

PE1979/DD: 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 written submission, 2 May 2024

The petitioners thank the Minister, the SPSO, and CYPCS for their recent submissions. We also thank the author of submission PE1979/Z. The petitioners would make the following observations in response.

Both the SPSO and CYPCS make several welcome and incisive observations, some of which we make specific comments on below. We would commend their advice to the committee.

Petitioners are encouraged by SPSO's recognition of the concerns of victims with the Ombudsman's stating

“...it is difficult to hear the concerns of the petitioners and the evidence being shared with the Scottish Child Abuse Inquiry, without having considerable understanding and recognition of the call to make improvements”.

In responding to the Minister's submission, the petitioners feel compelled to record their disappointment with the Minister's response, in that it reflects several previous institutional replies in neither recognising or acknowledging gaps or failings in the current arrangements. We would point the Minister to supporting victim submissions and the failings highlighted in our evidence to the Committee earlier in the year.

We do however welcome the Minister's commitment to meet with petitioners and can confirm as previously advised to the committee that it's not our expectation that the Minister investigates individual cases¹.

The Minister asserts that

“... all of these bodies have robust complaints procedures in place”.

This is contrary to victim submissions in support of petition PE1979 and conflicts directly with the conclusions of the thematic Tanner Inquiry which concluded that in Scotland's capital

“... there is not a universally positive, open, safe, and supporting whistleblowing and organisational culture”.

The petitioners would pose the open question as to what empirical evidence exists to support the assertion that current systems are robust?

¹ Note that on 20th October 2023 the Minister requested that petitioners provide “further information about cases” be shared ahead of a proposed meeting with petitioners.

Petitioners welcome the constructive and thoughtful submission from the SPSO. We note the SPSO's support of an INWO within the NHS. We believe the mere existence of an operating NHS INWO reinforces the value of such systems, and that the principle be applied to other domains.

We would highlight the Ombudsman's observation that

“... there remains difficulties when whistleblowing is around the actions of senior staff”.

This accords with our knowledge and with the experience of victims supporting petition PE1979. We also very much agree with the SPSO's statement that

“... fragmentation of investigation systems can lead to the real risk of significant issues being lost in the gaps”.

This fragmentation is evident in cases that petitioners are aware of and is reflected again most recently in submission PE1979/Z.

The Ombudsman also highlights a significant gap in legislation in that they lack the powers to undertake investigations under their own initiative.

Petitioners welcome the second submission from the CYPCS. The CYPCS advises that an INWO is one that could not be fulfilled by their office. Petitioners recognise and understand the Commissioner's reservations regarding such an option. We are appreciative that their view continues to be that the INWO proposed would merit further exploration.

Petitioners, from the outset, have held the views which accord with those expressed by both the CYPCS and SPSO regarding the challenges and complexities, legal or otherwise, in establishing an INWO. Such a system would undoubtedly require careful consideration and design. Whilst we continue to highlight the urgency of investigating the unresolved allegations which impact current child protection confidence, we share the SPSO's caution about rushing into a specific delivery system for an INWO. We also feel strongly that those with lived experience of these issues be very much part of designing the INWO.

We believe that in rising to these challenges Scotland can counter the evident systemic imbalances and ensure that **child protection, safeguarding** and **whistleblowing investigations** are sufficiently thorough, independent, and robust. This would be a real and major contribution to our country's obligations when the UNCRC Act and children's rights become law in July this year.