

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

Petitioners written submission, 11 November 2024

In recent BBC coverage of GTC Scotland's Fitness to Teach review, a parent whose daughter had been subjected to inappropriate behaviour by one of her teachers, commented, "The system is completely stacked against victims."

It is this power imbalance that's reflected across the petition's cases, and not just in relation to education. It's felt that the system prevents voices from being heard and from having confidence about the actual truth behind safeguarding concerns.

This systematic imbalance is further exacerbated for any parent alleging cover ups of child abuse or mishandled child protection as they are not covered by the Public Interest Disclosure Act 1998. And wider still, the practice of NDAs by public bodies which can silence those voices and prioritise the protection of reputational damage.

Given this, petitioners continue to be concerned about GTC Scotland's 'frivolous' category within the sub-policy which underpins their Fitness to Teach rules. This over-reliance on the employer to robustly investigate safeguarding concerns in the first instance, and effectively mark their own homework, needs to be carefully considered in the review. This is especially so when initial safeguarding information is limited, conflicts of interest have not been identified, and when demand is high and capacity stretched.

There is, of course, the final stage of the Scottish Public Services Ombudsman. However, those raising concerns are still required to firstly exhaust the public body route and the overall length and complexity of the process adds to the already stressful experience.

Further to this, a recent parliamentary debate on Scotland's Commissioner Landscape questioned the effectiveness of the current commissioner model and the governance and trust issues behind the rise in demand. Petitioners have certainly found that trust has been lost in how the wider system supports people in the raising of safeguarding concerns, leaving many feeling that power is very much in the hands of the employer rather than independent regulation.

In a recent meeting with senior civil servants, petitioners raised the common patterns across safeguarding allegations. This included an over-reliance on the information, investigations and actions of multi-agency partners and in relation to the evidential certainty required.

For example, the initial safeguarding information received may not sufficiently evidence any criminality. Here, there is a risk that even the Police can rely too heavily on the local authority as the employer – rather than the whistleblower or alleged victim – when making a judgement about resourcing their own investigation.

As a consequence, petitioners are concerned that there is the potential for the safeguarding risk not to be adequately assessed. This can again reinforce the power imbalance, leaving the whistleblower or alleged survivor feeling it's the alleged perpetrator and employer's word against theirs, and an underlying message of presumed innocence.

There's also the potential for the alleged actions of local authority employees to be incorrectly regarded as a practice matter for the employer to address without further scrutiny. Both scenarios are likely to occur where there is familiarity and conflicting roles around the multi-agency child protection tables.

PE1979 includes a call to independently investigate unresolved allegations about the cover up of child abuse and mishandled child protection across education and children's services. Whether current or historic, all have a bearing on the confidence we must have in our child safeguarding system and the personnel in place. We have raised this point from the outset and strongly communicated it to the Scottish Government.

In the example of GTCS alone, 196 Fitness to Teach cases were not investigated between 2019 and 2022 and around 47 of these were child protection and safeguarding concerns (information gained from FOI requests). Further still, 105 such referrals were received in 23/24, with 36 of them not being fully investigated (information gained from BBC Scotland article). In addition, some of the petition's unresolved allegations relate to cases already investigated by the GTCS.

At the Committee's roundtable in February, petitioners also provided an overview of unresolved allegations relating to the petition. This included serious and organised child abuse and links across cases.

Strengthening the forward scrutiny of child safeguarding and ensuring it's timely lies at the heart of the petition's calls, and certainly in the establishment of an independent national whistleblowing officer for education and children's services. It's felt this direct support will help correct the power imbalance when raising safeguarding concerns.

The existence of the Scottish Child Abuse Inquiry (SCAI) alone highlights the failure to listen to survivors and to scrutinise and act at the time. We're aware that the much-needed voice of secure care survivors will finally be heard in January and of Fornethy House and Edinburgh Academy's fight to be heard and the SCAI gaps to be acknowledged. What though of schools and children's regulated activities?

Knowing the full truth about child abuse in Scotland is vital to realising the UNCRC right of children to be kept safe. It's for that reason that the petition calls on the SCAI gaps to be distinctly addressed ... and without delay to care experienced survivors who've long awaited justice.

Petitioners have previously highlighted the cost of child protection failures, including the public money used to protect the local authority's reputation in court. And, with each day, it feels that there is yet another news item about that failure and the lack of effective scrutiny or action at the time.

In the calls for greater scrutiny, however, the petition is not calling for more of the same. Rather, it's essentially calling on survivors, whistleblowers and those at the heart of the issues to finally be heard and to lead on the shaping of that forward scrutiny in new and more effective ways.

In closing, the petition will again be considered by the committee in the New Year, and following their meeting with senior civil servants, petitioners have now been invited to meet with the Minister for Children and Young People and Keeping the Promise on 4 December. It is the hope of petitioners, and those at the heart of the petition, that elected members will robustly scrutinise the concerns within this submission and Scottish Government action, and ultimately, help ensure a system that's no longer stacked against victims through support for the petition's calls.