

PE1717/E

COSLA submission of 28 January 2020

Thank you for giving COSLA the opportunity to provide a response to the above Petition.

COSLA and our partners across Local Government are fully committed to ensuring that all children and young people get the right support at the right time and that a safe environment is provided for all of our learners.

The safety and well-being of all pupils while at school in Scotland is of significant importance to COSLA and our member Councils. This aligns with our role in developing the National Performance Framework and our responsibility to our statutory duties. The Children and Young People (Scotland) Act 2014 embeds the key elements of Getting It Right for Every Child (GIRFEC) in legislation, and COSLA and our membership are committed to its full implementation.

COSLA recognises the need for Local Government and relevant national agencies and partners to work closely on issues such as this, which can be seen in our collaboration and commitment on the Scottish Child Abuse Inquiry. This has included working with Scottish Government around the Limitation (Childhood Abuse) (Scotland) Act 2017 which removed the previous three-year limitation period, work around the Advance Payment Scheme and [COSLAs](#) response to the Financial Redress for Historical Child Abuse in Care - Pre-Legislative Consultation which closed recently .

Scottish Local Government works hard to protect children and ensure they have a safe, happy and respected upbringing. School staff are proactive in advancing positive relationships with children, their families/carers and relevant services/agencies as appropriate and promoting the resultant benefits within schools. COSLA and our member Councils are fully committed to the provision of GIRFEC by providing the right kind of support to enable all children and young people to be fully included and to achieve the best they can. GIRFEC contains a unique set of principles to protect and enhance the wellbeing of children. Safeguarding arrangements within schools are wide-ranging and supported through strong partnerships with children, parents, carers and educators. Wellbeing sits at the heart of GIRFEC, and the implementation of the eight wellbeing indicators (SHANARRI) shows the commitment of all spheres of government taking the issue of child protection seriously. While the implementation of the UNCRC into Scots Law is a work in progress, we are confident that joint efforts from Local Government, Scottish Government and wider partners will ensure successful implementation of the UNCRC in Scotland.

COSLA works closely with our membership, as well as Education Scotland and other relevant agencies and organisations on safeguarding practise within schools, and as

such, it is relevant in making a proportionate decision to acknowledge that teachers and all other people whose normal place of work is a school are required to be PVG Scheme members. It should also be recognised that criminal conviction checking was undertaken in the decades before the introduction of the PVG scheme through enhanced disclosure checks and, prior to those, Scottish Criminal Records Office checks. Additionally, there has been the long-standing requirement that teachers have and maintain General Teaching Council Standards (GTSC) registration. Councils, as employers, apply these provisions diligently and exhaustively. COSLA will continue working with our members to ensure preventative and protective measures are in place, and action against staff who are in breach of these measures are consistent across Scotland. All staff across schools hold a responsibility for identifying care needs and potential abuse against children and young people, and to develop an atmosphere where children and young people feel safe, secure, cared for, and empowered to speak when they feel otherwise.

The petitioner highlighted at the meeting of the Public Petitions Committee on 25 April 2019 that Local Authorities do not have guidance on keeping records of inappropriate relationships at school and wider record-keeping. Local Authorities enforce rigorous standards and processes throughout its workforce. COSLA recognises previous methods of record keeping in former Local Government structures before its current format was established were not consistent. COSLA's member councils have worked to ensure record keeping now has a more uniform standard across the various instruments of Local Government.

At present, there is, in some regards, a lack of clarity on definitions in the petition. If successful, COSLA believes the definition of abuse used by an inquiry should mirror the definition of abuse as outlined in the Limitation (Childhood Abuse) (Scotland) Act 2017. This will help to simplify what may otherwise be a complex undertaking. It therefore makes practical sense to use the same definition as that used by the courts because this links more widely with the legal context. The absence of a time period in the petition would also cause concern in understanding what period is relevant and there needs to be as much clarity as possible about definitions and in turn eligibility. There also needs to be explicit clarity on the remit for this inquiry, and any potential calls for future enquiries.

COSLA has observed the response submitted from the Scottish Government and subscribe to a similar view that there is the range and viability of preventative measures, support services and legislative changes now in place for all victims of abuse that this petition is seeking to address. While recognising that this is a difficult, and important issue, COSLA's position on this aligns with that in the submission of the Deputy First Minister. Taking account of this, it is our view that widening the scope of the Inquiry would not be proportionate at this time.

While COSLA does not recommend an Inquiry is established, we strongly believe in the protection of children from all forms of abuse in state schools. Support for victims of abuse is well established and multiple partners across Local and Scottish Government play a significant role in supporting victims of abuse and ensuring strict preventative measures to avoid future cases.

Thank you for the opportunity to respond to this Petition and we hope our views are helpful to the Committee in their deliberations on this issue.