

Anonymous submission of 23 February 2024

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

On the 21 December 2021, Oliver Mundell MSP lodged the following parliamentary question, [S6W-05204](#) – “*To ask the Scottish Government, in light of reports that there have been around 200 cases referred to the General Teaching Council for Scotland in the last three years that were concluded as "closed after initial consideration", whether it is confident that there are no safeguarding or child protection matters included as part of those cases*”.

The next day, i.e., the 22 December 2021 at 11.40 the Scottish Government sent an email to the GTCS which was responded to 4 hours and 57 minutes later by Dr Pauline Stephen’s the GTCS’s Chief Executive. [In her response](#) she stated the following –

“We have reviewed the member of the public referrals made to us since 2019 that have resulted in no further action being taken. The vast majority of those have come from parents who have direct contact with the school and can readily raise their concerns with a teacher’s employer. We rarely receive referrals from children or young people or other members of the public. Having reviewed the member of the public referrals since 2019 which were not investigated, we are content with the decision making but this process of evaluation has identified some areas where we think we can make some improvement”.

“It is right that GTC Scotland does not investigate all instances where a teacher’s conduct has been called into question in order to ensure that our work is targeted and proportionate. However, whilst the current wording of the Threshold Policy does not prevent this, we have reflected that it may be appropriate to amend the Policy to make it clear that we should open investigations where there are allegations of significant harm to a child or young person regardless of whether or not the employer is aware. We will consider this further and put any

amendments to the committee that oversee the fitness to teach work of GTC Scotland”.

I am concerned that Dr Stephen’s response to this parliamentary question may be misleading on the following grounds –

- (1) Post Dr Stephen’s response the GTCS did not open up an investigation into referrals I made which involved allegations that my daughter’s health, wellbeing and education had been significantly impacted / harmed by teacher conduct.
- (2) The GTCS in an [FOI response](#) confirmed that out of 66 public referrals that alleged harm to a child made in 2022/23 that 23 of these have resulted in an investigation
- (3) Struggling to understand how Dr Stephen could have provided such a comprehensive response in 4 hours and 57 minutes. I [submitted an FOI to the GTCS](#) to obtain a copy of all information held by the GTCS in relation to the review and the identified areas of improvements to be told that it held nothing on this.

This is important because beyond the employer and the police it transpires that it’s only the GTCS who can investigate teachers alleged to be involved with safeguarding issues / failures -

- (1) The SPSO under its own legislation is forbidden from investigating the conduct of teachers
- (2) The Scottish Government and Education Scotland is prevented through legislation from getting involved in individual cases.
- (3) The Health & Safety Executive (HSE) won’t intervene because it insists that Education Scotland should investigate health & safety failings referred to them. Education Scotland refuses to accept HSE’s position on this meaning that school related health & safety issues are not being investigated by either party.

I alleged that teachers altered multiple school records, altered a risk assessment leading to foreseen harm and knowingly let my daughter’s new school rely on inaccurate information to support my child in her moment of need making matters worse. I know this because I took the council to court to prove it by obtaining the audit history of who recorded what and when¹.

¹ BBC News article ‘Council pays damages over bullying records row’ <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-66947706>

Armed with evidence obtained via the courts I submitted a referral to the GTCS in May 2023. They dismissed it as being frivolous forcing me to resubmit but prior to doing so they put up additional barriers before I could. I resubmitted in October 2023 to be told that this was not conduct they could investigate and that this should be dealt with by the employer whom they knew would not so. I have no doubt that the GTCS knows that my allegations are true, and they are protecting themselves and the profession from this being exposed to the public.

This submission is another example of why an independent whistleblowing capability is required in Scotland today. The public and others need such a capability as, in my view, the councils, the GTCS nor the Government can currently be trusted on this.