

Citizen Participation and Public Petitions Committee  
Wednesday 5 February 2025  
2nd Meeting, 2025 (Session 6)

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

### **Introduction**

**Petitioner** Neil McLennan, Christine Scott, Alison Dickie, and Bill Cook

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to launch an independent inquiry to examine: concerns that allegations about child protection, child abuse, safeguarding, and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council Scotland (GTCS); gaps in the Scottish Child Abuse Inquiry; and establish an independent national whistleblowing officer for Education and Children's Services in Scotland to handle these enquiries in the future.

**Webpage** <https://petitions.parliament.scot/petitions/PE1979>

1. [The Committee last considered this petition at its meeting on 6 March 2024.](#) At that meeting, the Committee agreed to write to the Minister for Children, Young People and Keeping the Promise, Scottish Public Services Ombudsman (SPSO), and the Children and Young People's Commissioner Scotland.
2. [The Committee agreed during a work programme discussion at its meeting on 13 November 2024 to seek an update from the Minister for Children, Young People and The Promise](#) following the Minister's meeting with the Petitioners.
3. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
4. The Committee has received new written submissions from the SPSO, the Minister for Children, Young People and The Promise, the Children and Young People's Commissioner Scotland, and the Petitioners, which are set out in **Annexe C**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.

7. [The Scottish Government gave its initial position on this petition on 28 November 2022.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 1,972 signatures have been received on this petition.
9. Members may be aware that a number of questions have recently been raised in the Chamber on issues related to the ask of this petition, including –
  - [Miles Briggs MSP raised the remit of the Scottish Child Abuse Inquiry and calls for an independent national whistleblowing officer during General Questions on 23 January 2025.](#)
  - [Pam Gosal MSP raised issues related to this petition during Topical Questions on 7 January 2025.](#)
  - [Ash Regan asked an Urgent Question on child safeguarding on 28 January 2025.](#)
10. The Committee may also be aware of [UK Government plans to introduce a mandatory duty to report child abuse in England](#), which would make it an offence, with professional and criminal sanctions, to fail to report child sexual abuse.
11. The Committee may also wish to note that [the Professional Standards Authority \(PSA\) is carrying out an independent review of the General Teaching Council for Scotland \(GTCS\) Fitness to Teach process](#), which is expected to inform changes the GTCS makes to the process and the rules that govern it. The PSA is expected to provide the GTCS with a report of their findings and recommendations in the early part of 2025.

## Action

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

**Clerks to the Committee**  
**January 2025**

## **Annexe A: Summary of petition**

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

### **Petitioner**

Neil McLennan, Christine Scott, Alison Dickie, and Bill Cook

### **Date Lodged**

3 November 2022

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to launch an independent inquiry to examine: concerns that allegations about child protection, child abuse, safeguarding, and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council Scotland (GTCS); gaps in the Scottish Child Abuse Inquiry; and establish an independent national whistleblowing officer for Education and Children's Services in Scotland to handle these enquiries in the future.

### **Previous action**

Have written to the Cabinet Secretary for Education and Skills in July 2021 and received a response in August 2021. We are also aware that Oliver Mundell MSP and other MSPs have corresponded with the Cabinet Secretary for Education and Skills on this issue.

We support the [#Unfeartie campaign](#), which was set up by the Children's Parliament in 2017.

### **Background information**

The #Unfeartie pledge is to have courageous conversations regarding children's issues and speak up and stand alongside children. We take these principles very seriously, and have supported whistleblowers in raising historic and current allegations about child protection, child abuse, safeguarding and children's rights matters.

The alleged mishandling of child safeguarding concerns in many public bodies (Edinburgh, Borders, Aberdeenshire, East Lothian and the GTCS) have been well publicised, with whistleblowers calling for a public inquiry, open to existing or new whistleblowers and the public to raise recent or historic concerns.

A number of written and oral parliamentary questions highlighting these concerns have been lodged by MSPs. These include questions to the First Minister from Christine Grahame, Willie Rennie, Meghan Gallacher and Douglas Lumsden.

The Scottish Child Abuse Inquiry focuses on historic abuse and is specific to children in care. A wider inquiry into safeguarding concerns and enquiries from parents, guardians, carers, professionals and the public, which have been mishandled, is needed. This should consider gaps in the existing inquiry; mainstream and specialised settings; and regulated children's activities.

## **Annexe B: Extract from Official Report of last consideration of PE1979 on 6 March 2024**

**The Convener:** PE1979, on the establishment of an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding inquiries by public bodies, has been lodged by Neil McLennan, Christine Scott, Alison Dickie and Bill Cook. I think that I see at least some of the petitioners in the gallery this morning.

The petition calls on the Scottish Parliament to urge the Scottish Government to launch an independent inquiry to examine concerns that allegations about child protection, child abuse, safeguarding, and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council Scotland as well as concerns about gaps in the Scottish child abuse inquiry; and to establish an independent national whistleblowing officer for education and children's services in Scotland to handle such inquiries in the future.

We last considered the petition a month ago on 7 February, when we held a round-table discussion with the petitioners—Bill Cook, Alison Dickie and Neil McLennan—and the whistleblower, Brendan Barnett. Three were present, and one was online. During that round table, we heard about a need to robustly investigate and resolve safeguarding allegations before undertaking policy reviews, and about the failure of public bodies to follow national guidance due to its non-statutory status and an inconsistent approach to information gathering and sharing between relevant agencies.

We also heard about concerns that allegations are not fully investigated at the time, with inquiries taking place many years after the event; the impact of that on confidence in local authorities and public bodies; how the role of the Children and Young People's Commissioner in Scotland could be strengthened; and how the creation of a national whistleblowing officer for education and children's services could provide a route for individuals to access guidance, support and a structured procedure when raising concerns. Following the evidence session, we have received a new submission from the petitioners, requesting a private evidence session to further explore issues that they felt constrained from detailing more fully in a public setting.

There are two key asks of this petition, the first of which is the call for an independent investigation of unresolved allegations about child protection. The petitioners have given us a flavour of those outstanding allegations and the challenges experienced in resolving them through the existing process. However, it might well be that the committee does not offer the appropriate forum for taking forward detailed consideration of that particular ask. The petition also calls for the creation of an independent whistleblowing officer for education and children's services, with the petitioners indicating in their most recent submission that they will provide further follow-up information on the accountability and resourcing issues that we discussed.

Having had the opportunity to reflect on the evidence that we heard last month from the petitioners, do members have any comments or suggestions for immediate

action that we might consider taking? Members might be aware that there was also a late submission, which you will have received with your papers for today's meeting.

**David Torrance:** I wonder whether the committee might consider writing to the Minister for Children, Young People and Keeping the Promise to recommend that she meet the petitioners to discuss their concerns about unresolved allegations relating to child safeguarding and to ask her what consideration the Scottish Government has given to the suggestion of the Children and Young People's Commissioner Scotland to develop a new principle for individual professionals and agencies responsible for child protection issues.

The committee could also consider writing to the Scottish Public Services Ombudsman to seek information on the effectiveness of an independent national whistleblowing officer for NHS services and its views on whether a similar approach should be adopted for education and children's services.

**The Convener:** Do other colleagues have any suggestions following the evidence that we heard?

**Fergus Ewing:** I think that the witnesses from whom we heard—Mr Cook, Mr Barnett and Alison Dickie—indicated that one of the problems with public inquiries is that they take such a long time and that part of the rationale for having the proposed whistleblowing service that they advocate is that things can happen at the time, not after the kids concerned become adults when, frankly, the events will have long drifted out of the memory of those involved. Could we in writing to the children's commissioner draw that specific point to the commissioner's attention? After all, it does seem to be a gap. We could draw it to the minister's attention, too, because if the point is not granted and dealt with, I do not think that we will have made much progress with this petition.

I just wanted to make the point, convener, because it was made in the evidence that we heard.

**The Convener:** Mr Ewing, I recall that you drew particular attention to the issue in our questioning. Indeed, I think that you cited the Edinburgh Academy case, suggesting that it would be useful to incorporate that, too.

If there are no other suggestions from members, do we agree to keep the petition open and pursue with the minister and the ombudsman these particular issues?

**Members *indicated agreement.***

## **Annexe C: Written submissions**

### **Scottish Public Services Ombudsman written submission, 3 April 2024**

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

#### **SPSO experience as Independent National Whistleblowing Officer (INWO) for the NHS in Scotland**

1. The INWO was established in response to concerns about how the NHS was responding to concerns raised by those delivering services. It has a broad definition of service delivery covering clinical staff, all NHS employees, contractors directly providing services, volunteers, students, and trainees. While this is significantly broader than protected disclosure legislation, it is not a whistleblowing or complaints procedure for the public.
2. My office is also the independent stage for complaints from members of the public. However, this covers only complaints about the service received by someone and is not a route to raise wider issues.
3. The INWO approach is underpinned by Principles, approved by the Scottish Parliament; it includes whistleblowing standards, and procedures for applying them. These were issued by INWO, following co-production with a range of stakeholders including whistleblowers, NHS employers and employees, and Unions. The approach provides mandatory guidance and procedures for investigating whistleblowing concerns and how to escalate them to the INWO as complaints.
4. I have a duty to monitor the Standards, and also provide support and promote best practice. The Standards require mandatory annual reporting by boards. INWO analyses annual reports and publishes our summary report. We also use this to target engagement and support.
5. I am pleased to report that much is working well, though there are gaps in my legislation and scope for development through learning. One area working well is the required support for all those involved, including whistleblowers, those who may be the subject of whistleblowing or may be witnesses, and those who are investigating concerns or supporting whistleblowers. Though this support under my legislation applies only if someone formally whistleblows invoking the Standards.
6. I have reported publicly (as far as I am able because of confidentiality) on a number of investigations. Whistleblowing investigations are more complex and resource-intensive than complaints from the public. They require significantly more engagement with the whistleblower and others in the organisation.

7. I have also found that resolution-based approaches which facilitate open discussions between the whistleblower and their organisation, can lead to quicker and often better outcomes than committing to a longer and more formal investigation.
8. I have identified areas for improvement. In particular, it has proven more difficult to embed the approach in primary care; there remain difficulties when whistleblowing is around the actions of senior staff; and governance structures need to take a more holistic approach to their organisations' data and concerns raised by whistleblowers to identify and drive improvement and learning. A significant gap in my legislation is the lack of powers to undertake investigations under my own initiative. The practical impact of this is an example where an employee whistleblows via the press or social media but does not invoke the Standards. Even if in the public interest, I cannot investigate these instances; I must have a complaint to become involved.
9. Ultimately, the INWO legislation was, in my view, the right one for the NHS.

#### **Should the INWO role be extended**

10. I agree that good-quality, timely investigations might reduce the need for later public inquiries. They are more cost effective and, in my experience, more likely to lead to improvement as they make findings and recommendations closer to the events concerned.
11. It is difficult to hear the concerns of the petitioners and the evidence being shared with the Scottish Child Abuse Inquiry, without having considerable understanding and recognition of the call to make improvements. I note the Children and Young Person's Commissioner for Scotland also has concerns about the current system and said that an INWO role for Education and Children's services merits exploration. I would suggest that this should dovetail with the recently passed UNCRC Act which takes effect in July 2024, in particular with child friendly complaints.
12. I would raise a word of caution however, about rushing into a specific delivery model or role. [I recently responded to the Finance and Public Administration Committee's inquiry on the commissioner landscape](#). In it, I set out my concerns that in a complex scrutiny and regulatory landscape, there are risks when creating new institutions or functions about adding to that complexity. Creation of new roles should, ideally, be after careful analysis of the issues and a full understanding of the existing landscape and where the gaps are. Complexity can deter and prevent concerns being raised, and dilute accountability and responsibility, making failure more and not less likely, however well-meaning the intent behind them.
13. Setting up the INWO was not straightforward.



- 13.1. The legislation was complex as anything that touches on the employer/employee relationship is closed to reserved areas. It took considerable time to unpick all of the issues. In the context of legislation relating to children, I can see this being even more complex.
- 13.2. The NHS is relatively easy to demarcate but there are challenges where there are shared services about how far I can consider the work of contractors. In the context of this petition, it will be more difficult to set out where education and children's services start and end, and thought would need to be given to that. For example, if a council employee who is not directly providing education or children's services has concerns, could they use the system? Would children's services include all services provided for the benefit of children, or only services which are only provided directly to children?
- 13.3. Scrutiny and accountability are easier when whole organisations are covered by single systems. Fragmentation of investigation systems can lead to the real risk of significant issues being lost in the gaps.
- 13.4. Co-production is essential but takes time and resources.
14. While I am pleased that the benefits of the INWO model are being recognised, applying this approach to such a different context is not a simple undertaking. It would require careful design to ensure that it was the correct approach to achieve the outcomes desired, based on an understanding of why the current perception, or in some cases reality, is that existing systems are not fully effective.
15. If it is decided that further exploration to establish a new INWO role should be progressed, I would be very happy to contribute to that essential research.

## **Minister for Children, Young People and Keeping the Promise written submission, 4 April 2024**

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

Thank you for your letter of 11 March 2024 with questions to support the Citizen Participation and Public Petitions Committee's consideration of the above petition.

The safety of children is always paramount, and our children and young people have the right to be protected from all forms of harm. We are determined to ensure that robust child protection measures are in place across Scotland, and continue to be followed at all times. [The National Guidance for Child Protection in Scotland 2021 \(updated 2023\)](#) describes responsibilities and expectations for all involved in protecting children in Scotland. This includes how child protection concerns should be investigated.

Turning first to your recommendation for me to meet with Petitioners to discuss unresolved allegations. While I would be happy to do so, it is important to note that the Scottish Government and Ministers cannot comment on or intervene in individual cases. Therefore, while I would be very willing to hear direct from Petitioners about their concerns, it would not be appropriate for me to make any comment on how their particular experiences or cases were handled by relevant bodies. As outlined in the National Guidance, Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. They must account for the effectiveness of their child protection responses, including investigating and resolving individual cases.

All of these bodies have robust complaints procedures in place. Where there are concerns about how individual cases have been handled, a complaint should be submitted to the relevant body. If the complainant feels the outcome of this complaint is not satisfactory, complaints about Police Scotland can be raised with the Police Investigations and Review Commissioner (PIRC). Complaints about NHS boards and local authority services can be raised to the Scottish Public Services Ombudsman (SPSO), which includes the role of the Independent National Whistleblowing Officer (INWO) for the NHS in Scotland. The PIRC and SPSO are independent of the services they investigate and provide a final stage for review of how complaints have been dealt with.

Turning to your question about the Children and Young People's Commissioner Scotland's suggestion of a new principle for individual professional and agency responsibility in relation to child protection issues. We are of the view that this principle already exists in the National Guidance. Throughout the Guidance, there is emphasis on the duty of practitioners working with children to safeguard and protect children and to identify child abuse, neglect and risk to wellbeing. The foreword to the Guidance states that "whilst there are specific responsibilities associated with certain professional roles, everyone has a job in making sure children 'are alright'" with Part 2 setting out what these obligations are. In direct response to the suggestion from CYPCS on this issue, a section on whistleblowing (para 3.17) was added in the August 2023 update of this guidance. This paragraph states that organisations should have policies in place to allow individuals to escalate child protection concerns outside of their management structure and describes situations in which these processes might be required. I therefore believe this point has been addressed.

Finally, on the need to ensure investigations take place close to the occurrence of concerns being raised, local authorities have a duty to promote, support and safeguard the wellbeing of children in need in their area. I believe that local authorities across Scotland are best placed to ensure concerns are investigated with the local knowledge required, and to minimise the length of time to reach a conclusion. As already mentioned, if individuals are unhappy with how a complaint has been handled by a local authority, the Scottish Public Services Ombudsman (SPSO) provides a final stage for complaints about public service organisations in Scotland.

I trust this answers your questions to be able to fully consider PE1979.

Yours sincerely,

NATALIE DON

**Children and Young People’s Commissioner Scotland written submission, 11 April 2024**

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

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Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

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The Commissioner is fully independent of the Scottish Government.

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This submission should be read in conjunction with our previous response to the Committee on this petition<sup>1</sup>.

In our previous submission, we commented on the role of SPSO as the Independent National Whistleblowing Officer (INWO) for NHS Services and stated that an equivalent role for education and children’s services would merit further exploration. This continues to be our position.

Whilst the role of a national whistleblower service is an important one, it is not one that could be fulfilled by our office. It is not a role which we have planned for adopting and would require a significant and inappropriate change to our remit and role. While the Commissioner’s office is currently listed as a prescribed body to which whistleblowing disclosures can be made, this is limited by our statutory functions and powers.

A national office would require a broader remit, which would not be directly rights based and would require the office to take on a regulatory role which is quite different from the pro-active accountability role we currently fulfil. It would require a change in our legislation to cover protection of the rights of adults – as whistleblowers – which would be a fundamental change from the intended purpose of our office.

Even if this were not the case, as acknowledged by one of the petitioners in their evidence to you on 7th February this year, it would require significant additional resource.

We have recently undertaken an extensive consultation with children and young people, as part of the development of our Strategic Plan. Part of this engagement was discussion of what children and young people want from their Commissioner.

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<sup>1</sup> CYPES, 2023. [https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1979/pe1979\\_q.pdf](https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1979/pe1979_q.pdf)

We heard no evidence that children and young people want us to take on this type of role.

Whilst we continue to support exploration of a potential whistleblower for education and children's services, we do not feel it would be compatible with the function of the office.

## **Petitioners written submission, 2 May 2024**

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

The petitioners thank the Minister, the SPSO, and CYPCS for their recent submissions. We also thank the author of submission PE1979/Z. The petitioners would make the following observations in response.

Both the SPSO and CYPCS make several welcome and incisive observations, some of which we make specific comments on below. We would commend their advice to the committee.

Petitioners are encouraged by SPSO's recognition of the concerns of victims with the Ombudsman's stating

“...it is difficult to hear the concerns of the petitioners and the evidence being shared with the Scottish Child Abuse Inquiry, without having considerable understanding and recognition of the call to make improvements”.

In responding to the Minister's submission, the petitioners feel compelled to record their disappointment with the Minister's response, in that it reflects several previous institutional replies in neither recognising or acknowledging gaps or failings in the current arrangements. We would point the Minister to supporting victim submissions and the failings highlighted in our evidence to the Committee earlier in the year.

We do however welcome the Minister's commitment to meet with petitioners and can confirm as previously advised to the committee that it's not our expectation that the Minister investigates individual cases<sup>2</sup>.

The Minister asserts that

“... all of these bodies have robust complaints procedures in place”.

This is contrary to victim submissions in support of petition PE1979 and conflicts directly with the conclusions of the thematic Tanner Inquiry which concluded that in Scotland's capital

“... there is not a universally positive, open, safe, and supporting whistleblowing and organisational culture”.

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<sup>2</sup> Note that on 20<sup>th</sup> October 2023 the Minister requested that petitioners provide “further information about cases” be shared ahead of a proposed meeting with petitioners.

The petitioners would pose the open question as to what empirical evidence exists to support the assertion that current systems are robust?

Petitioners welcome the constructive and thoughtful submission from the SPSO. We note the SPSO's support of an INWO within the NHS. We believe the mere existence of an operating NHS INWO reinforces the value of such systems, and that the principle be applied to other domains.

We would highlight the Ombudsman's observation that

“... there remains difficulties when whistleblowing is around the actions of senior staff”.

This accords with our knowledge and with the experience of victims supporting petition PE1979. We also very much agree with the SPSO's statement that

“... fragmentation of investigation systems can lead to the real risk of significant issues being lost in the gaps”.

This fragmentation is evident in cases that petitioners are aware of and is reflected again most recently in submission PE1979/Z.

The Ombudsman also highlights a significant gap in legislation in that they lack the powers to undertake investigations under their own initiative.

Petitioners welcome the second submission from the CYPCS. The CYPCS advises that an INWO is one that could not be fulfilled by their office. Petitioners recognise and understand the Commissioner's reservations regarding such an option. We are appreciative that their view continues to be that the INWO proposed would merit further exploration.

Petitioners, from the outset, have held the views which accord with those expressed by both the CYPCS and SPSO regarding the challenges and complexities, legal or otherwise, in establishing an INWO. Such a system would undoubtedly require careful consideration and design. Whilst we continue to highlight the urgency of investigating the unresolved allegations which impact current child protection confidence, we share the SPSO's caution about rushing into a specific delivery system for an INWO. We also feel strongly that those with lived experience of these issues be very much part of designing the INWO.

We believe that in rising to these challenges Scotland can counter the evident systemic imbalances and ensure that **child protection, safeguarding and whistleblowing investigations** are sufficiently thorough, independent, and robust. This would be a real and major contribution to our country's obligations when the UNCRC Act and children's rights become law in July this year.

## **Petitioners written submission, 11 November 2024**

### **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**

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.

## **Minister for Children, Young People and The Promise written submission, 12 December 2024**

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

Thank you for your email 15 November requesting an update on the outcome of my meeting with PE1979 petitioners on 4 December.

I was keen to meet with petitioners and found the meeting to be very helpful. We discussed the three requests they have made in this petition: for there to be an independent investigation into allegations relating to child abuse; to address gaps in the Scottish Child Abuse Inquiry; and to establish an independent national whistleblowing officer for children's services.

During the meeting I heard a lot from the petitioners about the reasoning behind the petition, the petitioners' individual experiences, as well as their concerns about specific public bodies.

Both petitioners and I noted the range of work the Scottish Government is carrying out with partners to both prevent abuse and intervene early to ensure that risk and harm to children and young people is recognised and acted on quickly and effectively.

As stated previously, we will not be widening the Scottish Child Abuse Inquiry (SCAI) as this would delay the publication of findings and recommendations. This 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.

As the Committee is aware, any inquiry is extremely resource intensive. The Scottish Government, along with government and public sector bodies across the UK, currently faces an incredibly challenging fiscal environment. This means I must sometimes make difficult decisions to ensure our resources are used efficiently and effectively. SCAI is already undertaking an extensive review of child protection policy and practice in Scotland and will report with recommendations for further development in due course. However, evidence from Inquiry hearings and reports are already being considered as part of ongoing improvement work. We have also considered learning from the Independent Inquiry into Child Sexual Abuse in England and Wales.



There is therefore a strong evidence base being built for pursuing any changes and improvements to our system in future. In the meantime, it is crucial to focus efforts and resource on working with partners across the system to support embedding and implementation of the National Child Protection Guidance.

On the request to establish an independent national whistleblowing officer for children's services, we had a really helpful discussion. I noted there are already a set of bodies and processes in place (such as the Care Inspectorate or the Scottish Public Services Ombudsman) in Scotland to provide independent inspections and investigations into specific incidents.

National Child Protection Guidance states Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. The Guidance states they must account for the effectiveness of their child protection responses, including investigating and resolving individual cases. To support this, all of these bodies have robust complaints procedures in place. If individuals are unhappy with how their complaint has been handled there are other robust processes to progress this including through the Police Investigations and Review Commissioner or the Scottish Public Services Ombudsman. These are independent of the services they investigate and provide a final decision for complaints.

However, I noted that I would like to explore further how to best support more robust and consistent investigations of specific cases across the country. Child Protection officials have recently re-engaged with Association of Directors of Education in Scotland representatives about the issue of how safeguarding concerns that arise in the education space are investigated at local level. We understand that HR, whistleblowing and investigation arrangements are different in different local areas. We are therefore doing work to engage with relevant stakeholders to discuss these issues and gather views about how to address any gaps and create more consistency across the system.

The Scottish Government has also recently set up a National Public Protection Leadership Group (NPPLG). The NPPLG brings together public protection experts to discuss ways public protection processes in Scotland can and should improve, this includes consistency of local handling of cases.

I noted the Petitioners' clear concerns about the operation of bodies like GTCS and SPSO and that concerns about their handling of safeguarding-related cases have, and continue to be, raised in Parliament and elsewhere. I therefore undertook to take away these points and look into these further.

These are complex topics and engagement on them will require some time, and I undertook to keep petitioners updated on this work.

I trust this provides you with the information required to further consider this petition.

Yours sincerely,

**Natalie Don-Innes MSP**  
**Minister for Children, Young People and The Promise**

## **Petitioners written submission, 9 January 2025**

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

This submission responds to the Scottish Government's submission of 12th December and their key points, as paraphrased below.

#### **The Scottish Government has already actioned child protection improvement work**

Petitioners acknowledge the ongoing work to keep children safe, especially by the many dedicated frontline professionals, but we do not share the Minister's level of confidence about current safeguarding practice and the impact of improvements.

Petitioners welcome any action that strengthens the protection of children and young people. However, we feel that the Scottish Government's responses and those of other public bodies, continue to be defensive and fail to address some fundamental points.

This particularly includes the importance of independently investigating unresolved allegations of mishandled child abuse and child protection concerns. Our question remains:

How can we be confident about the safeguarding of children whilst there is still doubt about historic and current abuse and the personnel, networks, and systems that may still be in place?

This is vital where allegations have relevance to serious and organised abuse.

#### **The Scottish Government will not widen the Scottish Child Abuse Inquiry**

It appears that the Scottish Government continues to misunderstand the petition in relation to the Scottish Child Abuse Inquiry.

It has been stated on many occasions that the call is not to widen the current Inquiry. Nor would petitioners support any delay for care experienced survivors. We are acutely aware of the scale of allegations relating to children in care, especially secure care, and their long wait for any justice and accountability.

Instead, petitioners call for child abuse allegations beyond the Inquiry's terms and references to be distinctly investigated – including educational settings and wider children's regulated activities. We have though supported closing gaps, such as Fornethy House and Edinburgh Academy, and recognise the greater scrutiny required for Celtic Boys Club as well as the need to examine past prosecution policy changes and their impact on safeguarding.

#### **There's no public money to fund an Inquiry**

Petitioners acknowledge the current financial climate but believe that money should never come before the protection of children. Importantly, the UNCRC is now Scots law, and the Government must do everything it can to ensure children are protected.

Petitioners have long raised the cost of child safeguarding failures and crucially, the human cost of lost childhoods and the impact of lifelong trauma.

Enormous amounts of public body money have been spent on safeguarding failures. This includes the costs associated with public inquiries, legal expenditure, employment tribunals, police investigations, courts and prosecution services, victim support and recovery treatments, redress schemes and compensation claims.

As one example, the Scottish Child Abuse Inquiry has to date cost £85million. The accompanying redress scheme has settled on just 40% of claims. That's a staggering £100 million. Over 2,000 survivors applied for redress and tragically, there have been many who didn't make it this far. The overall impact is likely to be well over £300 million.

PE1979 calls for an independent investigation, but not more of the same, and what feels increasingly like profitable and lengthy child abuse businesses which result in little justice and accountability for all survivors.

Rather, survivors and whistleblowers should be supported to lead in exploring alternatives that better guarantee a robust and independent investigation of the wider allegations. Importantly, this includes shaping terms and references to ensure scrutiny across cases, connections, personnel and knowledge, and an investigation not limited to history or any one institution, population, or area. Fundamentally, allegations with relevance to child sexual exploitation and trafficking should be included.

### **Current inquiries provide a sufficient evidence base to inform improvement work**

As above, the current Inquiry is limited to historic in-care abuse, and it has taken the efforts of campaigners to highlight gaps. Petitioners also share the concerns of others about the omission of child trafficking and potential conflicts of interest that may influence findings.

The evidential base for safeguarding improvements has therefore been constricted. Petitioners and whistleblowers believe that a wider independent investigation will best identify the true scale of child abuse in Scotland and, alongside the collection of richer data, will more robustly inform future child protection policy and keep children safe.

However, whilst stressing the vital role of investigation, petitioners support stronger implementation work. We would particularly highlight the 2022 recommendations of the Independent Inquiry into Child Sexual Abuse in England and Wales and ask what learning the Scottish Government has already actioned in Scotland?

In terms of the national child protection guidance, we would highlight that it is 'guidance' based on what is currently known.

**There is no need for an independent national whistleblowing officer for education and children’s services given the set of bodies and processes already in place**

In simply listing the bodies and processes in place, we feel the Scottish Government continues to defend a system that is not working for all survivors, whistleblowers, and those raising child protection concerns.

[Petitioners referenced the existing issues in their submission of November 2024.](#)

This includes complex and lengthy complaints procedures that feel stacked against the complainant; power imbalances; public bodies (often the employer of the alleged perpetrator/s) and those with oversight, marking their own homework; an over-reliance on partner information within multi-agency work (particularly where there are connections); a lack of robust and independent investigation; and systematic gaps.

Petitioners also commented on the Review of Scotland’s Commissioner landscape. In particular, the loss of public trust in the wider governance system that may explain the increased demand for the independent scrutiny of commissioners but also, their lack of legislative powers to enforce any findings.

**Exploring support for more robust and consistent investigations**

We are thankful that the Minister acknowledges the need for more robust and consistent investigation of child protection allegations. However, whilst we welcome improvement work involving the Association of Education Directors and public protection leads, we consider that the level of allegations about child abuse cover ups will be best addressed through independent scrutiny and the establishment of a national whistleblowing office.

Petitioners urge the Committee to support the petition at their meeting on 5th February.