

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

## **Minister for Children, Young People and The Promise written submission, 26 February 2025**

Thank you for your letter 10 February requesting further information on how the Scottish Government are progressing petitioners' requests.

As you know I met with petitioners in early December and wrote to the Committee shortly after updating you about our discussion. Since then, officials have been working to understand what solutions can be identified to overcome the issues raised by petitioners whilst ensuring they do not duplicate existing processes and adds value.

### **National whistleblowing officer for education and children's services**

Since I met with petitioners, officials have met with representatives from the Association of Directors of Education in Scotland (ADES) to enhance our current understanding of the different whistleblowing and case investigation arrangements. Our engagement with ADES has provided the opportunity to discuss the whistleblowing functions that are already in place in all local authorities which generally cover all council services including education. We will be continuing to discuss how these existing functions are working, including the interaction between child protection and HR processes, to understand whether improvements can be made to functions already in place.

### **Robust and consistent investigations of child safeguarding cases**

The Scottish Government is committed to ensure that robust child protection measures are in place across Scotland, and continue to be followed at all times. This commitment is demonstrated by the significant amount of child protection work we have carried out including updated National Child Protection guidance, embedding the UNCRC into Scots law, developing practitioner training on interagency referral discussions, significant funding to third sector partners to support survivors and prevent abuse, raising awareness through public communications campaigns and online hubs, as well as improving data about the scale and nature of child abuse to better prevent and improve early identification of risk and harm.

In November and December, we held the first two meetings of the new [Child Sexual Abuse and Exploitation National Strategic Group](#). This group comprises operational partners and other expert stakeholders, including Professor Alexis Jay, to review current actions and agree where additional focus is needed to better protect children from abuse and exploitation. The group is co-chaired by senior policing and social work representatives – Detective Chief Superintendent Sarah Taylor, Police Scotland's Head of Public Protection and Iona Colvin, Scottish Government's Chief

Social Work Adviser. In the coming months the group will finalise its workplan to deliver on its aims to reduce risk of children being harmed, this will include assessing processes of statutory bodies to ensure they fully protect children and young people from abuse.

As you may be aware, the GTCS are currently reviewing the way they carry out investigations of serious concerns about the conduct or competence of teachers. The GTCS is undertaking a review of its Fitness to Teach procedures and has commissioned the Professional Standards Authority to undertake an independent review of the performance and efficiency of their Fitness to Teach process, as part of its continuous improvement process. Their procedures are rooted in law. The results of this review will inform changes to the process. The Minister for Children, Young People and the Promise is due to meet with GTCS in the coming weeks to discuss the work of the organisation and what steps they take to protect children and young people from harm.

The Scottish Child Abuse Inquiry is undertaking an extensive review of child protection policy and practice in Scotland and will report with recommendations for further development in due course. The Scottish Government has been clear that it will carefully consider its findings and recommendations. As we have discussed previously, widening the Scottish Inquiry would delay the publication of findings and recommendations which would mean we would fail to meet our commitment to survivors of in-care abuse that we will learn from their experience and address the systemic failures which existed.

### **UK Government proposals on mandatory reporting**

As outlined in your letter, the UK Government are planning to introduce a statutory duty to report child sexual abuse through the Crime and Policing Bill.

In Scotland, all healthcare and education professionals already have a duty to report child abuse and must raise these concerns in line with local child protection procedures.

A failure to report child abuse could constitute a breach of their employment contract, lead to disciplinary action, or give rise to a claim for civil damages. Practitioners could also be struck off from social work, teaching, or medical registers for gross misconduct.

We are keeping the case for a broader, statutory requirement of mandatory reporting of child sexual abuse under review and we are currently engaging with stakeholders on this issue, including recently with the Cross-Party Group on Adult Survivors of Childhood Abuse.

Stakeholder views on the merits of mandatory reporting have varied, and throughout our engagement, a number of advantages, but also possible risks and unintended consequences have been highlighted.

For example, children and families may be less likely to disclose abuse or seek support if they are not given the opportunity to do so at their own pace – indeed this

is one of the reasons we are introducing the Bairns Hoose model in Scotland to support disclosure in a trauma-informed way.

We will, however, continue to engage with the UK Government and consider its proposed approach to implementing a statutory duty on mandatory reporting and will also consider all relevant recommendations coming out of the Scottish Child Abuse Inquiry. This work will consider all people and organisations who work with children and young people.

I trust this information answers the questions in your letter to allow the Committee to further consider the petition.

Yours sincerely,

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**Minister for Children, Young People and The Promise**