
FINDINGS OF INDEPENDENT INQUIRY IN CONNECTION WITH THE COUNCIL'S HANDLING OF SCHOOL ASSAULT ALLEGATIONS

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

25 February 2022

1 PURPOSE AND SUMMARY

- 1.1 This report follows the appointment in June 2021 of Andrew Webster QC to carry out an independent investigation into the Council's handling of concerns raised about a former Scottish Borders Council employee who was subsequently charged with five counts of assaulting children and a further charge of abusive behaviour at a school in the Scottish Borders.**
- 1.2 On 12 February 2022, Mr Webster provided the Chief Executive with his completed investigative report ("the Inquiry Report").
- 1.3 On 17 February 2022, Mr Webster presented to Council his findings and Members approved the publication of the Inquiry Report.
- 1.4 This covering report invites Members to accept the recommendations made by Mr Webster and proposes the preparation of an action plan to address the matters contained within those recommendations.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees:-

- (a) to accept the recommendations contained within the Inquiry Report, as detailed in section six thereof ("the Inquiry Recommendations"); and**
- (b) to note the Chief Executive's intention to prepare a proposed plan of actions aimed at addressing the Inquiry Recommendations and that this plan will be considered at a meeting of Council to be held on 10 March 2022.**

3 BACKGROUND

- 3.1 On 17 June 2021 Council noted the appointment of an independent investigator to consider the handling of concerns raised about an individual who was convicted of assaulting children at a school in the Borders, whilst in the employment of the Council.
- 3.2 As noted in June 2021, the purpose of the inquiry was to identify any errors or omissions in the actions previously taken by the Council, so that suitable learning can be put in place and changes made to our systems, processes and policies as required.
- 3.3 On 12 February 2022, Andrew Webster QC, the independent investigator appointed to carry out this inquiry, issued to the Chief Executive his written Inquiry Report. A copy of the Inquiry Report was then provided to Members, who, at a private meeting of Council on 17 February 2022, heard from Mr Webster as to the approach of the inquiry and its findings.
- 3.4 At the meeting on 17 February 2022, Council approved the publication of the Inquiry Report, as part of the papers for this Council meeting. The Inquiry Report is attached at Appendix 1.

4 THE INQUIRY REPORT

- 4.1 As previously reported, Mr Webster, in carrying out his inquiry, considered:
 - the records, documents and communications held by the Council from the period 2017-2019 in relation to this matter;
 - the Council's relevant policies and guidance in place during this period, and at the present time; and
 - relevant national guidance and frameworks.

Mr Webster also interviewed 31 individuals relevant to the inquiry.

- 4.2 In accordance with the inquiry Terms of Reference, the Inquiry Report considers the extent to which the Council addressed concerns raised about the conduct of a staff member within a school, and, in doing so, sets out a timeline of events relating to these concerns. The Inquiry Report, at section 6 (beginning at page 40), then notes the deficiencies that Mr Webster has identified in the handling of the concerns, and of the Council's policy and practice. Mr Webster also provides his recommendations as to the steps that could be taken in order to minimise the risk of similar issues arising in the future.
- 4.3 It is recognised that Members may wish to explore aspects of the inquiry with Mr Webster, who has agreed to attend Council so as to respond to any questions that Members may wish to direct to him. Following that opportunity, it is anticipated that Members will wish to discuss the Inquiry Recommendations.

5 NEXT STEPS

- 5.1 It is recognised that there is considerable value in the Inquiry Report insofar as it highlights Council failings and provides an informed timeline of events. However, the full value of the inquiry can only be achieved if appropriate steps are taken to improve the Council's future handling of any such similar cases.
- 5.2 Accordingly, it is the Chief Executive's intention to prepare an action plan of steps the Council needs to take to address its previous failings, and to meet the Inquiry Recommendations. It is considered that the formation of a "Review Group" is appropriate, made up of key officers within the Council who will be tasked with implementing any actions and to provide regular updates to Members on performance. More information will be provided about this alongside the action plan, should Members accept the recommendations in this report, specifically recommendation (b) as set out above.
- 5.3 It should be noted that a number of recommendations reference multi-agency documents, such as the Scottish Borders Child Protection Policy. As such, the proposed action plan will consider how to progress such a multi-agency review, including engagement with Police Scotland and NHS Borders, who share statutory responsibility for Public Protection.
- 5.4 It is recognised that expediency is required regarding the development of an action plan for improvement. However, it should be noted that a number of the recommendations will require some careful planning in order to fully and robustly embed the changes needed. Therefore, if Members agree the recommendations in this report then the outline action plan will come forward at the next available opportunity (indicated to be 10th March). However, it is anticipated that this action plan will be added to and further developed by the Review Group, once formed, and as such Council will want regular updates to ensure work is fully progressing in due course.

6 IMPLICATIONS

- 6.1 **Financial**
In preparing the proposed action plan, an estimate of the cost to the Council of implementing the said plan will also be prepared, and provided to Council along with the action plan itself.
- 6.2 **Risk and Mitigations**
The Council has both statutory duties and common law duties of care to pupils in its schools, and to its own staff. The best way to mitigate the risk of breaching these duties, is to accept the recommendations resulting from the inquiry, so that the Council can determine how best to learn from any errors or omissions in the way the Council works.
- 6.3 **Equalities**
No adverse equality implications are anticipated as a result of the inquiry.

6.4 **Acting Sustainably**

There are no economic, social or environmental effects of carrying out the proposed inquiry.

6.5 **Carbon Management**

There will be no impact on the Council's carbon emissions from commissioning an inquiry into this matter.

6.6 **Rural Proofing**

A rural proofing check is not required for this matter.

6.7 **Changes to Scheme of Administration or Scheme of Delegation**

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 **CONSULTATION**

7.1 None

Approved by

Netta Meadows

Chief Executive

Author(s)

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Background Papers:

Previous Minute Reference: Scottish Borders Council, 17 February 2022

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