
Review Group Update in Connection with Independent Inquiry Action Plan

Report by Acting Chief Executive

Scottish Borders Council

15th December 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides the third 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 The report brings forward a number of reporting templates relating to a number of actions and seeks Council approval to consider these actions as complete.
- 1.3 The report also seeks approval to alter the frequency of reporting in response to the level of progress and number of completed actions now achieved.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Committee:-**
 - (a) **Approves the actions contained in Appendix 1 as being complete.**
 - (b) **Agrees that the Inquiry Action Plan Group meet on a monthly basis rather than fortnightly.**
 - (c) **Approves the proposal for communication with stakeholders at the conclusion of all actions and requests that this plan be shared with Council for approval in the next report.**
 - (d) **Agrees that reporting to Council will be undertaken by written report on a quarterly basis and monthly verbal updates will cease.**

3 BACKGROUND

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 The review group meets on a fortnightly basis and receives progress updates on each action from the responsible directors.
- 3.5 On 23 June and 27 October 2022, Council approved completed actions from the overarching Action Plan. Progress has now been made on a further tranche of actions from the Action Plan and the Review Group has deemed these as complete as highlighted in this paper and contained in Appendix 1.
- 3.6 There are 54 individual actions contained in the action plan; to date Council have approved 26 of these as complete and 4 are considered to be ongoing rather than have a completion point. This report brings forward 10 actions for approval of completion leaving 10 actions remaining to bring forward for approval as complete.

4 RECOMMENDATIONS FOR APPROVAL

- 4.1 **Outcome 2b:** 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.
 - 4.1.1 All provisions undertake annual self-evaluation and complete standards and quality reporting. National Quality Indicators taken from How Good Is Our School HGIOS (4) are used to benchmark areas of strength and development needs across a range of standards and to provide an evaluation grade against each. This activity was completed in June 2022 and improvement plans setting out how the identified priorities for improvement have been created for session 2022/23. Quality Improvement Officers monitor progress against the action plans.
 - 4.1.2 Internal review processes, including inspection activity is undertaken in schools and settings to observe learning and teaching, consult with stakeholders and assess capacity for improvement, support monitoring and are undertaken on a rolling programme. Visits to provisions in Berwickshire High School and Hawick High School were undertaken as

part of follow-up inspections by Education Scotland with very positive outcomes in both complex needs provisions being reported.

4.1.3 Performance and Improvement in education is remitted to the Education Sub Committee and as such, continuous improvement will be reported to the committee regularly.

4.2 **Outcome 4a:** Review and update training content to ensure it meets the needs according to service, role and grade. Training content will be moderated against best practice. Content to be clear on 5 core messages outlined in Inquiry Report.

4.2.1 Immediately following publication of the Report, the Adult Support and Protection and Child Protection Training and Quality Assurance Team reviewed all training content (courses and post-course packs) against:

- the recommendations in the Report
- the learning outcomes and knowledge & understanding indicators for the four workforce groups, agreed in the PPC Joint Learning and Development Framework.

4.2.2 This provided strong assurance that the content of training, which had not been scrutinised by the Mr Webster ahead of making his recommendation, was sufficient in content to cover the 5 key elements identified in Mr Webster's recommendation, however action was taken to strengthen content relating to concerns about colleagues or other professionals and content relating to Escalation procedures.

4.3 **Outcomes 4b and 4d:** Review all delivery mechanisms for Child Protection training to ensure effectiveness and moderate against best practice. 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. Include an assessment of the long term capacity required to deliver training.

4.3.1 The Adult Support and Protection and CP Training and Quality Assurance Team have considered feedback from course participants regarding method of course delivery and interactive tools used within online training sessions.

4.3.2 A set of criteria for delivering courses online or in the classroom have been agreed with the Training and Development Delivery Group:

- The majority of courses will continue to be delivered online through MS Teams
- Courses will be delivered as face to face classroom courses where:
 - They are Tier 3 or above on the training matrix
 - The content requires engaging with a range of written source materials (eg case studies or assessment tools)
 - Trainers are specifically required to confirm engagement as part of an accreditation process (this is currently not applicable to Child Protection training).

- 4.3.3 The Public Protection Committee has agreed a Joint Learning and Development Framework, which identifies learning outcomes and knowledge & understanding indicators for four workforce groups, dependent on the nature and frequency of contact with children and families. This tool enables services/managers to identify the appropriate training for their staff across all roles.
- 4.4 **Outcome 10a, 10b, 10c:** Design and undertake a stakeholder audit to measure the extent to which existing tools and processes enable effective communication between schools and parents. Scope a full review of all communication methods used across complex needs provisions and bring together key stakeholders to co design future communication requirements.
- 4.4.1 An initial audit exercise identified that there are a range of mechanisms and approaches to daily communication in complex needs provisions. A focus group of parents was asked for their views on the approaches and effectiveness of the practices in place and to identify any gaps in existing provisions.
- 4.4.2 There is effective use of Day Books, where reporting on the day is written diary style between staff and parents, allowing for important feedback on wellbeing and emotional needs to be shared. It was highlighted by parents that this tool however does not always effectively allow for learning to be reported on.
- 4.4.3 Showbie has been implemented across most provisions and are proving to be very effective in providing feedback on learning achieved and learning activities covered. This platform allows photographic and recorded evidence to be shared in a learning portfolio and allows class groups to be set up to share relevant information. Reports from parents highlight that this is proving to be a very welcome resource. It is intended that all provisions will utilise Showbie in the current academic year.
- 4.4.4 The value of the stakeholder group has extended beyond the focus on communications and this group will continue to meet regularly with the lead officers for Inclusion and Additional Support Needs to offer advice and expertise in key areas such as transitions as well as communications.
- 4.4.5 It is recognised that highly effective, 2 way communication is a vital element in the partnership with parents of children with complex needs and therefore although this report demonstrates progress against the key actions identified, it is intended to continue to review the approaches and effectiveness of communications as an ongoing priority.
- 4.5 **Outcome 10e:** Review the Partnership with Parents Framework to ensure there is appropriate representation of parents of children attending Complex Needs Provision within parent council and region wide forums.
- 4.5.1 The Partnership with Parents Framework forms part of a suite of frameworks which provide localised interpretation of national legislation and priorities.

- 4.5.2 This framework was reviewed during the 2021/22 academic session and sets out key guidance, expectations and roles in ensuring that all parents can be fully engaged in the work of their schools.
- 4.5.3 The framework reflects feedback gathered through the Parental Involvement and Engagement Census which is conducted every 2 years and provides valuable reference in ensuring that every opportunity for parental partnerships are identified and implemented.
- 4.5.4 All parents are automatically members of the parent forum of their school, and the Parent Council is the representative body of the forum. It is recognised that the number of parents of children with complex needs is proportionately low. There are a number of barriers, most notably caring responsibilities, to parents attending meetings and therefore the framework encourages parent councils to identify and act to remove any such barriers through adapting the timing of meetings for example. Each parent council is now required to provide a statement on how they have sought to consult with and involve all parents in their forum.
- 4.5.5 In recognition that parents of children with complex needs often have specific areas which they should be consulted on and involved in, the stakeholder group of parents will be asked to consider how the framework can be adapted or improved further to ensure they are represented fully.
- 4.6 **Outcome 10d:** Linked to recommendation 8, consider if there are any additional or different requirements in relation to communicating with parents of children with communication challenges.
- 4.6.1 In assessing this action, cognisance was given to the fact that Child Protection concerns can apply to any and all children. This being the case, it is determined that all parent/carer communication and information will follow the same process and expectations.
- 4.6.2 It is however important to highlight that where children with complex needs are not able to communicate with parents/carers, that the importance of sharing information at the earliest possible juncture is essential and furthermore, close attention should be paid to any changes in behaviours or emotions demonstrated by the child in response to any incidents and to communicate these to parents/carers effectively.
- 4.7 **Outcome 14a:** Undertake a review of staffing qualification, ratios and models across complex and specialist provisions.
- 4.7.1 All teaching staff are required to hold a degree or equivalent qualification in teaching, and to be registered with GTCS (General Teaching Council Scotland), the body responsible for standards of professionalism. All staff employed as teachers in complex and specialist provisions in Scottish Borders Council are registered with this body.

- 4.7.2 Teacher contracts demand that professional update, where the qualifications, ongoing professional learning and appropriate accreditations are formally confirmed to the GTCS by the employer, this is undertaken every 5 years and forms an integral part of the Annual Professional Review and appraisal cycles undertaken by all staff.
- 4.7.3 Additional qualifications and specialist training are available to all staff in complex needs provisions. Following the recommendations contained in the QC report, 2 days of training were implemented for all teaching and support staff across all provisions. Delivered in partnership with colleagues from Education Scotland, these sessions focused on ensuring the safety of children in the particular settings with a particular focus on child protection.
- 4.7.4 Ratios of staff are set to reflect the needs of children in each class or setting and are reviewed regularly through the meeting around the child processes. Ratios of class teacher to pupil are set significantly lower than those of a mainstream class and are supplemented by support staffing allocated around individual children and can often be 1:1 or even 2 staff to 1 child if necessary.

4.8 **Communications Plan:** Outcome 3c requires the creation of a Communications Plan that aligns to the Review Group and the work it delivers, with stakeholder engagement central to this.

4.8.1 It is intended that the communications plan will identify key stakeholders, including particularly parent and young people bodies, staff groups, partners and governing bodies with whom communication of actions taken and learning implemented by shared.

4.8.2 The plan will provide a timeline for communications to be distributed and will align to the planned completion of all actions required. Furthermore, the plan will identify key documentation, policies or processes to be shared and disseminated for information or action by determined groups.

4.8.3 It is proposed that the full communications plan be brought to Council for approval at the next reporting interval.

4.9 **Outstanding actions:** Recommendation 2 which requires that Scottish Borders Child Protection Procedures be reviewed is constrained by the implementation of the new National Child Protection Guidance and Procedures. The Inquiry Report did not recognise that new National Guidance was being introduced.

4.9.1 Work to implement this guidance is being undertaken jointly with East, West and Mid Lothian and City of Edinburgh. The national deadline for this work is October 2023 and although progress to date will ensure implementation ahead of this deadline, however due to the collective timescale, this action requires more input and therefore the Inquiry Group have agreed to extend the timescale for actions 5b, 5c and 5d to 31/03/23.

- 4.10 **Outcomes 4c, 4e and 4f:** These outcomes require the development of assessment tools to demonstrate learning in child protection training and that independent external inspection is put in place to review the effectiveness of training. The implementation of the new child protection procedures under the national guidance, will require a further review of the content of all training materials. Assessment processes have been mapped out to respond to different levels of training complexity and it has been agreed by the inquiry group that the current arrangements are sufficient to assess learning until these changes to content are made. Options for independent inspection will be assessed at this point.
- 4.11 **Outcomes 11b, 12c and 12d:** Each of these actions have legal implications which relate to confidentiality, data protection and retention of records and which may limit the options to complete the action. For this reason these actions remain outstanding. The Inquiry Group agreed it is reasonable therefore that the timescale for these actions be extended and that the Chief Legal Officer make further determinations on these matters.
- 4.12 **Outcomes 11a and 11c:** An information sharing protocol and planned dissemination of this are drafted, however as the legal implications of this action are to be determined, progression to complete these actions will occur concurrently with action 11b.
- 4.13 **Outcome 14c:** Requires an assurance that Ensure Elected Members are sufficiently trained in matters of Child protection, this action will be reported on in the next report to Council.
- 4.14 **Outcome 14d:** Undertake a review of the sufficiency of the Whistleblowing Policy. The Acting Chief Executive has formally requested that the Chief Officer Audit and Scrutiny undertake internal audit work to review the policy and make any recommendations for improvement.
- 4.15 **Future reporting arrangements:** There are 14 actions which remain to be brought before Council to be approved as completed. As reported herein, these are either time dependant on collective work with other authorities or linked to actions which are time dependant, subject to legal determinations or awaiting audit activity. It is proposed therefore than in order to afford responsible officers the time to complete this small number of actions to a satisfactory conclusion, that reporting verbally at each Council meeting is ceased and that a written report be brought to Council with comprehensive updates on a quarterly basis. It is intended that the final approvals can be brought to Council by the end of April 2023.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 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.

5.3 Integrated Impact Assessment

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

5.4 Sustainable Development Goals

This report does not impact specifically on any of the UN Sustainable Development Goals.

5.5 Climate Change

There is no direct impact on the Climate Change agenda as a result of the recommendations in this report.

5.6 Rural Proofing

A rural proofing check is not required for this report.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

- 6.1 The Director (Finance & Corporate Governance), Monitoring Officer/Chief Legal Officer, Chief Officer Audit and Risk, Director (People Performance & Change), Clerk to the Council and Corporate Communications will be consulted and any comments received will be reported in the Council meeting.

Approved by

Name

Title

Author(s)

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Background Papers:

Previous Minute Reference:

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