

PE1730/E

Petitioner submission of 9 March 2020

It is my belief that, when this petition was considered on 20 February, the Committee failed to highlight the specific concerns raised and documented in the petition materials provided and for making a very miss leading comment which appears to trivialise the actions of South Ayrshire Authority.

I would suggest that South Ayrshire appear to be only one of five Local Authorities out of 32 who appear to be fulfilling their legal and professional responsibilities under the Safeguarding and Protection of Vulnerable Groups. Through early intervention their actions are ensuring that a child's basic human right to access and receive an education suitable to age, ability and aptitude are respected. The actions also tie into GIRFEC and the current administrations flagship policy to reduce the attainment gap for children. Registered or None registered?

As children as minors they neither have the ability, capacity or understanding of how to access a professional education in order to gain life essential skills. They are also utterly dependent on the implementation of existing legislation and on the observations and assessments of responsible parents and professional people to ensure that right is respected.

Either there has been a total miss understanding of what the statistics represent with regard the Safeguarding and Protection of Vulnerable Groups. I would like to reiterate. Across the 32 Regional Education Authorities, only South Ayrshire raised concerns regarding (21 children), Angus (1), East Dunbartonshire (1), East Lothian (3), Orkney (3), over a three-year period.

It would appear that of the other 27 Regional Authorities there have been no concerns at all regarding any of the children under their jurisdiction over a three-year period.

The concern is that if at a strategic and executive level these local authorities neither reference or acknowledge existing legislation and the Duty of the Authority to intervene or legislation already in place to safeguard and protect our children's basic human rights. If there is no recognised or formal method for monitoring and assessment then the neglect is institutionalised and would appear to be state funded and endorsed. As Education is devolved to the Scottish Parliament it would appear that access to education, a basic human right is a lottery and not a right for children in Scotland with no checks and balances in place.

The primary principles for the safe guarding and protection of vulnerable groups under existing legislation for professional people registered with the SSSC under PVG legislation is that it is a legal requirement to record and report on Neglect, Grooming, Radicalisation, **Denial of Access to Services and Facilities** and the **Denial of Basic Human Rights and Corporate Failings**.

I would also like to highlight to the committee that the is a current review of the Home Education School Policy has been ongoing since 2007. 13 years later and there is not a register for children?

Please can the Committee ask the Scottish Government why there is a review taking place when there is already robust and existing legislation, policies and guidelines in place to ensure the safeguarding and protection of every Scottish Child as stated by Mr Swinney at the Parent Forum in Perth.

The Q&A was recorded and can be seen at the following link: <https://bit.ly/351jxa1>
John Swinney responded to my questions at 26, 33,45,56 min

John Swinney. "If we sign up to a policy called getting it right for every child GIRFEC. It has to mean every child. It has to mean what it says on the tin. We must get it right. It cannot just be lip service. Every local authority has signed up to this. That shall be governing the approach being taken by the local authority. A number of the questions raised today refer to the legal provision. I am old fashioned; I believe in the rule of law. Public Authorities must be acting within the rule of law. They should not be taken to court to prove and demonstrate they are acting within the law. The key principle must be assessment as to the need of the appropriateness of the education setting to meet the needs of the individual children. The law is crystal clear. Every child should have an education informed by dialogue with their **parents** that meets their needs. A local authority has to be satisfied that they have an appropriate provision in place for every child and they have to be engaging in a dialogue."

Please can the committee consider how any local authority can be satisfied when there is no register, no dialogue with both parents, no method for assessment or monitoring and no required level of attainment. Why unilateral decisions to home educate non-registered children are not being challenged or acted upon?