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

Report by Acting Chief Executive

SCOTTISH BORDERS COUNCIL

27 October 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides the second formal 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.
- 1.3 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.
- 1.4 On 23 June 2022, Council approved the first tranche of completed actions from the overarching Action Plan. Good progress has been made on a second tranche of actions from the Action Plan contained in appendix 1 which are now complete as highlighted in this paper. A further update report will be brought to Council in November (relating to outcome actions 4 and 10) seeking sign off of these remaining outstanding actions and any other issues.

2 RECOMMENDATIONS

2.1 It is recommended 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 (b): Create a clear reporting mechanism which demonstrates progress against all actions and changes agreed by the Review Group, and achieve sign off by Council;**
 - Action 3(b): Consider the Terms of Reference for CSOG in light of the Inquiry report and its recommendations;**
 - Action 6(e) and (f): Following on from actions 6 (a-d) have the Councils Disciplinary Procedure moderated by the Improvement Service. Create an implementation plan for the new Procedures, to include, training, briefing sessions and communication strategy;**
 - Action 9(a) and (b): 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. Update and disseminate information from (a) into the Council's Managing Disciplinary Cases training course;**
 - Actions 12(a) and (b): 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. 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;**
 - Action 12(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).**

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.
- 3.3 On 23 June 2022, Council approved the first tranche of completed actions from the overarching Action Plan.

4 MEETINGS OF THE REVIEW GROUP

- 4.1 The Review Group is chaired by the Acting 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 2 of this Report were agreed. The group has continued to meet fortnightly since that date.

5 SUMMARY OF WORK TO DATE

- 5.1 Work has continued 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 2b: Undertake self-assessment to identify & 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.

All provisions have undertaken self-evaluation using quality indicators in HGIOS 4 and produced standards and quality reports which highlight key strengths and identify areas for improvement. An improvement plan to address these areas has been produced by each setting.

The Performance and Quality Improvement Team carry out school reviews to evaluate quality of provision and identify a support plan where

appropriate. Peebles High and Langlee Primary are included in the current group of schools in the review cycle with the specialist provisions being included in the visits.

Education Scotland use the same HGIOS standards to undertake inspections which report on quality and improvement in Scottish Education. These inspections are undertaken on a cycle with specialist provisions in Berwickshire and Hawick High Schools being part of whole school inspections last session.

5.2.2 Outcome 4: Review and improvement of child protection training. All training material has been reviewed and confirmed to cover the areas of best practice noted in the recommendation. Reassuringly the review of the material confirmed that the content included all required points. A further update of the content will be undertaken to ensure it fully reflects the national child protection guidelines when these are implemented

5.2.4 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 officers 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 now 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 timeframes set out in the Action Plan. Where this is the case, details of those changes to timeframes 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:

- **Action 1(b)**: Create a clear reporting mechanism which demonstrates progress against all actions and changes agreed by the Review Group, and achieve sign off by Council. From the Action Plan, the Review Group have prepared an action tracker within SharePoint which each member can access. This chart allows oversight of ongoing work and indicative deadlines.
- **Action 3(b)**: Consider the Terms of Reference for Critical Services Oversight Group (CSOG) in light of the Inquiry report and its recommendations. The Group have given consideration to the role and

purpose of CSOG in connection to public protection and the outcomes of the Action Plan. It is clear that CSOG's remit and role meet the needs of Local Authorities in this area.

- **Action 6(e):** Have the Council's Disciplinary Procedure moderated by the Improvement Service. Action 6 (e) which required the Policy and Procedure would be moderated by the Improvement Service of the actions taken in respect of Outcomes 6 (a), (b), (c) and (d). The Improvement Service and ACAS have indicated that they do not provide this service. Accordingly, as an alternative approach, the Policy and Procedures have been benchmarked against equivalent Policies in NHS, Local Government and Third Sector. The review group is satisfied this alternative approach is robust and the Council's Policy and Procedures had been appropriately benchmarked.
- **Action 6 (f):** Create an implementation plan for the new Disciplinary Procedures, to include, training, briefing sessions and communication strategy.
- **Action 9 (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.
- **Action 9 (b):** Update and disseminate information from (a) above into the Council's Managing Disciplinary Cases training course.
- **Actions 12 (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. A digital Decision Rational Document has been created that Line Managers must complete and submit to HR Case Management to record and retain the decision making process. This requirement is highlighted in the Disciplinary Policy and in the online and face to face Conducting Disciplinary training courses.
- **Action 12 (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. The requirement to complete and submit the decision rationale document is highlighted in the Disciplinary Policy and in the online and face to face Conducting Disciplinary training courses. The HR Case Management system will be audited over the following three months to assess levels of compliance and quality assurance with the new documentation requirements.

- **Action 12 (e):** Ensure there is a clear process where any referrals concerning a staff member to the Child Protection Unit (CPU) is by default copied to the HR Case Management System (failsafe measure). A dedicated SharePoint site has been established for the transfer of information between the Public Protection Unit and HR services. This will be used where information pertains to an incident / concern regarding a member of staff in relation to both Child Protection and Adult Support & Protection. This removes the potential for information being missed, whilst also ensures that there is consistency in the information being recorded on the different systems.

6.2 The detail of these completed actions is contained at Appendix 1 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 Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any comments will be incorporated into the final report

Approved by

David Robertson

Acting Chief Executive

Author(s)

Name	Designation and Contact Number
Lesley Munro	Director, Education and Lifelong Learning 01835 829046
Clair Hepburn	Director People Performance and Change 01835 826677
David Robertson	Interim Chief Executive Tel: 01835 825216

Background Papers:

Previous Minute Reference: Scottish Borders Council, 25 February 2022, 23 June 2022

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Hannah MacLeod can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose, TD6 0SA.

Tel: 01835 825216

Email:

<mailto:jjwilkinson@scotborders.gov.uk>