

Public Petitions Committee
Thursday 10 September 2026
2nd Meeting, 2026 (Session 7)

PE2212: Conduct a national review of local authority safeguarding and equality compliance frameworks

Introduction

Petitioner Steven Fawcett

Petition Summary Calling on the Scottish Parliament to urge the Scottish Government to commission a national review into the misapplication of Unacceptable Actions Policies (UCAP) across local authorities and their impact on safeguarding and equality compliance. Such a review should consider whether there is a need to:

- a) develop statutory guidance clarifying the interface between the Adult Support and Protection (Scotland) Act 2007 (ASPA 2007) and local authority complaints or behavioural policies;
- b) strengthen enforcement powers for the Scottish Public Services Ombudsman (SPSO) and/or create an independent Safeguarding and Equality Oversight Body to ensure compliance with both ASPA 2007 and Equality Act 2010; and
- c) mandate uniform training and reporting standards across all councils to ensure equality and safeguarding are treated as statutory, not discretionary, obligations.

Website <https://petitions.parliament.scot/petitions/PE2212>

1. This is a new petition that was published on 17 June 2026.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. Every petition collects signatures while it remains under consideration. At the time of writing, 13 signatures have been received on this petition.
4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2026

Annexe A: Summary of petition

PE2212: Conduct a national review of local authority safeguarding and equality compliance frameworks

Petitioner

Steven Fawcett

Date Published

17 June 2026

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to commission a national review into the misapplication of Unacceptable Actions Policies (UCAP) across local authorities and their impact on safeguarding and equality compliance. Such a review should consider whether there is a need to:

- a) develop statutory guidance clarifying the interface between the Adult Support and Protection (Scotland) Act 2007 (ASPA 2007) and local authority complaints or behavioural policies;
- b) strengthen enforcement powers for the Scottish Public Services Ombudsman (SPSO) and/or create an independent Safeguarding and Equality Oversight Body to ensure compliance with both ASPA 2007 and Equality Act 2010; and
- c) mandate uniform training and reporting standards across all councils to ensure equality and safeguarding are treated as statutory, not discretionary, obligations.

Previous action

- Concerns raised with multiple MSPs including Maggie Chapman MSP and Karen Adam MSP.
- Complaints and supporting evidence submitted to the Scottish Public Services Ombudsman (SPSO) and Equality Advisory Support Service (EASS).
- EASS findings confirm breaches of the Equality Act 2010 and Public Sector Equality Duty.
- Evidence shared publicly via the Expose. Resist. Reform. citizen-advocacy platform to highlight the need for national reform.

Background information

Evidence gathered between 2024 and 2025 from cases including that of Moray Council demonstrates a recurring national pattern where local authorities:

- Divert safeguarding disclosures into administrative or behavioural policy mechanisms (e.g., UCAP), contrary to ASPA 2007 section 4 duty to inquire.
- Misapply or ignore statutory duties under the Equality Act 2010 (sections 20-22, section 149) concerning reasonable adjustments and the Public Sector Equality Duty (PSED).
- Fail to implement consistent safeguarding escalation pathways across Scotland, creating postcode disparities in adult protection.
- Lack clear external accountability when Equality or Safeguarding breaches occur, as neither the SPSO nor the Equality Advisory Support Service (EASS) have enforcement powers.

These issues are not isolated to one council but reflect structural gaps in national policy, particularly the lack of ministerial oversight or mandatory training standards for equality and safeguarding compliance across all 32 Scottish local authorities.

Annexe B: SPICe Briefing



Scottish Parliament
Information Centre
Ionad Fiosrachaidh
Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2212: Conduct a national review of local authority safeguarding and equality compliance frameworks, lodged by Steven Fawcett

Brief overview of issues raised by the petition

The petitioner is critical of how Unacceptable Actions Policies (UAP) are used by local authorities and is calling for a national review of their use. This would include consideration of their interaction with safeguarding and equality compliance.

The petitioner is of the view that local authorities use UAP to override compliance with requirements in the Adult Support and Protection (Scotland) Act 2007 (ASPA) and the Equality Act 2010. They are calling for:

- Statutory guidance on the interface between ASPA and local authority complaints or behavioural policies.
- Stronger enforcement powers for the Scottish Public Service Ombudsman (SPSO) and/or a new oversight body to ensure compliance with ASPA and the Equality Act 2010.
- Uniform training and reporting standards across local authorities.

Unacceptable Actions Policies

Unacceptable Actions Policies are used by organisations to handle unacceptable actions and behaviour from service users. This is to protect staff and to ensure that the organisation's work is not undermined.

These policies are used to manage unreasonable behaviour, such as:

- Threatening, abusive, or offensive language.
- Repeatedly contacting staff about the same issue after the complaints process has concluded.
- Excessive demands on staff time or resources.
- Refusal to engage with agreed communication channels.
- Harassment or intimidation of employees.

The policy can result in measures such as:

- Restricting who the person can contact.
- Limiting communication to writing or a single point of contact.
- Restricting the frequency of contact.
- In extreme cases, refusing further engagement on a matter.

See for example the Unacceptable Actions Policies of the [Scottish Government](#) and the [Scottish Parliament](#), and the SPSO's [Respectful Engagement Policy](#).

Adult Support and Protection (Scotland) Act 2007 (ASPA 2007)

The [Adult Support and Protection \(Scotland\) Act 2007](#) gives protection to adults at risk of harm or neglect. Under section 4, local authorities have a duty to carry out inquiries where it knows or believes that a person may be an adult at risk and that intervention may be needed to protect them. Other public bodies have a duty to co-operate with local authorities on any such inquiries.

An adult at risk (16 years and over) is someone who meets all the following criteria:

- they are unable to safeguard their own well-being, property, rights or other interests,
- they are at risk of harm, and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity they are more vulnerable to being harmed than adults who are not so affected.

Intervention under the Act can only be taken if all three criteria are met. An intervention must provide benefit to the adult which could not reasonably be provided without intervening in the adult's affairs. It must also be the option that is least restrictive to the adult's freedom. A public body must also consider the wishes of the adult and views from others, such as their nearest relative or primary carer.

An adult protection investigation by a local authority may include a visit and interview with the adult, a medical exam and an examination of records. At any point in the process, a local authority can apply to a sheriff for a protection order:

- assessment orders (which involve taking a person from a place in order to carry out an interview or medical examination)
- removal orders (removal of an adult at risk)
- banning orders or temporary banning orders (banning of the person causing, or likely to cause, the harm from being in a specified place and/ or preserving property).

The decision to apply for a protection order will normally be taken at an Adult Support and Protection multi-agency case conference.

For further detail, see the statutory [Code of Practice](#).

Scottish Public Services Ombudsman (SPSO)

The [Scottish Public Services Ombudsman \(SPSO\)](#) has statutory functions which come primarily from the [Scottish Public Services Ombudsman Act 2002](#):

- The final stage for complaints about most devolved public services in Scotland.
- Specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling.
- Independent review service for the Scottish Welfare Fund (SWF).
- Independent National Whistleblowing Officer for the NHS in Scotland (INWO).

As part of the functions related to complaints handling, the SPSO has the power to investigate complaints and make recommendations. When the SPSO makes a recommendation to an organisation, there will also be a deadline for the recommendation to be completed. If the deadline is not met, the SPSO can only continue to contact the organisation until the recommendation has been implemented.

The SPSO does not have the power to enforce recommendations or initiate its own investigations. However, in Session 6 [the SPCB Supported Bodies Landscape Review Committee recommended](#) that “the SPSO is given enhanced powers to enable them to conduct own-initiative investigations in the public interest... We ask the Scottish Government to work with the SPCB to identify an appropriate legislative vehicle to make this change in early course. While we recognise that some additional resources will be required to ensure successful delivery, our expectation is that this will save money in the longer term.”

Equality Act 2010

Reasonable adjustment duty

The reasonable adjustment duty requires organisations to make reasonable adjustments for disabled people where they are placed at a substantial disadvantage in comparison with non-disabled people. The duty applies to policies and practices, physical features, and auxiliary aids.

The duty is owed to disabled people generally, rather than one individual. It is also anticipatory, which means that a service provider must consider, and undertake, action that might be necessary to address any disadvantage for its disabled service users. It is also a continuing duty, so service providers should keep it under review.

What is reasonable depends on the circumstances and is likely to include the resources available to make any adjustments.

An initial search for local authority UAP policies provides examples of how they refer to equality and the reasonable adjustment duty – see [North Lanarkshire Council](#), [Inverclyde Council](#) and [West Lothian Council](#).

Public Sector Equality Duty (PSED)

Local authorities are also subject to the general [PSED](#) under the Equality Act 2010. This requires them to give due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. In addition, the [Scottish Specific Duties](#) set specific reporting requirements for listed Scottish public authorities, to help them meet the general PSED.

The Scottish Government published [better performance proposals](#) for the Scottish Specific Duties in December 2025. It sets out improvement activity for the PSED over a four-year period from December 2025 to December 2029.

Equality and Human Rights Commission (EHRC)

The [EHRC](#) is the regulator for the [Equality Act 2010](#) and it is a reserved body. ‘Equal opportunities’ is a reserved subject matter under [Schedule 5 of the Scotland Act 1998](#), though there are some exceptions.

Part of the EHRC’s role is to enforce the Equality Act 2010 and these [powers](#) are set out in the [Equality Act 2006](#):

- investigations (Section 20)
- unlawful act notices (Section 21)
- action plans (Section 22)
- agreements (Section 23)
- injunctions (in Scotland, interdicts) (Section 24)
- public sector duty assessments (Section 31)
- public sector duty compliance notices (Section 32).

Scottish Government equality and human rights mainstreaming

The Scottish Government launched its [equality and human rights mainstreaming strategy](#) in December 2025. It sets out its approach to embedding equality and human rights into everything it does across government and encouraging the same approach across the wider public sector. The [mainstreaming action plan](#) sets out practical steps to meet the strategic aims.

In addition, it launched the [Equality and Human Rights Mainstreaming Toolkit](#). This is a collection of resources, including a [self-assessment tool](#), to help the Scottish

Government and the wider public sector put equality and human rights at the heart of their work.

Issues for consideration

The petition raises issues about the relationship between local authority complaints or behavioural policies, adult protection duties and equality duties. The Committee may wish to explore whether existing guidance, training, oversight and enforcement arrangements provide sufficient assurance that these duties are understood and applied consistently across local authorities.

Key Organisations

- SPSO
- Scottish Government
- EHRC
- COSLA
- Mental Welfare Commission

Nicki Georghiou and Kelly Eagle
Senior Researchers

6 August 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

Scottish Government written submission, 12 August 2026

PE2212/A: Conduct a national review of local authority safeguarding and equality compliance frameworks

1. Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable?

The Scottish Government recognises the importance of ensuring that adults at risk of harm are protected and that public bodies comply with their statutory responsibilities. The Adult Support and Protection (Scotland) Act 2007 places duties on councils and partner agencies to work together to identify, inquire into and respond to concerns about adults who may be at risk of harm.

The petition raises a number of issues regarding the interaction between local authority policies, including policies relating to unacceptable customer behaviour or actions, and the discharge of statutory duties under the 2007 Act. Local authorities are responsible for the development and implementation of their own operational policies and procedures and for ensuring that these are applied appropriately and do not prevent the fulfilment of statutory duties owed to individuals.

At this stage, based on our close working with ASP partners with regard to supporting the implementation of the 2007 Act, the Scottish Government does not consider that there is sufficient evidence to require the development of statutory guidance to clarify any interface between ASPs 2007 and local authority complaints or behavioural policies.

Existing statutory and regulatory frameworks already provide oversight in relation to equality duties (Equality Act 2010) and complaints handling arrangements (Scottish Public Services Ombudsman). It is a matter for local authorities to ensure compliance with statutory obligations, and to ensure appropriate training is in place and not for Scottish Government to intervene.

The SPSO is operationally independent from Scottish Ministers and deals with the final stage for complaints about most devolved Scottish public services, amongst other statutory duties.

Strengthening the enforcement powers of the SPSO would require amendments to the Scottish Public Services Ombudsman Act 2002 ('the 2002 Act') and could be made either through primary legislation or delivered by way of an affirmative Scottish Statutory Instrument (SSI) under section 14(1) of the Public Services Reform (Scotland) Act 2010 ('the 2010 Act').

The powers under section 14(1) of the 2010 Act must improve the exercise of public functions of public bodies and office holders having regard to efficiency, effectiveness or economy and so any amendments made using powers under the 2010 Act would need to be scrutinised to ensure they met those grounds. There would also be consultation requirements under the 2010 Act. Making amendments to the 2002 Act through primary legislation or through the making and laying of any SSI and the consultation requirement comes with cost and resource implications.

The creation of an independent Safeguarding and Equality Oversight Body to ensure compliance with both the ASPA 2007 and Equality Act is achievable but would come with significant time and resource implications and would require careful consideration to avoid duplicating current work with ASP partners.

In February 2026, Scottish Government published the Adult Support and Protection Learning and Development Framework to ensure that all public bodies including Local Authorities are suitably trained and equipped to fulfil their responsibilities under the ASP Act. The Framework is being reviewed in the first year to ensure consistent implementation across Scotland. Further mandatory training is not considered necessary.

The Scottish Government therefore does not agree that there is evidence or a need to support the creation of a new national safeguarding and equality oversight body; strengthen enforcement powers of the Scottish Public Services Ombudsman (SPSO); or mandate uniform training and reporting standards across all councils to ensure equality and safeguarding are treated as statutory, not discretionary, obligations.

2. What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government keeps the operation of adult support and protection legislation and guidance under review and works closely with local authorities, Adult Protection Committees and other partners to support effective safeguarding practice across Scotland, and ensure that we work together with partners to support the implementation of the 2007 Adult Support and Protection Act. The Adult Support and Protection National Strategic Forum, chaired by the Minister for Community Care oversees work in this space. The Adult Support and Protection Joint Inspection of 25 ASP partnerships [reported on progress since the Adult Support and Protection \(Scotland\) Act was introduced](#) and that many adults at risk of harm are safer and have enhanced wellbeing.

The Scottish Government expects local authorities and partner agencies to meet their legal obligations under the Adult Support and Protection (Scotland) Act 2007 and other relevant legislation when exercising their functions.

As noted in section 1 the Scottish Government has recently published an Adult Support and Protection Learning and Development Framework.

The Scottish Government will continue to consider stakeholder feedback and emerging evidence regarding the operation of adult support and protection arrangements. However, no specific further action is currently planned regarding the 3 issues raised in this petition.

3. Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The petition raises matters relating to equality legislation and complaints handling arrangements. Compliance with the Equality Act 2010 is a matter for individual public

authorities, with the Equality and Human Rights Commission holding regulatory responsibilities in this area. Complaints handling processes and oversight arrangements are also subject to existing statutory and regulatory frameworks.

The Scottish Government recognises the importance of ensuring that safeguarding arrangements operate effectively and that individuals' rights are protected. While local authorities are responsible for their own operational policies, they are expected to fulfil their statutory obligations when exercising their functions.

Adult Social Care Workforce and Fair Work Division

Petitioner written submission, 28 August 2026

PE2212/B: Conduct a national review of local authority safeguarding and equality compliance frameworks

I welcome the opportunity to respond to the Scottish Government's written submission of 12 August 2026 and to draw the Committee's attention to further information that bears directly on the three asks of this petition. This submission is confined to systemic, policy-level matters and does not raise or rely on any personal, local, or individual complaint, nor on any matter currently before a court.

1. The Scottish Government's central objection is not supported by the evidence

The Scottish Government's position is that there is insufficient evidence to justify statutory guidance on the interface between the Adult Support and Protection (Scotland) Act 2007 and local authority complaints or behavioural policies, and that existing frameworks already provide adequate oversight. I would ask the Committee to weigh that position against a Freedom of Information response I have obtained from Moray Council, one of the authorities whose practice is cited as background to this petition, concerning its own Unacceptable Customer Actions Policy (UCAP).

That response confirms, in terms, that the authority requires no specific training on the policy, on the stated basis that it is used infrequently. The same response confirms that no internal review, audit, or monitoring of the policy's use has ever been carried out, again on the basis of low case numbers. It also discloses that in each of the four most recent years for which data was provided, there were cases in which the policy was applied to an individual who, at the same time, had an active safeguarding concern, an adult-support-and-protection referral, or an equality-related complaint recorded against them — a combination the response shows did not occur in the two earliest years covered by the request.

This is the authority's own account of its own practice, obtained through a statutory disclosure process, not an allegation. It shows that a local authority already cited in this petition's background has made a deliberate policy choice not to train staff on a power capable of restricting a person's access to safeguarding and complaints processes, has no mechanism for reviewing how that power is used, and has applied it in cases that overlap with safeguarding and equality matters. That is difficult to reconcile with the Scottish Government's assessment that existing arrangements provide sufficient assurance, and I would suggest it is precisely the kind of evidence gap statutory guidance is intended to close.

2. Strengthening SPSO powers already has parliamentary support

On the second ask, the Scottish Government notes that any strengthening of the Scottish Public Services Ombudsman's enforcement powers would require legislative change, either through primary legislation or an affirmative instrument under the Public Services Reform (Scotland) Act 2010. I would draw the Committee's attention to the fact that this is not solely the petitioner's proposal. The SPICe briefing on this petition records that, in Session 6, the SPCB Supported Bodies Landscape Review Committee itself recommended that the SPSO be given enhanced powers to conduct investigations on its own initiative in the public interest, and asked the Scottish Government to work with the SPCB to identify a suitable legislative route, while accepting that this would carry some resourcing implications alongside an expectation of longer-term savings.

That recommendation, from a parliamentary body rather than an individual petitioner, indicates that the case for change has already been considered and endorsed within Parliament. The practical question is not whether the SPSO's powers should be strengthened, but why that recommendation has not yet been progressed.

3. Training and reporting standards

The Scottish Government's response treats training as a matter for individual local authorities and points to the Adult Support and Protection Learning and Development Framework as sufficient. The FOI evidence above shows that a framework addressing ASPA duties in general terms does not, in practice, extend to training staff on how a separate policy — one capable of restricting a person's ability to raise safeguarding or equality concerns in the first place — interacts with those duties. Uniform minimum standards would close that specific gap without duplicating the existing Framework.

Conclusion

The Scottish Government's response treats the risks identified in this petition as theoretical. The evidence above indicates they are not: Moray Council itself confirms it provides no training on this policy, does not review its use, and has applied it in cases overlapping with safeguarding and equality matters. I would ask the Committee to seek confirmation from the Scottish Government as to whether it will now reconsider its position in light of this evidence, and to press for progress on the SPCB Committee's own recommendation regarding SPSO powers.