

Petitioner submission of 15 September 2023

PE1979/W: 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 EIS and COSLA for their submissions.

We also thank the [anonymous submission of 14th April](#). That submission provided yet another troubling account of the lived experience of a whistleblower. It strongly contrasts with the governmental, institutional and agency perspectives submitted to the Petitions Committee. This anonymous submission provides a deeply disturbing testimony summarising the mismanagement of high-risk sex and violent offenders and catalogues chronic systemic failings in risk management.

The petitioners would make the observations below with respect to the [EIS](#) and [COSLA](#) submissions.

As with other institutional and agency responses both the EIS and COSLA commend the national guidance and existing structures with respect to safeguarding. Neither submission appear to recognise or acknowledge gaps or failings in these arrangements. This is despite well publicised cases in and around Scotland¹. This assured position would also seem to be contrary to a recent letter from the First Minister to petitioners, which highlights the ongoing improvement work needed in relation to child protection measures.

The EIS submission refers to the role of the GTCS and states through its Fitness to Teach process “...*anyone can raise concerns about a teachers conduct*”. However, the GTCS have stated² “...*many issues regarding teachers are more appropriately investigated by the employer*”. Furthermore, the Fitness to Teach ‘Threshold’ Policy of GTCS is set up such that they only accept referrals from the employer,

¹ Examples include that of Edinburgh’s Secure Unit, Special School and the predatory and abusive behaviour of a Senior Social Work Manager. All of which were the subject of whistleblowing disclosures.

² FOI Response from GTCS 2021

thereby filtering out referrals from anyone else, regardless of their severity.

The GTCS have further stated “...it would be disproportionate for GTC Scotland to investigate every referral” and that “... where the concerns are more serious, the GTC Scotland expects a referral from the employer”. The extent of non-referrals is documented in a series of GTCS FOI responses which the Petitions Committee may wish to access.

The EIS acknowledges the need for redress and refers to complaints procedures, referrals to the SPSO and whistleblowing policies.

This perhaps reflects a misapprehension as to what is being called for in our petition. Whilst redress is undoubtedly important to survivors, petitioners would observe that it does not address unresolved or yet unheard allegations of abuse. We would, therefore, highlight that we are calling for a distinct investigation of unresolved whistleblowing allegations and for the gaps in the Scottish Child Abuse Inquiry to be distinctly addressed. The latter will give confidence to any survivors who fall within that gap, knowing their voices will be heard. It is only then that we can be certain about the full truth of child abuse in Scotland and have any assurance about the current and future operation of child protection systems.

Further, the EIS states with respect to whistleblowing policies “*the law protects workers in public bodies*”. This directly conflicts with the thematic Tanner inquiry which concluded that in Edinburgh Council “.... *there is not a universally positive, open, safe and supporting whistleblowing and organisational culture*”. This is despite a whistleblowing system being in place and despite the existence of national guidelines.

The Tanner Inquiry highlighted just over one-tenth of whistleblowers³ responding were satisfied with the outcome. Shockingly, a third felt they suffered negative consequences. Petitioners observe the EIS perspective does not reflect the lived experience of many whistleblowers. Petitioners and whistleblowers have also from the outset highlighted the importance of independent scrutiny and investigation, for

³ The thematic Tanner Inquiry noted that since the introduction of the Whistleblowing System in 2014 that up to June 2021 there had been 137 disclosures of which 22 had been designated as major.

both the distinct investigation, and a national whistleblowing officer for children's services and their public partners.

In concluding the EIS suggest that rather than devoting resources to the launch of an inquiry or the creation of a whistleblowing service, funding could be allocated to support greater multi-agency co-operation.

Petitioners would agree that the EIS suggestions would be of benefit. However, we don't believe this is an 'either or situation' and observe that enormous resources and funds are committed by public bodies to address institutional failings including the redress schemes referred to by the EIS, Public Inquiries, Employment Tribunals, Compensation claims (outside of specific redress schemes), Police Investigations, Legal costs. And of course, this doesn't take account of the human cost of safeguarding failings and the lifelong consequences and financial impacts that victims and whistleblowers are confronted with.

In concluding, Petitioners note that neither the EIS or COSLA make any proposal or suggestions regards to what should happen with respect to unsolved allegations related to child protection and safeguarding. Indeed, it is somewhat disconcerting that the EIS suggest that no resources be devoted to such investigations.

Lastly, to reiterate the earlier point made neither the EIS or COSLA appear to recognise or acknowledge any gaps or failings in the current arrangements despite well publicised cases or whistleblowing disclosures.