

INQUIRY ACTION PLAN

V8 - 20220310

| | Outcomes | Actions | Strategic Lead | Deadline |
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| Overarching Governance Actions | | | | |
| 1. | Scottish Borders Council can demonstrate robustness and momentum in the delivery of all actions associated with the Inquiry. | <p>a) Creation of a Review Group, whose responsibility is to lead the improvements agreed and ensure delivery. Agree the Terms of Reference for the Review Group and achieve sign off by the Portfolio Holder for Education</p> <p>b) Create a clear reporting mechanism which demonstrates progress against all actions and changes agreed by the Review Group, and achieve sign off by Executive Committee</p> | Chief Executive | May 2022 |
| 2. | <p>Effective involvement and engagement with appropriate Scottish Government agencies assures high quality and best practice.</p> <p>Open and effective communication with local partners and key stakeholders ensures collective responsibility (e.g Police, Health).</p> | <p>a) Establish and maintain lines of reporting with the Care Inspectorate and agree frequency of updates required</p> <p>b) Undertake self-assessment to identify and plan improvement for all Specialist Provisions across the Scottish Borders and work with Education Scotland to ensure robust inspection and learning to rebuild confidence across communities.</p> <p>c) Consider appropriate review opportunities for any policy or process changes throughout the entirety of this work. This could, for example, come from the Improvement Service, Education Scotland, Care Inspectorate, or from other Local Authorities.</p> | Director – Social Work & Practice | May 2022 |
| 3. | Open and effective communication with local partners and key stakeholders ensures collective responsibility (e.g Police, Health). | <p>a) Provide reporting to the Critical Services Oversight Group (CSOG) for the delivery of the Inquiry Action Plan. Initially there will be an update at each CSOG meeting.</p> <p>b) Consider the Terms of Reference for CSOG in light of the Inquiry report and its recommendations</p> <p>c) Creation of a Communications Plan that aligns to the Review Group and the work it delivers. Engagement with all stakeholders including parents and young people must be central to this.</p> <p>d) Identify and create opportunities for engagement and consultation with stakeholders, to include parents and young people, on appropriate actions.</p> <p>e) Discuss with the Trade Unions, where appropriate, regarding any changes to Disciplinary Procedures and Guidelines or other relevant matters.</p> | <p>Chief Executive</p> <p>CSOG</p> <p>Chief Executive</p> <p>Director – Education & Lifelong Learning</p> <p>Director – People, Performance & Change</p> | <p>May 2022</p> <p>August 2022</p> <p>June 2022</p> <p>Ongoing</p> <p>Ongoing</p> |

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| <p>Recommendation 1 – (6.42, Page 53) The Council reviews and improves its child protection training for staff.</p> <p>In particular, emphasis should be given to:</p> <ul style="list-style-type: none"> • understanding the rights of children to be protected from harm, • the personal obligation of staff to report concerns of harm and not to assume or trust that others have done, or will do, so, • the importance of acting upon single incidents of concern, and • the relevance of child protection procedures beyond the assessment of risk and protection against harm to identified children. <p>Further, training should be given specific to the identification of, and necessary action upon, concerns arising in the workplace.</p> | | | | |
| 4. | <p>Embedded understanding that the safety and wellbeing of children is of paramount importance and that children have the right to be protected from harm and abuse:</p> <ul style="list-style-type: none"> • Staff are able to identify Child Protection matters. • Staff demonstrate strong understanding of how and when to report Child Protection matters. • Critical Services Oversight Group (CSOG) supports SBC to have confidence that all staff across the organisation fully understand their individual responsibilities regarding Child Protection. | <p>a) Review and update training content to ensure that it meets the needs according to service, role and grade. Training content will be moderated against best practice. Content to be clear on:</p> <ul style="list-style-type: none"> • the rights of children • individual responsibility for reporting, • potential significance of single incidents of concern, and • purpose of the Child Protection procedures. • risk of harm can occur in any context <p>b) Review all delivery mechanisms for Child Protection training to ensure effectiveness. Training delivery will be moderated against best practice.</p> <p>c) Develop an assessment tool(s) to demonstrate learning.</p> <p>d) Develop a full training matrix for Child Protection, which identifies the appropriate level, content, delivery mechanism and frequency, reflecting the needs of differing staff groups. This should also include an assessment of the long term capacity required to deliver training.</p> <p>e) Ensure all relevant Council staff undertake training and monitor compliance.</p> <p>f) Put in place independent external inspection to review the effectiveness of training</p> | <p>Director – Education & Lifelong Learning as Chair of the Public Protection Committee Sub Group (Training & Delivery Development)</p> <p>Director – Education & Lifelong Learning</p> <p>Director – People, Performance & Change</p> <p>Director – Education & Lifelong Learning as Chair of the Public Protection Committee Sub Group (Training & Delivery Development)</p> <p>Review Group</p> <p>Director – Education & Lifelong Learning</p> | <p>June 2022</p> <p>July 2022</p> <p>June 2022</p> <p>July 2022</p> <p>October 2022</p> <p>December 2022 & June 2023</p> |

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| <p>Recommendation 2 - (6.47, Page 55) The Council reviews and seeks to improve the <i>Scottish Borders Child Protection Procedures</i>.</p> <p>In particular, consideration should be given to better emphasis being given to:</p> <ul style="list-style-type: none"> clarifying the broader relevance of child protection measures beyond the identification and management of future risk for identified children, and reinforcement of the core principles of individual responsibility and need to report in all situations, including where concerns of harm arise in respect of Council staff or in a workplace setting. | | | | |
| 5. | <p>Ensuring the safety and welfare of Children in the Scottish Borders:</p> <ul style="list-style-type: none"> Our Child Protection procedures expressly emphasise, or make clear, the wider significance of child protection beyond the risk of immediate harm. Our Child Protection procedures emphasise the core principles of individual responsibility. Our Child Protection procedures emphasise the individual responsibility to report. Our Child Protection procedures are clear on the appropriateness of reporting in situations of any concern. Our Child Protection procedures make clear that harm can arise in any setting, including in the workplace. Our Child Protection procedures and guidance are accessible, reviewed regularly and communicated effectively. | <p>a) Incorporate the key outcomes in this recommendation into the ongoing joint review into our Child Protection guidance and procedures, which commenced in January 2022. This will also reflect the recent changes to National guidance. (Note – joint review with other Councils; East Lothian, Midlothian, West Lothian and City of Edinburgh) Establish regular updates on the progress of this work CSOG.</p> <p>b) Ensure, through CSOG, the key outcomes in this recommendation are fully reflected in the new Procedures.</p> <p>c) Create an implementation plan for the new Procedures, to include, training, briefing sessions and communication strategy. This may be a Multi-Agency implementation plan.</p> <p>d) Conduct a review of all training content to ensure it reflects the changes to the new Procedures.</p> | <p>Director – Social Work & Practice</p> <p>Director – Social Work & Practice</p> <p>Director – Social Work & Practice</p> <p>Director – Education & Lifelong Learning as Chair of the Public Protection Committee Sub Group (Training & Delivery Development)</p> | <p>April 2022</p> <p>August 2022</p> <p>August 2022</p> <p>August 2022</p> |

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| <p>Recommendation 3 - (6.52, Page 56) The Council reviews and improves its <i>Disciplinary Procedures and Guidelines on Conducting Investigations</i>.</p> <p>In particular, there should be a clear requirement:</p> <ul style="list-style-type: none"> to refer conduct under consideration for disciplinary action (whether minor or otherwise) that relates to conduct involving children to the child protection unit by an identified officer, and to require formal consideration (a) in the course of and (b) at the end of any investigation of whether the subject of the disciplinary investigation has related to conduct involving children; and if so to require referral to the child protection unit by an identified officer. | | | | |
| 6. | <p>The organisation has robust Disciplinary Procedures and Guidelines which are fit for purpose and applied proportionately and appropriately:</p> <ul style="list-style-type: none"> Disciplinary Procedures and Guidelines work alongside alternative controls, such as referrals to the Police The Disciplinary Procedures and Guidelines act as a failsafe to ensure that all conduct involving children is referred to the Child Protection Unit (CPU). | <p>a) Undertake a review of all Disciplinary Procedures and guidance to consider the recommendations of this Inquiry.</p> <p>b) Update and extend the Procedures and Guidelines to consider the requirement for referrals to other statutory bodies.</p> <p>c) Amend the Procedures and Guidelines to include a specific direction to refer any disciplinary matters involving children to the CPU.</p> <p>d) Amend the Procedures and Guidelines to include a specific direction to consider at the outset, throughout, and at the conclusion of any disciplinary proceedings, whether any action was directed towards children, and if so to refer to the CPU.</p> <p>e) Following on from a.) – d.) above have procedures moderated by the Improvement Service</p> <p>f) Create an implementation plan for the new Procedures, to include, training, briefing sessions and communication strategy.</p> | <p>Director – People, Performance & Change</p> <p>Director – People, Performance & Change</p> <p>Director – People, Performance & Change</p> <p>Director – People, Performance & Change</p> <p>Director – People, Performance & Change</p> <p>Director – People, Performance & Change</p> | <p>April 2022</p> <p>April 2022</p> <p>April 2022</p> <p>April 2022</p> <p>June 2022</p> <p>July/ August 2022 onwards</p> |

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| Recommendation 4 – (6.54, Page 57) The Council reviews its <i>Disciplinary Procedures</i> and <i>Guidelines on Conducting Investigations</i> to provide for the appointment of investigating officers to be made in writing to the officer, with clear directions as to the allegation to be investigated and with express reference to the <i>Disciplinary Procedures</i> and the <i>Guidelines</i> . | | | | |
| 7. | To ensure that all disciplinary proceedings are carried out in a fair, open and transparent way and are effective in fulfilling their purpose: <ul style="list-style-type: none"> Investigating officers are fully aware of the remit of their role and the responsibilities that therein follow. | a) Create a template for Commissioning Managers to complete and issue to the appointed investigator. The template will contain confirmation of their appointment and written details of the allegations to be investigated. | Director – People, Performance & Change | April 2022 |
| | | b) Update the Disciplinary Procedures and Guidelines to require Commissioning Managers to provide Investigating officers with a copy of those Procedures and Guidelines, along with a copy of the completed template, prior to the commencement of any investigation. | Director – People, Performance & Change | April 2022 |

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| Recommendation 5 – (6.55, Page 57) The Council reviews its <i>Disciplinary Procedures and Guidelines on Conducting Investigations</i> to consider whether only suitably trained officers may be appointed as investigating officers. | | | | |
| 8. | Disciplinary investigations are conducted by suitably trained officers. | a) Offer a development opportunity to internal staff to undertake investigation training, to an accredited standard. | Director – People, Performance & Change | July 2022 |
| | | b) Update the Disciplinary Procedures and Guidelines to include the option of commissioning an external investigator if required. | Director – People, Performance & Change | July 2022 |
| | | c) Create guidance for the appointment of investigators to ensure the appropriate skills and background are considered depending on the nature of the allegations. | Director – People, Performance & Change | May 2022 |

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| Recommendation 6 - (6.62, Page 58) The Council reviews and improves its <i>Disciplinary Procedures</i> to provide guidance as to the seriousness of inappropriate conduct involving children when considering of what amounts to misconduct and gross misconduct. | | | | |
| 9. | Ensure all Disciplinary matters are dealt with appropriately: <ul style="list-style-type: none"> Suitable focus on the child as an individual, and taking due consideration of this when considering the severity of the allegations. | a) Update the Disciplinary Procedures and Guidelines to expressly articulate that conduct involving children can be determined as misconduct or gross misconduct. Procedures will be moderated against best practice. b) Update and disseminate information from a) above into the Council's Managing Disciplinary Cases training course. | Director – People, Performance & Change | April 2022 May 2022 |

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| <p>Recommendation 7 – (6.66, Page 59) The Council should review and improve the processes for communication with parents of children with communication challenges.</p> <p>In particular, it should:</p> <ul style="list-style-type: none"> do so in the light of the principle that the welfare of children is a paramount consideration, and consider establishing thresholds and protocols for communication where allegations of conduct of concern involving children have been made. | | | | |
| 10. | <p>Parents of children with communication challenges and staff are engaged in meaningful dialogue about their children’s welfare and learning in order to allow children to reach their full potential and ensure safeguarding:</p> <ul style="list-style-type: none"> Ensuring we have maximum opportunities for parents of children with communication challenges to have their voices heard. | <p>a) Design and undertake a Stakeholder Audit exercise to measure the extent to which the existing tools and processes enable effective communication between schools and parents.</p> <p>b) Scope a full review of all communication methods used across Scottish Borders Complex Needs Provision, following on from the analysis of the audit in a).</p> <p>c) Bring together key stakeholders (include parent representatives) to co-design future communication requirements, and disseminate information across all Complex Needs Provision.</p> <p>d) Taking account of Recommendation 8 below (actions a.- c.) consider if there are any additional or different requirements in relation to communicating with parents of children with communication challenges.</p> <p>e) Review the Partnership with Parents Framework to ensure there is appropriate representation of parents of children attending Complex Needs Provision within parent councils and region wide forums.</p> | <p>Director – Education & Lifelong Learning</p> <p>Director – Education & Lifelong Learning</p> <p>Director – Education & Lifelong Learning</p> <p>Director – Education & Lifelong Learning</p> <p>Director – Education & Lifelong Learning</p> | <p>May 2022</p> <p>June 2022</p> <p>July - September 2022</p> <p>September 2022</p> <p>July 2022</p> |

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| Recommendation 8 - (6.75, Page 62) The Council reviews its corporate position on the disclosure of information raised in disciplinary proceedings that relates to inappropriate conduct involving children in the light of the principle that the welfare of children is a paramount consideration; and provides appropriate guidance to staff in the light of that review. | | | | |
| 11. | The Council fulfils its duty of care, by ensuring any allegations or concerns regarding children are shared timeously with parents, or those who care for children. | a) Develop clear information sharing protocols for staff regarding any communications with parents concerning allegations involving their children. | Director – Education & Lifelong Learning | June 2022 |
| | | b) Obtain legal advice/advice from insurers regarding the interplay between the proposed protocol and the Councils obligations as employer in respect of: <ul style="list-style-type: none"> maintaining confidentiality ensuring fair and impartial investigations data protection implications | Chief Legal Officer | July 2022 |
| | | c) Create an implementation plan for the new protocol, to include, training, briefing sessions and communication strategy. | Director – Education & Lifelong Learning | August 2022 |

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| Recommendation 9 – (6.78, Page 63) That the Council reviews and improves the process of management decision making. In particular, it should: <ul style="list-style-type: none"> • review or establish protocols as regards the recording of internal meetings, and • review or establish protocols as regard the recording of reasons for advice tendered, or decisions taken. | | | | |
| 12. | The Council can appropriately recall and evidence documents and rationale for its decision-making in relation to HR matters and matters involving children, in order to: <ul style="list-style-type: none"> • assure an appropriate audit trail • provide opportunities for reflection • provide confidence in those decisions • assist with the reasoning process. • protect Council staff and service users • increase effectiveness of service delivery | a) Creation of a protocol that establishes all HR disciplinary related information must be held in the HR Case Management System. Implement and train managers regarding this. b) Create a process for ensuring that the rationale for Disciplinary investigation decisions is appropriately recorded in the HR Case Management system. Implement and train managers regarding this. c) Undertake a review of data retention protocols in relation to HR records whilst ensuring alignment to other policies and protocols, including ACAS guidance. d) Consider an approach to record, store and retain professional advice given between areas of the Council when relating to children or HR matters, being clear of the status of the advice e) Ensure there is a clear process where any referrals concerning a staff member to the CPU is by default copied to the HR Case Management System (failsafe measure) | Director – People, Performance & Change Director – People, Performance & Change Senior Information responsible Officer (SIRO) Senior Information responsible Officer (SIRO) Director – Social Work & Practice | July 2022 August 2022 July 2022 October 2022 May 2022 |

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| Recommendation 10 – (6.80, Page 63) The Council revisits its consideration of the need to refer LM in terms of the Protection of Vulnerable Groups (Scotland) Act 2007. | | | | |
| 13. | Council is compliant with its statutory responsibilities. | a) Establish actions undertaken in 2018/19 and conclusion reached. | Director – People, Performance & Change | April 2022 |

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| Other Recommendations | | | | |
| 14. | All additional learning and opportunities from the Inquiry Report are identified and implemented. | a) Undertake a review of staffing qualification, ratios and models across Complex & Specialist Provision. | Director – Education & Lifelong Learning | August 2022 |
| | | b) Consideration should be made as to whether any improvements to policy, processes or procedures should be mirrored to include vulnerable adults. | Chief Executive | Ongoing |
| | | c) Ensure Elected Members are sufficiently trained in matters of Child Protection. | Director – Finance & Corporate Governance | July – November 2022 |
| | | d) Undertake a review of the sufficiency of our Whistleblowing Policy. | Director – Finance & Corporate Governance | August 2022 |
| | | e) Create a cycle of continuous improvement to culture, by putting in place an Annual Employee Survey and regular engagement with staff to address areas identified for improvement. | Chief Executive | May 2022 – Ongoing |