relating to private/personal life including information sharing of that, and where children's reputational damage occurs.
- GiRFEC Independent Panel acknowledging issues and are aware of concerns relating to child protection/safeguarding/rights.
- Scottish Government acknowledging GiRFEC policy breaches data rights, including relating to child protection/safeguarding in school.

There's no accountability, nor resolution when approaching services. Children and their families' reputations are irreparably damaged. Child abuse disappears under mountains of bureaucracy. Professionals closing ranks are protected by systems meant to investigate. They investigate themselves. Regulators close complaints without fully investigating, if at all.

PE1927 closed on the basis that another petition on use of restraint and seclusion in schools was under consideration.

PE1548 closed on the basis that national guidance is being developed to minimise use of physical intervention and seclusion in schools.

PE10692 closed without consideration of human rights, including 'historic' breaches.

PE01732 and PE01625 closed despite verbal evidence given of illegal restraint.

The Parliament must urge the Government to effectively deal with breaches of children's human/data rights, safeguarding and child protection concerns, including installing a whistleblowing officer, and an inquiry into historic cases.