

# Clare Chalmers submission of 7 January 2023

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

I write in favour of the above mentioned petition.

I am a mother, and I am a member of many parenting groups across social media. I joined these support groups as a result of the Named Person scheme, which as you are aware was embedded into practice in 2013 and resulted in many historic cases of wellbeing abuse based on gossip, interference in private family life, and unlawful data sharing, which in some cases continues to this day.

Bad practice has continued, across almost all local authorities. In my experience of monitoring different groups, it appears especially to act against the Home Education sector and, particularly, children with additional support needs, which appears to be a postcode lottery for required help and there is often no accountability for harm caused. I have been shocked to read almost weekly parents being abused by the system in some way or other and while I cannot cite every example, I believe you have been made aware of many cases by the organisations involved.

I will share one personal case:

My family member has suffered as a result of Getting It Right For Every Child (GiRFEC). They put up a post on a **private** Facebook page to show a picture of their autistic child who had joined a modelling agency, the idea was to boost their child's confidence by having lots of beautiful photos taken and it was something their child really wanted to try. The comments on the Facebook page from other parents were lovely and the child was delighted. It went no further as far as modelling work was concerned. They were just professional photos for the child to keep and appreciate.

Soon after, the parent received a letter from the school to accuse them of exploiting their child's vulnerability by making money out of a modelling career and posting the photo up across social media. The headteacher had obviously been what can only be described as stalking the family, and perhaps others, across social media. Naturally, the headteacher had no right to do so. My relative followed up with a complaint back to the school and on that occasion the matter was quickly dropped, although there are other examples of bad practice that followed.

Many parents do not know how to fight back against this kind of behaviour and when they do so, by taking out Subject Access Requests or complaining, they come up against a system that will do anything to protect itself. Wagons are tightly circled. I am sure you are aware that only in cases where there have been several GiRFEC abuses within one organisation does any exposure of bad practice ever come to light.

This is not good enough; children and families do deserve better. They deserve an independent Whistleblowing Officer - someone they can take concerns to and be listened to. Schools, and local authorities should not be allowed to investigate their own complaints. It is common sense that they will act favourably towards their own cause.

Despite the Scottish Government's refreshed GiRFEC information, practitioners in some cases remain confused as to how and when to act. The Scottish Government's own website states the threshold for intervention as 'Risk of Harm' when it should read 'Risk of significant Harm'. Wording is important and this should be corrected.

I copied the following from an organisation set up called GiRFEC Abuse. It is sad that parents felt the need to set up such a group and I hope the Scottish Government will act to address the concerns raised by this latest petition.

This was in relation to a previous petition [PE1692](#) which was recently closed by the Education, Children and Young People Committee.

*"In 2016, the Supreme Court reaffirmed the established threshold for interference with Convention rights, rendering parents' and young people's engagement with GIRFEC - including the named person, child's plan and information sharing aspects - a voluntary, consent-based arrangement in the absence of substantiated risk of significant harm or other legal necessity.*

*However, owing to the premature implementation of provisions within the 2014 Children and Young People Act that never came into force, children's and families' personal data had already been routinely collected and shared from early 2013 on the basis of flawed ICO advice. This had also resulted in complaints being rejected and becoming time-barred due to the delay in concluding the judicial review.*

*The petition is therefore as much concerned with the historical abuses facilitated by GIRFEC as with the government's proposed actions to 'put it right' going forward. The fact remains that both confidential data and subjective opinions of children's and families' compliance (or otherwise) with state-approved 'wellbeing' pathways and outcomes have been recorded and shared between myriad agencies with no lawful basis."*  
[\(Extract of submission by Alison Preuss to Education & Skills Committee\)](#)

We have noted recent similarly related petitions [PE1548](#) and [PE1927](#) being closed.