

COSLA submission of 24 May 2023

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

COSLA is the voice of Local Government in Scotland. We are a cross-party organisation which champions councils' vital work to secure the resources and powers they need. We work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation. We welcome the opportunity to respond to this petition.

Local Government is committed to supporting and protecting the rights, wellbeing and safety of all children and young people and recognises the crucial importance of the issues raised within this petition. Local authorities treat all matters and concerns relating to child protection, safeguarding and children's rights with the utmost seriousness.

Local authorities take their duties in relation to the care and protection of children extremely seriously, and work to ensure that policy and practice across children's services, including education services, is compliant with the relevant legislation and guidance, including ensuring the [National Guidance for Child Protection in Scotland](#) is fully implemented. Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. The Chief Constable and the Chief Executives of health boards and of local authorities are referred to as Chief Officers, and are members of Chief Officer's Groups, responsible for ensuring that their agency, individually and collectively, works to protect children and young people as effectively as possible. Local Child Protection Committees (CPCs) are the key local bodies for developing, implementing and improving child protection strategy across and between agencies, bodies and the local community. Local authority services such as education and social work are key members of CPCs.

Getting It Right for Every Child (GIRFEC) provides a consistent framework and shared language for promoting, supporting, and

safeguarding the wellbeing of children and young people. GIRFEC is embedded across Scotland's local authorities and Children's Services Planning Partnerships, shaping systems and practice for the benefit of babies, infants, children, young people and their families.

Local Government supports the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, sharing the vision of a Scotland where children's human rights are embedded and upheld across all aspects of society and public services, including children's services. Local authorities continue to work to ensure that policy and practice across service areas aligns with the requirements of the Convention.

Local authorities take all allegations relating to child protection, safeguarding and children's rights matters extremely seriously, working to ensure that concerns and complaints are responded to promptly and investigated appropriately and diligently, with the welfare of the child being of paramount concern. Where allegations of this nature are raised in relation to a professional or worker who is in the employment of the local authority, a number of agencies (i.e. the local authority, General Teaching Council for Scotland, Scottish Social Services Council, Police Scotland, Disclosure Scotland) can have a role to play in the response. There can be additional complexity involved in handling complaints where several agencies are operating with differing but related, and sometimes overlapping, roles and responsibilities, and differing reporting arrangements. Councils are committed to co-operating effectively with the relevant organisations to ensure allegations are handled appropriately, and work to ensure that the appropriate referrals are made, and information is shared with the relevant bodies at the appropriate time, in line with the requirements and circumstances of each particular case.

In such cases, where police, health or social work receive information that that a child may have been abused or neglected and/or is suffering or is likely to suffer significant harm, an inter-agency referral discussion (IRD) must take place to co-ordinate decision-making about such investigation and action as may be needed to ensure the safety of children involved. Through this process and under the National Child Protection Guidance, local authority social work works collaboratively with Police Scotland colleagues as part of child protection investigations, in order to assess risk and put in place a Plan to support and protect a

child if needed. As part of the upcoming update to the National Child Protection Guidance, we understand that the intention is that sections relating to a person in a position of trust, and whistleblowing, will be added to strengthen the guidance available.

A number of local authorities have given evidence at the Scottish Child Abuse Inquiry, which is investigating the historical abuse of children in care in Scotland. In the process of giving evidence, including through written submissions, oral evidence and opening and closing statements, many local authorities have taken the opportunity to include acknowledgement and acceptance of historical failings and abuse, and to issue apologies to survivors.

Local Government is a contributor to the Historical Child Abuse Redress Scheme. As such, a letter of acknowledgement was submitted by COSLA's Resources Spokesperson on behalf of all Scottish local authorities. This [letter](#) confirms Local Government's commitment to providing redress to survivors, collective acknowledgement of and commitment to address the wrongs of the past, and commitment to provide financial as well as non-financial redress, including acknowledgement, apology, and therapeutic support for survivors.

I hope that this information is helpful to the Committee in their consideration of this petition.