

Petitioners submission of 5 March 2024

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

Petitioners have given further thought to the questions posed by members in relation to the setting up of an Independent National Whistleblowing Office (INWO).

As previously advised the INWO should have investigative powers. It should be accessible to service users, members of the public and employees of public bodies to raise concerns about alleged safeguarding failures. This very much includes those whose cases are yet unresolved and who have already alleged abuse and mishandled child protection. It should be completely independent and responsible for implementing its legislative remit. It should report directly to Parliament. It should not be under the direction or supervision of Ministers.

The suggestion that the Children and Young People's Commissioner (CYPC) take on this function is worth a level of consideration. However, care would be necessary to ensure the function of an INWO does not detract or otherwise impact from the CYPC's existing responsibilities (including the work around implementing children's rights into Scots law). Neither should the independence of the INWO, as summarised above, be at all diminished. The CYPC option should be explored alongside a standalone INWO.

Regardless of what option is decided upon the function of INWO would require the necessary resources, finances, capabilities, and operational independence to effectively operate. This would be a significant commitment.

We would also suggest a People's Panel form part of the INWO process, particularly those with lived experience of the issues.

As highlighted during the round table discussion there is a preventive element that early interventions provide. The existence of an INWO would also help change individual and institutional behaviours.

The tragic human costs are incalculable. However, in considering the commitment of establishing an INWO the financial cost of existing systematic failures should be taken account of. Public bodies have expended enormous resources and funds as a consequence of safeguarding failures. This includes the costs associated with public inquiries, legal expenditure, employment tribunals, police investigations, courts and prosecution services, victim support and recovery treatments, redress schemes and compensation claims.

Petition Committee Members highlighted the issues associated with accountabilities and the potential strains that might arise. This would be addressed by giving the INWO enforcement powers in addition to their investigative powers. This could include the issue of Improvement and Prohibition Notices. Legislative powers would allow the INWO to raise proceedings and apply sanctions when enforcement notices are ignored and in the case of illegality make recommendations for prosecution.

In concluding we would emphasise again the importance of an independent national whistleblowing office, ensuring that neither local nor national bodies are 'marking their own homework' as cited at Committee. We would also again highlight the link between an independent investigation and reassurance about current child protection, the people, and systems in place.