
**REVIEW GROUP UPDATE IN CONNECTION WITH INDEPENDENT INQUIRY
ACTION PLAN**

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

23 JUNE 2022

1 PURPOSE AND SUMMARY

- 1.1 **This report provides the first update from the Inquiry Review Group which was established to progress the work identified following the independent investigation into the Council's handling of concerns raised about a former Scottish Borders Council employee.**
- 1.2 On 25 February 2022, Council accepted the recommendations contained within the Inquiry Report produced by Andrew Webster QC and tasked the Chief Executive with preparing an action plan to address the matters contained within those recommendations.
- 1.4 On 10 March 2022 Council approved the Action Plan, and the establishment of a Review Group to steer the progress of work required. It was agreed that reports regarding progress of the Action Plan would be brought to Council for consideration and, where appropriate, to seek Council approval of any actions considered by the Review Group to be complete.

2 RECOMMENDATIONS

2.1 I recommend that Council agrees:-

- (a) to record the progress of the Review Group as indicated herein;**
- (b) to approve the following actions from the Action Plan as being complete:**
- **Action 1(a): establishment of Review Group;**
 - **Action 2 (a): establishment of communication with Care Inspectorate;**
 - **Action 3 (a): Provide reporting to the Critical Services Oversight Group (CSOG) for the delivery of the Inquiry Action Plan;**

- **Action 5 (a): incorporation of Action Plan outcomes into ongoing collaborative review;**
- **Actions 6(a), (b), (c) and (d): review of the Disciplinary Procedures and Guidelines to reinforce the requirement to report to Child Protection Unit;**
- **Action 7 (a) and (b): review of the Disciplinary Procedures and Guidelines to ensure investigating officers are appropriately advised of the scope of their appointment;**
- **Action 8 (a), (b) and (c): review of practice and procedures to ensure investigations are carried out by appropriately qualified personnel;**
- **Action 13 (a), (b) and (c): revisiting the Council's actions in terms of the Vulnerable Groups (Scotland) Act 2007**
- **Action 14(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.**

3 BACKGROUND

- 3.1 On 25 February 2022, Council approved the recommendations contained within the Inquiry Report produced by Andrew Webster QC which considered 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 On 10 March 2022, Council approved the Chief Executive's Action Plan of how these recommendations would be implemented and approved the establishment of a Review Group to oversee the progress of work. It was agreed that updates regarding progress would be provided verbally at each meeting of Council, with a written update provided quarterly. In addition, any tasks which the Review Group consider to be complete will be brought to Council, in writing, for consideration and confirmation.

4 MEETINGS OF THE REVIEW GROUP

- 4.1 The Review Group is chaired by the Chief Executive and includes the Director of People, Performance and Change, the Director of Education and Lifelong Learning, and the Director for Social Work and Practice, who also undertakes the statutory role of the Chief Social Work Officer. The previously titled "Education" Portfolio Member was invited to attend all meetings. Invites have now been extended to Councillor Leigh Douglas in her role as Portfolio Holder for Education & Lifelong Learning.
- 4.2 The first Review Group meeting was held on 23 March 2022 and the Terms of Reference attached at Appendix 1 of this Report were agreed. Six subsequent, fortnightly, meetings of the Review Group have taken place at the point of authoring this report, but due to the break in Council meetings as a result of the local election, this is the first update to Council.

5 SUMMARY OF WORK TO DATE

- 5.1 Work has commenced in respect of all actions, as listed in the Action Plan.
- 5.2 In particular, work is ongoing in respect of the following elements:
 - 5.2.1 Outcome 4: Review and improvement of child protection training. Child protection trainers have undertaken an initial moderation exercise to identify that all courses cover the core message areas for emphasis identified in recommendation 1 of the Inquiry Report. Trainers from SBC, NHS and Police Scotland will now evaluate the scripts for training to ensure thorough and clear messaging.
 - 5.2.2 A sub-group of the Public Protection Training Group has met and scoped a revised matrix of child protection training for all staff. This provides a progressive pathway of training beginning with induction and refresher training through to specialist and thematic inputs for staff who have

significant involvement in child protection processes. Specific additional courses for staff in education settings are included. The next step is for all services to match role profiles to relevant training tiers in the matrix.

5.2.3 The frequency of training has been increased for all staff groups and assessment approaches, proportionate in demand to the level of training and quantum of participants, are being devised and processes to ensure compliance in training are under consideration.

5.2.4 Outcome 5: review and improvement of the Scottish Borders Child Protection Procedures.

5.2.5 As identified under section 5 of the Action Plan, which relates to Recommendation 2 from the Inquiry Report, we are reviewing and seeking to improve the Scottish Borders Child Protection Procedures. We have commissioned a piece of work in conjunction with City of Edinburgh, East, Mid and West Lothian Councils to update the localised procedures on the back of the updated National Child Protection Guidance. The completion of this work is expected in Summer 2022. However, due to some complexities in this work there is the potential that this may be slightly delayed until Autumn 2022. We have ensured that the consultant commissioned to carry out this work is aware of the need for the following outcomes to be explicit in the new procedures:

- 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.

5.2.6 Outcome 10(a) and 10(b): Auditing of existing tools and processes for communicating with parents is informing the areas for focused consultation with stakeholders which will in turn inform a fuller review of communication methods and practice. Due to the correlation between these actions, it is intended that these continue to be delivered concurrently.

5.2.7 Outcome 12: 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).

Work has progressed in relation to this action and we are finalising the guidance and access rights to a shared site for the effective communication between Scottish Borders Council Public Protection

services and Scottish Borders Council HR services. It is intended that the guidance and site will be used for Child Protection and Adult Support and Protection concerns, not just Child Protection concerns as identified in the Action Plan.

- 5.3 The Review Group has identified no issues regarding budget in respect of this ongoing work. The Review Group has identified that some elements of ongoing work may extend beyond the indicative time-frames set out in the Action Plan. Where this is the case, details of those changes to time-frames have been set out above.

6 COMPLETED ACTIONS

- 6.1 The Review Group considers that work is complete in respect of the following actions from the Action Plan:

- Actions 1(a): the Review Group has been created and Terms of Reference agreed.
- Action 2(a): lines of communication have been established with the Care Inspectorate with regard to the Inquiry actions.
- Action 3(a): An agreement has been made with the Critical Services Oversight Group (CSOG) that reports will go to each meeting on the improvement progress surrounding the Inquiry Action Plan. It will be an ongoing standing agenda item.
- Action 5(a): the outcomes identified in the Action Plan have been incorporated into the ongoing review of Child Protection guidance being undertaken jointly with neighbouring local authorities, which progress shall be reported to CSOG.
- Action 6 (a), (b), (c) and (d): the Disciplinary Procedures and Guidelines have been reviewed and it has been confirmed that referral guidance for all the relevant statutory bodies was already included. Additional information has been included in the revised policy to include the specific option for commissioning managers to consider, in addition to internal disciplinary action, referrals for misconduct to other Professional/ Chartered bodies.

The policy has been amended: to reinforce the requirement to refer to the Child Protection Unit any allegation of misconduct which involves children; and to require staff to consider at all stages of a disciplinary process whether or not the alleged misconduct does involve children.

Action 6 (e) which requires the moderation by the Improvement Service of the actions taken in respect of Outcomes 6 (a), (b), (c) and (d) has yet to be completed. The Improvement Service has indicated that it is unable to provide this service. Accordingly, the Director for People, Performance and Change is considering alternative options to ensure the appropriate benchmarking of the revised policies and procedures.

- Action 7 (a) and (b): the Disciplinary Procedures and Guidelines have been amended to require staff who commission an investigation to provide the investigator with clear direction as to their appointment. To assist with this, a template for appointment has been prepared and will be required to be used when commissioning an investigation.
- Action 8 (a), (b) and (c): opportunities will be offered for staff to be trained in carrying out investigations; disciplinary procedures have been amended to reflect the possibility of appointing an external investigator; and guidance has been created for staff with regards to appointing an investigator.
- Action 13(a) (b) and (c): revisiting the Council's action in terms of the Protection of Vulnerable Groups (Scotland) Act 2007; considering the appropriateness of these actions; and determining if further action is required.
- Action 14(e): an Annual Employee Survey has been instigated, together with regular opportunities for engagement with staff to address areas identified for improvement.

6.2 The detail of these completed actions is contained at Appendix 2 to this Report.

6.3 The Review Group now seeks the approval of Council to mark the above actions on the Action Plan as being fully completed.

7 IMPLICATIONS

7.1 Financial

No additional budget or resource requirements have been identified from the work carried out to date.

7.2 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 implement the recommendations resulting from the inquiry, through the Review Group, so that the Council can determine how best to learn from any errors or omissions in the way the Council works.

7.3 Equalities

No adverse equality implications are anticipated as a result of this Report.

7.4 Acting Sustainably

There are no economic, social or environmental effects resulting from this Report.

7.5 Carbon Management

There are no carbon emissions impacts resulting from this Report.

7.6 Rural Proofing

A rural proofing check is not required for this matter.

7.7 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.

8 CONSULTATION

8.1 The Chief Financial Officer, the Chief Legal Officer.....

Approved by

Netta Meadows

Chief Executive

Author(s)

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Background Papers:

Previous Minute Reference: Scottish Borders Council, 25 February 2022

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