

Petitioner submission of 16 April 2023

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

We write to the Petitions Committee to respond to recent submissions related to our petition, calling for a distinct inquiry into unresolved allegations, the closure of gaps in the current SCAI and for the establishment of a national whistleblowing office.

We thank those taking the time to provide submissions and would make the observations below. Before doing so however we would at this point emphasise again the imperative for a **distinct inquiry into unresolved allegations**, in addition to the improved safeguarding structures we are calling for. Our observations on these recent submissions are as follows.

1. The submissions from victims reinforce earlier submissions and add further to the catalogue of institutional child safeguarding failures.

These submissions include distressing and deeply worrying disclosures. One parent describes the “litany of failings that have had life-long consequences” for their daughter. Reference is made to illegality and maladministration. Another parent refers to “... a culture of coercive control”. Yet another refers to “significant negligence and incompetence”. Another parent laments “we have nowhere to go”.

Reinforcing the lived experience of such families a local authority employee submits they have seen “... a dramatic decline in child safeguarding over the past twenty years”.

Committee members will have already noted that the Edinburgh Peace Institute in [their earlier submission](#) stated that “... the empirical evidence clearly demonstrates that institutions ... are particularly prone to fail to visualise potential safeguarding issues”.

Collectively these submissions stress again the importance of the committee accessing available whistleblowing reports and hearing directly from whistleblowers and victims. These testaments, together with deeply disturbing disclosures of which petitioners are aware, reinforce the absolute need to **investigate unresolved allegations** to ensure the safety and well-being of our children.

2. The petitioners very much appreciate the thoughtful and informative analysis submitted by the Children & Young People's Commissioner. This gives clear advice to the committee. We hope that the Commissioner will agree that an investigation into unresolved cases will also help achieve greater protection **providing certainty of the systems and people** involved in safeguarding.

We particularly commend to the Committee the CYPSC's observation that international human rights law states, "that children are entitled to higher standards of protection" and that "there is a clear positive obligation on the State to ensure that child protection, safeguarding and whistleblowing investigations are sufficiently thorough, independent and robust". The petitioners believe this is a standard to which, we as a society, should aspire.

3. The petitioners note that the GTCS in their submission **have not commented** on the three primary requests of our petition. Namely our call for an investigation into unresolved allegations, the closure of gaps in the current SCAI and the establishment of an independent whistleblowing office.

The petitioners observe that the GTCS states "... we are hopeful that the SCAI leads to a positive system-wide improvement". We would comment that the SCAI inquiry is **limited to abuse in care settings** and does not embrace the wider child safeguarding concerns raised by petitioners. This is why petitioners are asking for a distinct inquiry.

We do note however that the GTCS also states "... we have been advocating for some time that improvements can be made". This is encouraging. It may be of help to the committee for the GTCS to specifically comment on what our petition is calling for.

4. The petitioners note that the SSSC views "... align with those of the Minister for Children and Young People". The SSSC does not

appear to have taken account of our response to the Minister's submission. It may be of use to the Committee to seek clarification on this point from the SSSC.

Further, the SSSC assert that with respect to the SCAI's powers "... that these powers are sufficient to allow SCAI to make recommendations to address concerns about how allegations have been handled by public bodies". The petitioners note that the **SCAI remit is limited to institutional care settings** and not to the wider child safeguarding concerns this petition highlights.

Neither does the SSSC address well publicised gaps within the implementation of the current inquiry. Again, it may be of value to seek clarification from the SSSC on our call for a **distinct inquiry** into unresolved allegations.

The SSSC state their belief that our call for a national whistleblowing officer is unnecessary. They state "...we also believe that the Children and Young People's Commissioner Scotland currently has the whistleblowing powers that are proposed by this petition". This appears to reflect a misapprehension regarding the powers of the CYPCS which are limited¹.

In their submission the SSSC state "We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct, we can investigate and take action".

Petitioners believe it would be of aid to the Committee and indeed to the SSSC itself to consider how this mandate was implemented with respect to recent social care scandals in Edinburgh where it was the tenacity of victims and whistleblowers that brought matters a head.

In concluding the petitioners would emphasise that the responses from the GTCS and the SSSC both reflect a fundamental misapprehension regarding the **extent of the SCAI's remit**. It is therefore likely this has influenced their view with respect to what we are petitioning.

¹ <https://www.cypcs.org.uk/faq/when-cant-the-commissioner-investigate/>

Lastly, we continue to confirm ours and others willingness to attend your committee. Hopefully this will give the Committee the opportunity to hear direct from whistleblowers.

Best Regards

Alison Dickie, Christine Scott, Neil McLennan, Bill Cook

PETITIONERS

Neil McLennan former teacher and experienced educator who was a director of the Scottish Colleges for Educational Leadership. He now supports leaders across public services and has written before on safeguarding gaps and called for consideration of an INWO for education and children's services.

Christine Scott has been a representative voice for Edinburgh whistleblowers. She was community programme manager for lifelong learning at Castlebrae High School and made a public interest disclosure regarding a child protection and safeguarding matter in 2014. She was the first whistleblower in Edinburgh Council's new whistleblowing service.

Alison Dickie is a teacher and previously an Edinburgh Councillor, Vice Convener of Education, Children and Families, and a Scottish Parliament official. During her years as Vice Convener, she raised the concerns and allegations of whistleblowers who came to her for support. She resigned from her group and the post of Vice Convener in January 2022.

Bill Cook is a former Edinburgh Councillor. He was the political lead on the introduction of Edinburgh's new Whistleblower System in 2014. This employed independent investigators to examine allegations of malpractice and corruption. Bill believes new legislation is now required to support Whistleblowers. Professionally Bill is a retired Chartered Engineer.