

Helen Cadden submission of 3 February 2023

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

I am writing to express my support for this petition in relation to the issues faced by those affected by safeguarding in Scotland and the vastly overdue need for an independent inquiry into all aspects of safeguarding, and the creation of an independent whistleblowing "champion"/ system for all aspects of children's services across Scotland.

Having been a member of the Children's Hearing System for 19 years, both as a Panel Member and then also involved in the training of Panel Members for 17 years, I have seen the rights of children, and their families, become more and more eroded. Since Children's Hearings Scotland (CHS) replaced the earlier Children's Hearings System/Panel, things have deteriorated sharply. There is NO accountability within CHS, and it is impossible for concerns to be raised, both by families or by Children's Panel members. The SPSO is unable to consider complaints in relation to CHS as there is very little jurisdiction over CHS (CHS is not mentioned in the Act covering the SPSO). Indeed, the SPSO referred to CHS as "an anomaly" and that there is no scope to consider concerns raised by Panel Members as they are "employees but not employees".

There have been numerous cases where Panel Members have found that CHS has raised "complaints" against them, usually after the Panel Member concerned has raised concerns about the practices within CHS that have directly impacted on children's and families' rights. The Panel Members, like the families, who have raised concerns have then experienced a playback response from CHS which has repeatedly tried to discredit the person raising concerns. It can be demonstrated that CHS has repeatedly lied to MSPs and Ministers, giving false assurance that concerns have been addressed and new policies put in place, only for it to be clear that these same policies are in use to this day. This is

despite concerns being raised by 11 MSPs and MPs since 2018, plus a Peer who is an expert on Human Rights. Numerous legal experts have raised concerns with CHS too, including a United Nations Rapporteur on International Human Rights. CHS has categorically failed to address these concerns. In at least one case, CHS raised a complaint against 3 Panel Members but CHS cited the wrong case, child, family and Hearing, and in relation to a comment made by a third party AFTER the Hearing was finished so was beyond any jurisdiction of the Panel Members present. This had devastating consequences for those involved in that case. CHS admitted numerous failings in this case but did everything possible to cover up the errors rather than addressing them. No steps were taken to address the consequences for the child and family affected. False allegations were then raised with the Lord President of the Court of Session in order to remove the Panel Members who could not accept the false complaints made by CHS, as legal advice had been clear that to do so would result in the Panel Member committing perjury.

CHS is a national scandal.

This reflects the wider national scandal in relation to all aspects of safeguarding children's rights across Scotland. Children and families who have dared to speak up have faced an impenetrable wall of abuse and campaigns of being discredited by the very public bodies that are meant to be there to protect them.

A whistleblowing officer/system is desperately needed. This needs to have proper support and powers to drive the change needed within these public bodies which have been ignoring the legal requirements upon them for many years. A wealth of evidence in numerous cases to support this submission can be provided. It is very evident that these public bodies cannot oversee themselves, nor manage complaints internally, and that these must be addressed independently outwith these public bodies.

These changes are needed right across all parts of the child's journey, from local authorities, education, social work, CHS, Children's Services, General Teaching Council Scotland, and the Scottish Child Abuse inquiry to name but a few.

It is hoped that this petition will be given proper, open, and transparent consideration.