

Petitioner submission of 11 January 2023

PE1979/I - 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 root of the victim's or whistleblower's plight is in the **power imbalance** that exists between themselves and the individuals, institution, or public body they find themselves at odds with or exploited by. Arrayed against the lone victim or whistleblower are huge obstacles. A public body's lack of openness and transparency accompanied by essentially unlimited resources to defend against whistleblowers, only compounds their plight.

To address this **systemic imbalance** and to provide victims and whistleblowers support and justice the petitioners have called for an **independent inquiry** into allegations related to child protection, abuse, safeguarding and rights that have been mishandled. We have also called for the **closure of identified gaps** in the existing SCAI and the establishment of an **independent national whistleblowing officer**.

The petitioners thank supporting submissions and those of the Minister and SPICe researchers and make the following observations.

- 1) The petitioners are calling for a **distinct public inquiry** into unresolved cases as alleged by whistleblowers and survivors. These include serious allegations relating to child abuse and child protection failures. Such a distinct inquiry therefore will not impact on the current inquiry's timescales.
- 2) Ministerial comments on the SCAI and IICSA relate to improving systems. Whilst welcome, we seek a distinct inquiry into **wider allegations** made. Whistleblowers have expressed concerns about unresolved child protection issues ranging from **malpractice to allegations relating to organised criminal child exploitation and trafficking**.
- 3) The Minister commends the **National Child Protection Guidance**. However, as both the petitioners and the Minister observe these are non-statutory.

The **lived experience** of whistleblowers sadly contrasts with the laudable aims of these guidelines. Using the experience of Edinburgh Council whistleblowers as an example. Whistleblowers experienced and observed a lack of support, managers not adhering to policies and procedures, apparent breaches of PIDA legislation, perpetrators of malpractice or cover up seemingly protected and supported, seemingly no consequence for their behaviour and actions. Whistleblowers found themselves ignored, ostracised, targeted, smeared and victimised. Some resigned their posts because of stress, some were subsequently declared surplus. Some felt pressured into signing NDA's.

The thematic **Tanner 2 Inquiry** highlighted just over one-tenth of whistleblowers responding were satisfied with the outcome. Shockingly, a third felt they suffered negative consequences. This thematic inquiry concluded that in Edinburgh “... *there is not a universally positive, open, safe and supporting whistleblowing and organisational culture*”. This culture developed despite the existence of National Guidelines.

Petitioners believe the National Guidelines are confusing, complexed, and somewhat contradictory. This impression was reinforced by a **BBC Dispatches** investigation into child abuse only last year. It reported the NSPCC as saying “... *a lack of communication and co-ordination between agencies remains a major problem in child abuse cases*”.

The CYPCS Annual Report^{1 2} cited cases related to failures in child protection and safeguarding by public bodies and has called for the national guidance to be reviewed. The petitioners recommend the committee takes evidence from the CYPCS.

- 4) SPICe briefing refers to **protected disclosures** legislation³. This only provides redress after the event and does not provide support and protection during the whistleblowing process.

¹ Published October after PE1979 initial submission.

² <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2022/10/CYPCS-AR-2022.pdf> .

³ Employment Rights Act 1996.

- 5) SPICe briefing observes that the petition does not set out examples. We have declined to do this here in order to protect whistleblowers and victims.

The briefing refers to the **Tanner 1 Inquiry**. Whistleblowers have expressed strong disquiet with the report's findings and dismay that the associated police investigation was closed on the death of the Senior Manager involved.

In addition to calling for a distinct inquiry into wider child abuse and safeguarding allegations, petitioners call for the **gaps in the extant SCAI** to be closed. The original PE535 petitioners specifically called for a picture of causes "*including antecedents, circumstances, factors and context of such abuse*" be established. This is reflected in the inquiry's terms of reference which include to "... consider the extent to which institutions and bodies with legal responsibility failed in their duty of care" and to "... consider the extent to which failures by state or non-state institutions (including the courts) to protect children". The terms also emphasise the importance of examining practice and policy. It has been publicly alleged⁴ that specific historic allegations relating to child trafficking in care settings have been ignored by the current SCAI. Indeed, it is alleged that **adjustments in public policy** related to prosecutions **specifically facilitated child trafficking** in relation to children in care settings. It would not only be tragic but erroneous for these not to be investigated by the SCAI given its clear remit.

Lastly, the petitioners call for the establishment of an **independent national whistleblowing officer**. This should have the necessary statutory investigative powers to engage with public and non-public bodies in order to explore whistleblower allegations and to provide support and protection to both whistleblowers and victims.

⁴ Scottish Daily Express 28th December 2022