

City of Edinburgh Council

10.00am, Thursday 28 October 2021

Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the Late Sean Bell

Executive/routine

Wards

Council Commitments

1. Recommendations

- 1.1 To note that the independent Inquiry into complaints about the late Sean Bell, conducted by Pinsent Masons LLP and overseen by Inquiry Chair Susanne Tanner QC, has completed its investigation. The Open Report with Summary, Conclusions and Recommendations (the “Open Report”) has been prepared by the independent Inquiry and is attached at Appendix 1 to this report and Council is asked to consider this.
- 1.2 To request that the Chief Executive report back to Council within one cycle detailing how the recommendations will be implemented.

Andrew Kerr

Chief Executive

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Report

2. Executive Summary

- 2.1 The independent Inquiry has identified certain failings and missed opportunities on the part of the Council to address the unacceptable conduct of the late Sean Bell and has made recommendations in this regard.
- 2.2 The Council is asked to consider these recommendations and how to respond to them.

3. Background

- 3.1 The Council commissioned an independent Inquiry into complaints about the conduct of the late Sean Bell, a former senior manager in its Communities and Families directorate, who passed away in August 2020. Mr Bell was due to stand trial for sexual offences charges, but Police Scotland's criminal investigation was brought to a close following his death.
- 3.2 The Inquiry was carried out by a specialist team from Pinsent Masons' Manchester office, and was overseen by Inquiry Chair, Susanne Tanner QC.
- 3.3 The purpose of the Inquiry was to establish, amongst other things, whether or not any, or appropriate, steps were taken by the Council to respond to any past allegations or suspicions of abuse or inappropriate behaviour by Mr Bell.
- 3.4 The Inquiry has produced an Open Report of the full Inquiry report which identifies key issues, findings and recommendations. This is attached at Appendix 1.
- 3.5 All Elected Members have been provided with the opportunity to access the full unredacted version of the report prepared by the Inquiry. The full version of the report is not being shared more widely due to: i) the highly sensitive nature of its content; ii) the need to protect the identities of certain survivors and those who co-operated with the inquiry who wish to remain anonymous; iii) data protection reasons (including potential for identification of current staff or former staff members who have given information in confidence or requested that their information not be used) and iv) concerns about the effective conduct of public affairs (per s.30 of FOISA). The Inquiry Team recommended that this is a reasonable and proportionate approach which balances respective rights and interests. The Open

Report details the main issues and findings in this regard. Criticisms of the Council contained within the full report are fully represented in the Open Report.

4. Main report

- 4.1 Elected Members are asked to consider the information provided at Appendix 1.
- 4.2 Elected Members are asked to note that the Police investigations into the activities of the late Sean Bell were closed following his death and no criminal charges were brought. Confirmation has also been received that no Fatal Accident Inquiry into the circumstances of his death will take place.
- 4.3 The Council notes the serious shortcomings of some of its employees and former employees that have been identified by the Inquiry. The Inquiry team undertook a civil investigation into potential wrongdoing and as such the appropriate standard of proof that they have adopted is to make determination(s) on the balance of probabilities.
- 4.4 Formal letters have already been sent by the Council to those survivors who suffered abuse by Mr Bell, of whom the Council is aware offering the Council's deepest sympathies. The Chief Executive has offered to meet with those survivors in person.
- 4.5 This has been a very difficult process for the survivors, as well as all staff and others affected. The Council wishes to thank all the survivors and relevant staff for coming forward with their information. It is only through such processes that these issues can be properly identified, investigated and responded to. The Council reiterates its commitment to identifying and addressing inappropriate behaviours and activities and welcomes individuals raising issues of concern through available means of escalation including management, the independent whistleblowing service, our employment Policies or Trade Unions.
- 4.6 The primary focus of the investigation was to establish whether Mr Bell was involved in any abuse and, if he was, whether anyone at CEC had knowledge of, or suspected, such abuse. In addition, the Inquiry Team was also tasked with establishing whether Mr Bell misused public funds and, if he did, whether any CEC employees were aware of such misuse. In respect of the latter, during the course of their enquiries, the Inquiry Team ascertained that several internal and external investigations were carried out in relation to the allegation. The Inquiry Team have noted that the matter was investigated internally by CEC on several occasions and that those investigations found that no misuse of public funds had taken place. In light of this information, and having reviewed certain documents relating to the complaint, the Inquiry Team is of the view that this particular matter has already been addressed and investigated both internally and externally, to a conclusion.

The Council therefore confirms that those provisions relating to misuse of public funds are removed from the terms of reference by agreement.

- 4.7 Notwithstanding the fact that Sean Bell worked in the area of children's social work, the Inquiry has not identified any concerns about the abuse or mistreatment of children by Mr Bell.
- 4.8 Appropriate arrangements are being set up to look at how the Council may best address next steps following the recommendations set out in the Open Report. Further detail will be provided when the Chief Executive reports back to Council.

5. Next Steps

- 5.1 The Council should consider the findings and recommendations as set out in the Inquiry's Open Report.
- 5.2 If the recommendations are approved, the Chief Executive will report back to Council within one cycle detailing how the Inquiry's recommendations will be implemented.

6. Financial impact

- 6.1 The cost of this Inquiry into complaints about the late Sean Bell to date excluding work in progress which has not yet been invoiced is £654,000. A budget of £1m was provided for as part of the budget setting process for both this review and the wider culture review instructed by Council. The adequacy of the budget for this is presently under review.
- 6.2 There will be financial impacts flowing from the recommendations of the Inquiry report and recommendations in this regard will be made when the Chief Executive reports back to Council.

7. Stakeholder/Community Impact

- 7.1 The report identifies that Mr Bell had a detrimental impact on those survivors and the wider staff cohort in some of his interactions. This was, and is, not acceptable.
- 7.2 The Council acknowledges that the need for, and the outcome of, this report will come as a shock to, and be distressing for, many staff and citizens and the Council hopes that implementation of the Inquiry's report recommendations will address the concerns identified going forward.

8. Background reading/external references

- 8.1 [Response to Council Motion on Whistleblowing Culture, Policy and Sustainability Committee 6th October 2020](#)
- 8.2 [Response to Council Motion on Whistleblowing Culture, Referral from P&S Committee, City of Edinburgh Council, 15th October 2020](#)

9. Appendices

- 9.1 Appendix 1 - Inquiry's Open Report with Summary, Conclusions and Recommendations (the "Open Report").



**PROJECT APPLE – ‘INVESTIGATION INTO ALLEGATIONS
CONCERNING THE CONDUCT OF THE LATE SEAN BELL AND THE
WAY IN WHICH HISTORICAL COMPLAINTS ABOUT HIM WERE
DEALT WITH AT THE TIME THEY WERE MADE’**

**OPEN REPORT WITH SUMMARY, CONCLUSIONS AND
RECOMMENDATIONS**

DATED: 22 OCTOBER 2021

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1. DEFINITIONS

“AG”	Alistair Gaw
“AJ”	Andy Jeffries
“CEC”	City of Edinburgh Council
“CF Department”	Communities and Families Department of the CEC (and any of its previous guises, including ‘Children and Families’ and the ‘Department of Social Work’)
“COPFS”	Crown Office and Procurator Fiscal Service
“EB”	Emma Barrie
“Inquiry Team”	Susanne Tanner QC and Pinsent Masons
“Pinsent Masons”	Pinsent Masons LLP
“SFIU”	Scottish Fatalities Investigation Unit
“SSSC”	Scottish Social Services Council
“SB”	Sean Bell
“TB”	Tricia Bell

2. INTRODUCTION

- 2.1 On 15 October 2021, at a meeting at Pinsent Masons' Edinburgh offices, the Inquiry Team presented its findings and recommendations to the CEC's Group Leaders (the “**GLs**”) by way of a detailed, written report (the “**Report**”). The Report was provided to GLs in a full and unredacted form. At that meeting, the Report was considered by GLs, on behalf of their respective parties, on a confidential basis, and the Inquiry Team answered the Group Leaders’ questions in respect of the Report and arrangements for its distribution and publication.
- 2.2 Given the way in which the Inquiry was commissioned (as set out at paragraph 3.1.6 below), the importance of the Inquiry, and of the Inquiry Team’s findings and recommendations, it was deemed imperative that *all* CEC Councillors should have sight of, and access to, the full, unredacted version of the Report, as seen by the GLs. Accordingly, during the weeks commencing 18 and 25 October 2021, those Councillors who wished to view the Report attended Pinsent Masons’ Edinburgh offices to read the document in hardcopy on a confidential basis.
- 2.3 Ahead of its provision to GLs and Councillors, the Inquiry Team took the decision to provide only paper copies of the Report to those who wished to read it. This was due to the fact that the Report contains extremely sensitive and personal material relative to a number of people, including a number of survivors of abuse. Prior to reading the Report, GLs and Councillors were made acutely aware of the Report’s confidentiality and sensitivity, and that any breach of confidence as to its content may have serious repercussions for those named in, or identifiable through, the Report (both survivors and witnesses).
- 2.4 For the reasons outlined at paragraph 2.3 above, and in order to protect the identities of contributors to the Inquiry who wish to remain anonymous (particularly those who have been abused and / or remain employed by the CEC), the Inquiry Team have hereby produced a document which contains a summary of the Report, including its key findings and recommendations. This document is intended as being suitable for wider circulation and publication, and contains, *inter alia*:
- 2.4.1 for context, the background to the Inquiry Team’s instruction and the personnel involved;
- 2.4.2 the Inquiry’s scope, content and methodology;

- 2.4.3 the Inquiry Team's key findings and observations; and
 - 2.4.4 the Inquiry Team's Recommendations,
- (the “**Open Report**”).
- 2.5 From the outset, the Inquiry Team's approach to the Inquiry has been survivor-led. Accordingly, the content of this Open Report has been specifically tailored to ensure that there is an adequate balance between: i) sharing the experiences of those survivors who wish for their accounts to be shared publicly; and ii) ensuring that the wishes of those survivors or contributors who want to remain anonymous, or have not participated in the Inquiry, are fully respected and honoured.

3. BACKGROUND TO INSTRUCTION, PERSONNEL AND ROLE

3.1 Background to Instruction

- 3.1.1 In June 2020, EB disclosed to a CEC employee that she had suffered historical sexual abuse at the hands of her estranged stepfather, SB. At the time of EB's disclosure, SB was a Senior Manager in the CF Department of the CEC, an organisation for which he had worked for over 30 years. EB claimed that, for a significant period of time in the 1990's, SB had repeatedly sexually assaulted her. It was further alleged by EB that, prior to her disclosure in June 2020, information pertaining to such assaults had already been disclosed by EB to various CEC employees on several previous occasions.
- 3.1.2 In response to the allegations, the CEC opened an internal investigation into EB's disclosure and SB was subsequently suspended from his employment while enquiries were undertaken. Further, the CEC provided information concerning the abuse to the police.
- 3.1.3 A criminal investigation was commenced by the police and, based on the evidence received from two complainants, SB was arrested and charged in connection with allegations concerning historical physical, sexual, and verbal abuse. On 23 July 2020, the matter was reported to the COPFS. SB was placed in police custody and was due to appear at Edinburgh Sheriff Court. At that stage, enquiries were also continuing with two further complainants. Following consideration of the police report, COPFS gave instructions for the police to liberate SB, pending further enquiries.
- 3.1.4 SB was rearrested on 21 August 2020 and charged with additional offences. SB was released from police custody on an undertaking to appear at Edinburgh Sheriff Court on 18 September 2020 in respect of these charges.
- 3.1.5 On 27 August 2020, ahead of his first appearance at Edinburgh Sheriff Court, SB's body was found at the foot of Salisbury Crags, Edinburgh. It is understood that SB committed suicide. An investigation into the circumstances of his death was subsequently conducted by the SFIU, a specialist unit within the COPFS. On 14 April 2021, the SFIU concluded its further enquiries and confirmed that there would not be a Fatal Accident Inquiry into SB's passing.

3.1.6 As a result of SB's death, the criminal case against him was brought to a close. On 17 September 2020, a motion was passed at the CEC's full council which noted that an independent investigation was underway into allegations concerning the conduct of SB and the way in which historical complaints regarding him were dealt with at the time they were made (the "**Inquiry**"). In early-October 2020, the CEC formally instructed Pinsent Masons to progress the Inquiry. A further motion was made at the CEC's full council on 15 October 2020 that an independent review should also be commenced into the CEC's whistleblowing and organisational culture (the "**Review**") and said motion was endorsed by full council. On 6 November 2020, Ms. Susanne Tanner QC, of Ampersand Advocates, was instructed by the CEC as the Independent Chair of both the Inquiry and the Review. These appointments followed an interview by the CEC Group Leaders on 5 November 2020. As set out at page 8 of this Report, together, Susanne Tanner QC and Pinsent Masons are the Inquiry Team.

3.1.7 The Inquiry Team was instructed by the CEC to understand and establish:

- (a) whether SB was involved in abuse (of any kind) and / or inappropriate behaviour and, if he was, the extent of any abuse and whether anyone else from the CEC was involved;
- (b) the extent to which any abuse established to have occurred was connected to SB's work as a social worker or his employment with the CEC;
- (c) whether any other CEC employees (current or former) had any knowledge or suspicions of any acts of abuse by SB;
- (d) whether any steps were taken / not taken by the CEC / CEC employees to respond to any past allegations or suspicions of abuse by SB;
- (e) the reasons for any identified failures to address any past allegations or suspicions of abuse by SB; and

- (f) whether SB misused public funds and, if he did, whether any employees (current or former) of the CEC had any knowledge or suspicions of the misuse of public funds,¹
 (the “**Terms of Reference**”).

3.1.8 The Inquiry Team was further instructed to:

- (a) consider whether further changes in policy or practice are needed to prevent any recurrence of the allegations concerning SB; and
- (b) report to the CEC on the above matters, and to make recommendations, as soon as reasonably practicable,
 (the “**Recommendations**”).

3.2 **Personnel and Role**

3.2.1 Leading the Inquiry Team were:

- (a) **Ms. Tanner QC** – Queen's Counsel of over 20 years' call, with significant expertise in criminal law, regulatory matters and public inquiries. Ms. Tanner QC provided overall supervision and advice on the Inquiry; and
- (b) **Mr. Julian Diaz-Rainey, Partner, Pinsent Masons** – Mr. Diaz-Rainey is a forensic litigator who has worked on disputes and regulatory matters for over 25 years. He has vast experience of inquiry work, having assisted on the Shipman Public Inquiry, the Baha Mousa Inquiry and the Al-Sweady Inquiry. Most recently, alongside Queen's Counsel, he led Manchester City Football Club's 4-year inquiry into its connections with the convicted paedophile, Barry Bennell.

3.2.2 The Inquiry Team’s role principally involved:

¹ During the course of the Inquiry, having reviewed certain documents relating to the allegation, the Inquiry Team recommended to the CEC that this allegation be dealt with by way of a separate investigation to be commenced, if required, following the completion of the Inquiry. Given the wealth of information the Inquiry Team received in relation to the principal issue, i.e., SB's abuse, the Inquiry Team did not want to delay publication of its findings and Recommendations in this regard, given that the Inquiry Team had by that stage spoken to several survivors of such abuse. Any delay to proceedings would have likely had a significant, emotional impact upon the survivors of SB's abuse, of which there are several. The Inquiry Team await a decision in this respect. For the sake of clarity, this Open Report does not contain any review of, or findings in relation to, the suggestion that SB misused public funds and / or that certain employees of the CEC had knowledge / suspicions of such misuse.

- (a) conducting a wide-ranging review of documentation made available by the CEC relating to, amongst other things, SB and concerns regarding his behaviour. In total, over 600,000 emails, documents and other communications were collected and, of those, some 70,000 were deemed relevant,² and subsequently reviewed, by the Inquiry Team (the “**Document Review Exercise**”);
- (b) reviewing the CEC’s internal policy and procedural documents in force at the relevant times;
- (c) identifying and interviewing as many witnesses as possible who might have relevant information on the issues under consideration, including both those who contacted the Inquiry Team in response to ‘calls for evidence’ and those who were contacted by the Inquiry Team and invited to assist the Inquiry;
- (d) crystallising all interviews into either statements or file notes to ensure the capture of the best possible evidence from each witness³; and
- (e) ensuring full and proper safeguards were in place for the interview of any vulnerable witnesses via the use of expert interviewers and the provision of support before, during and after the interview.

3.2.3 The Inquiry Team engaged the following experts to assist in the execution of its role:

- (a) **LimeCulture** – LimeCulture is the UK’s leading training and consultancy company specialising in responses to sexual violence. LimeCulture has provided expert advice to the Inquiry Team on best practice when conducting the Inquiry, most particularly in respect of interviewing and supporting vulnerable witnesses. During the Inquiry, LimeCulture has been assisted by RASASC Cheshire, a support service organisation that specialises in assisting survivors of sexual violence. Support from RASASC Cheshire is offered to

² Documents were deemed ‘relevant’ by the Inquiry Team upon the application of various search terms to data captured by EY’s forensic team.

³ Such witness statements and file notes are legally privileged documents.

- potentially vulnerable witnesses at all times from first contact – before, during and after any interview;
- (b) **Intersol** – Intersol is a leading training and consultancy company specialising in interview techniques and practice. The team at Intersol includes former police officers with extensive experience in the interview of survivors of sexual violence and other vulnerable individuals. Intersol has led all interviews with witnesses considered potentially vulnerable; and
 - (c) **EY** – EY is a leading, multinational professional services organisation. The forensic team based at EY's Manchester office facilitated the Inquiry Team's large-scale Document Review Exercise.
- 3.2.4 At the outset of the instruction, both the CEC and the Inquiry Team liaised with the police to ensure that no criminal investigations would be compromised by the CEC's instruction of the Inquiry Team or its subsequent work.

4. SCOPE, CONTENT AND LEGAL BACKDROP OF THE INQUIRY

4.1 Scope and Content

- 4.1.1 Via the CEC, the Inquiry Team issued both ‘internal’ and ‘external’ calls for evidence in December 2020. The response to those requests was overwhelming, with over 55 individuals coming forward and asking to speak with the Inquiry Team. In total, nearly 100 witness interviews took place. The Inquiry Team is extremely grateful to all of the witnesses who provided evidence, particularly those who are the survivors of abuse. The willingness of individuals to partake in the Inquiry was far greater than the Inquiry Team initially expected.
- 4.1.2 While reporting regularly to the CEC on mechanics and practical issues, the Inquiry Team has acted completely independently when conducting its enquiries. As an example of this, the identities of witnesses were not disclosed to the CEC unless the witness agreed to this. Whilst it was the Inquiry Team’s desire to speak to witnesses on a ‘named basis’, given the nature of the subject matter, and given that many of the witnesses who came forward were still employed by the CEC, witnesses were always afforded the opportunity to provide their evidence confidentially.
- 4.1.3 The Inquiry Team had no power to compel any individual to participate in the Inquiry, or to provide evidence. Participation was purely voluntary.
- 4.1.4 The Inquiry is a civil investigation into potential wrongdoing. As such, the appropriate standard of proof – i.e., the burden to persuade the Inquiry Team that a fact in issue has been established is the ‘balance of probabilities’. This standard means that the Inquiry Team is satisfied that an event occurred if it considers that, on the evidence it has obtained, the occurrence of the event was more likely than not.
- 4.1.5 On 4 August 2021, the Inquiry Team commenced the Maxwellisation process of its Report. Maxwellisation is a procedure by which those subject to a potential criticism are given an opportunity to make representations in response. There is no set formula for Maxwellisation; rather, it is the responsibility of the investigating team to determine whether the process should be engaged and, if it is, what it should comprise. The Inquiry Team determined the procedure to be adopted for the purpose of fulfilling the Terms

of Reference in a way that was fair, while recognising the importance of expediency and cost efficiency. In particular, the Inquiry Team took into account that those facing criticism had already provided a signed witness statement following a lengthy interview in which matters in issue were raised with them for their comment. Accordingly, the process adopted by the Inquiry was as follows:

- (a) those facing criticism were afforded the opportunity to read the passages of the Report containing said criticism at Pinsent Masons' offices in Edinburgh (together with a representative of their choice). Those attending were not entitled to make or retain a copy of the Report, or the sections with which they were provided; and
 - (b) having read the relevant material, those facing criticism were then entitled to make representations to the Inquiry Team by a set deadline. Such representations were limited to a response to those criticisms contained in the Report and of which the individual had been notified,
- (the “**Maxwellisation Process**”).

It was made clear to those partaking in the Maxwellisation Process that, while representations would be considered by the Inquiry Team, and may result in further procedure, the Report, including the conclusions of the Inquiry Team, would not necessarily be amended as a result. Some amendments to the Report were made as a result of the Maxwellisation Process, and those who participated in it were informed of those changes.

4.2 Legal Backdrop – Relevant CEC Policies and Procedures

- 4.2.1 At all material times the CEC has had in place various policies that governed how it, and its employees, should behave in prescribed circumstances. The policies were either revised or introduced at various points during the relevant time period in question – i.e., the length of SB’s tenure at the CEC.
- 4.2.2 The parts of the applicable policies that were in force at the relevant times were analysed in detail by the Inquiry Team – and a thorough assessment of their application to the subject matter is set out in the Report.

4.2.3 The policies that the Inquiry Team deemed relevant to the scope of the Inquiry were the CEC's: i) Employee Code of Conduct; ii) Disciplinary Procedures; iii) Disciplinary Code; iv) Policy on Violence to Employees at Work; v) Public Interest Disclosure / Whistleblowing Policy; and vi) Domestic Abuse Policy (together, the "**Relevant CEC Policies and Procedures**"). While information on specific breaches of the Relevant CEC Policies and Procedures are not outlined in this Open Report, where it has been deemed that the CEC have breached such policies and procedures per se, this is explicitly stated in the Conclusions section of this document (at paragraph 7 below).

5. METHODOLOGY

5.1 The evidence obtained by the Inquiry Team suggests that, since the 1990's, survivors of sexual and / or physical abuse by SB have allegedly disclosed, or have attempted to disclose, details of such abuse to the CEC on five separate occasions (herein referred to collectively as the "**Alleged Formal Disclosures**" and, individually, the "**First**", "**Second**", "**Third**", "**Fourth**" and "**Fifth Alleged Formal Disclosures**").

5.2 Notwithstanding this, the Inquiry Team wish to make it clear at the outset that the five Alleged Formal Disclosures do not comprise the entirety of:

5.2.1 the times that certain CEC employees were told of serious acts of impropriety on the part of SB. Indeed, over the years in which SB was employed by the CEC, several members of CEC staff were told of various reprehensible acts that SB had allegedly committed: from sexual and physical assault, to domestic abuse and coercive control.

The distinction the Inquiry Team has drawn between the Alleged Formal Disclosures and these other disclosures is that the latter were discussed in a more private capacity / setting, often between friends, or close colleagues, with no expectation on the part of the discloser that the recipient would, or should, take some form of action considering the nature of the information provided (herein referred to as the "**Alleged Informal Disclosures**").

In contrast, the Alleged Formal Disclosures were made in a more professional capacity / setting, and one in which either:

- (a) the disclosers each had a perfectly reasonable expectation that the recipients *would*, or *should*, take some form of action considering the nature of the information provided (such as, for example, commencing an internal investigation); or
- (b) the recipients of such information *did* take some form of action as a result of what was disclosed;

5.2.2 SB's abuse of women.

The five Alleged Formal Disclosures concern allegations made by three different women, and they concern both sexual and physical assault. The Inquiry Team has been made aware of several other individuals who have

suffered some form of abuse at the hands of SB during the years in which SB was employed by the organisation. This includes sexual assault, attempted sexual assault, physical abuse, and verbal abuse. While the Report provides information on some of those instances of abuse, the Inquiry Team has adhered to the Inquiry's Terms of Reference and the need to focus on who at the CEC knew what, and when. Some of SB's abuse was inflicted on individuals who neither: i) fell under the CEC's remit, whether as an employee or a service user; nor ii) told anyone who worked at the CEC of the abuse they had suffered. While the Inquiry Team in no way wishes to diminish the abuse that these individuals have suffered, or the impact and effect that such abuse has had on their respective lives, parameters had to be set by the Inquiry Team in line with the Terms of Reference, and it was therefore decided that such evidence fell outwith the scope of the Inquiry.

6. SB'S BACKGROUND

- 6.1 SB was born on 20 October 1961. At the time of his death, SB had been married three times:
- 6.1.1 SB married for the first time to Elaine Samson ("ES");
 - 6.1.2 in 1993, SB's relationship with ES ended and he moved in with TB, the mother of EB, and also a SW at the CEC. SB and TB later married;
 - 6.1.3 SB then left TB and, in the period before marrying his third wife, entered into a series of relationships with several other CEC employees; and
 - 6.1.4 SB then married for the third time.
- 6.2 In respect of his working life, SB qualified as a SW in 1988. He commenced working for the CEC in the same year, when he was approximately 27 years old. SB continued to be employed by the organisation until the time of his death in August 2020, some 32 years. During his employment by the CEC, SB held a number of different positions but, by the time of EB's disclosure in June 2020 (i.e., the Fifth Alleged Formal Disclosure), he was a Senior Manager in the CF Department.
- 6.3 By all accounts, SB was a talented SW. Several witnesses described him as being '*the face of the service*' and someone who repeatedly got results. Seemingly, given the length of time he had worked in Edinburgh, SB was a well-known figure in the field of social work in the city. Outside of the organisation, and amongst certain of his peers, he appeared to be a well-respected individual. Certain witnesses stressed that, while SB could be '*very demanding*' in a work-related sense, if you responded to his ways, he would get the best out of you.
- 6.4 What became increasingly clear to the Inquiry Team as the investigation progressed, however, was that, in respect of his colleagues at work, SB caused a strong feeling of either like or dislike; there was very little sentiment in between. Indeed, SB was referred to as '*being like Marmite*' by several witnesses.
- 6.5 From the witness evidence obtained, the determining factor as to whether a witness liked or disliked SB appears to have been gender. While the Inquiry Team heard from two female CEC employees who spoke positively about SB's manner, most of the women interviewed by the Inquiry Team were disparaging about him. He was

described as a '*bully*' and, in respect of his general conduct around women in the workplace, he was labelled as a '*sleaze*' and a '*dirty creep*'.

- 6.6 According to several witnesses, SB was '*a lady's man*' and would always '*try it on*.' One witness said that SB considered any new starter at the CEC as '*fair fodder*' and that he had a penchant for '*young women*.' Words such as '*lecherous*' and '*predatory*' were used by witnesses when asked to describe SB's behaviour around women in the workplace.
- 6.7 Notwithstanding the many negative comments received from witnesses in respect of SB's conduct, and having been informed of several alarming incidents for which SB was either: i) at the very least, questioned about by his line manager; or ii) investigated in relation to, SB's HR record is completely clear. The Inquiry Team was surprised to discover this, given the content of the witness evidence obtained.
- 6.8 As far as the Inquiry Team is aware, SB did not have any criminal convictions for sexual or physical assault. Further, until his death, SB retained his membership in the Protecting Vulnerable Groups Scheme (the "**PVG Scheme**"). As a result, his suitability to continue working with protected adults would have been routinely checked by Disclosure Scotland. The CEC confirmed to the Inquiry Team that, at no stage during the course of SB's employment, were they informed by Disclosure Scotland that SB was unsuitable to practise social work with those protected by the PVG Scheme. Notwithstanding this, the Inquiry Team found the evidence from those witnesses who accused SB of actions such as sexual and / or physical assault to be highly credible. As mentioned earlier in this Open Report, it is the Inquiry Team's strong view that, abuse by SB was not limited to the women that are the subject of the Alleged Formal Disclosures. Rather, on the basis of the evidence obtained, the Inquiry Team suspects that several other individuals are survivors of historical sexual and / or physical abuse by SB.

7. THE INQUIRY TEAM'S CONCLUSIONS

- 7.1 In accordance with the Inquiry's Terms of Reference (as set out at paragraph 3.1.7 of this Open Report), the Inquiry Team made the following conclusions:

'Was SB involved in abuse / inappropriate behaviour'

7.1.1 Yes. The Inquiry Team is satisfied on the evidence that SB was a serial abuser. That abuse took many forms; for some, it was simply verbal, but for others it was both physical and sexual. The Inquiry Team accepted the evidence which showed that at least three witnesses were repeatedly sexually assaulted by SB and there is no reason to suspect that those individuals are the only survivors of such abuse.

7.1.2 In respect of the incidents that form the bases of the five Alleged Formal Disclosures:

(a) *First, Fourth and Fifth Alleged Formal Disclosures*

The Inquiry Team spoke to EB on several occasions in relation to the First, Fourth and Fifth Alleged Formal Disclosures. As with TB, the Inquiry Team found her to be a highly credible witness. In relation to the incidents involving SB that led to the disclosures, the Inquiry Team finds the following:

- (i) SB's relationship with EB appears to have been highly inappropriate from the outset. Instances of sexual touching and other inappropriate behaviours soon escalated to SB regularly arriving at EB's flat unannounced, often intoxicated, and proceeding to get into EB's bed with her, without EB's consent. Such occasions were described by EB to the Inquiry Team as SB '*ramping things up*' with a view to having some form of sexual intercourse with her; and
- (ii) once in EB's bed, SB repeatedly sexually touched her and, on several occasions, committed serious sexual assault against her. Despite being told '*no*' and being asked by EB to '*get out of [her] bedroom*,' SB continued to abuse her.

During the final occasion on which SB got into EB's bed, SB raped EB.

(b) *Second Alleged Formal Disclosure*

(i) It is the Inquiry Team's view that, on the balance of probabilities, SB seriously assaulted a fellow colleague in the 2010's. The Inquiry Team also obtained evidence of an alarmingly similar incident to this assault by SB – but this time against ES – many years earlier.

(c) *Third Alleged Formal Disclosure*

(i) The Inquiry Team is satisfied on the evidence that TB suffered repeated physical and sexual abuse by SB throughout their relationship.

7.1.3 Throughout the course of the Inquiry, multiple current and former CEC employees provided accounts of SB's inappropriate behaviour, both within and outside of the workplace. Some of those were disclosing for the first time; others reported speaking about SB's behaviour many times previously, whether simply with their peers or, in certain scenarios, to more senior managers at the CEC. However, one fact which struck the Inquiry Team was the effect that SB's behaviour continued to have on these individuals to this day. One witness suggested that, after an incident involving SB, they had lived in '*terror*' and with '*daily anxiety*' until they heard of SB's death. Clearly, many of the survivors of SB's abuse – whether it was verbal, physical or sexual – are still suffering and, for the majority, it is a pain they will continue to bear for the rest of their lives.

'Was anyone else from the CEC involved'

7.1.4 The Inquiry Team found no evidence to suggest that anyone else at the CEC was involved in SB's abuse / inappropriate behaviour.

'Was the abuse connected to SB's work as an SW or his employment with the CEC'

7.1.5 In respect of SB's abuse of those who are the subject of the Alleged Formal Disclosures – i.e., EB, TB and another individual – the Inquiry Team has found no evidence to suggest that such abuse was connected to SB's work as a

SW. However, there is evidence – which was accepted by the Inquiry Team – that SB's actions, in exploiting his position at the CEC to attempt to discredit EB and in his dealings with other CEC employees involved with EB at the time, were closely connected to his employment with the CEC. Additionally, in respect of TB and the other individual, given that both of them worked at the CEC at the time when the abuse occurred, there is a clear proximity to SB's employment at the organisation.

'Did any other CEC employees have any knowledge or suspicions of any abuse'

7.1.6 Yes, several. In respect of this *knowledge or suspicion*, however, there are three, delineated camps:

- (a) knowledge / suspicion that is derived from a formal disclosure – i.e., the Alleged Formal Disclosures;
- (b) knowledge / suspicion that is derived from an informal disclosure – i.e., the Alleged Informal Disclosures; and
- (c) knowledge / suspicion that is derived from rumour, gossip and speculation.

Alleged Formal Disclosures

7.1.7 As outlined at paragraph 5.2.1 of this Open Report, the Inquiry Team has drawn a distinction between Alleged Formal and Alleged Informal Disclosures. In respect of the former, the Inquiry Team has treated such disclosures as having been made in a more professional capacity / setting, and one in which either: i) the disclosers each had an expectation that the recipients *would*, or *should*, take some form of action considering the nature of the information provided; or ii) the recipients did in fact take some form of action as a result of what was disclosed. The Inquiry Team's views on who at the CEC had knowledge of each of the Alleged Formal Disclosures and its conclusions in respect of the CEC's liability in this regard are set out at paragraphs 7.1.12 to 7.1.21 below.

Alleged Informal Disclosures

7.1.8 The Inquiry Team has treated such disclosures as having been made in a more private capacity / setting, often between friends, or close colleagues,

with no expectation on the part of the discloser that the recipient would, or should, take some form of action considering the nature of the information provided. Such disclosures were commonplace for TB who was, seemingly, candid about her relationship with SB and told several CEC employees about the abuse she had suffered. While such recipients had *knowledge* or *suspicions* of abuse given what TB had told them, the Inquiry Team would not recommend such individuals being reprimanded for any failure to escalate what they were told. In relation to TB, many of those individuals comforted her; they listened, they cared, and they tried to help. Several of them were friends and, as above, there was no expectation on TB's part that they would, or should, do anything in response to her claims. That was not the purpose of such disclosures.

- 7.1.9 Notwithstanding this, when asked by the Inquiry Team why they did not escalate TB's claims, several witnesses spoke of a culture at the CEC in which they felt that, if they complained about SB's behaviour, they would either not be believed or, worse still, there would be some form of retribution for coming forward. They suggested that SB was the '*golden boy*' and that, in the eyes of his fellow managers, he could do no wrong. TB told the Inquiry Team that she did not raise the issue of domestic abuse while married to SB because she knew she would not be believed, and that view was echoed by those she disclosed to. One witness told the Inquiry Team that complaining about SB's conduct was futile as he was protected by '*the old boys' network*'. This culture – and the suggestion that there was an old boys' network in the CF Department – is explored in greater detail at paragraph 8.1.4(c) of this Open Report.

Rumour, Gossip and Speculation

- 7.1.10 The Inquiry Team was surprised at the sheer amount of current and former CEC employees who were aware of, or suspected, SB's inappropriate behaviour. It appears that, throughout his time at the CEC, SB was the subject of a substantial amount of gossip and rumour, much of which has turned out to be true. While it is accepted that those who seek to be interviewed for any inquiry / investigation naturally have 'a story to tell' and information to provide, it appears that knowledge, or suspicion, of SB's inappropriate conduct was widespread amongst CEC staff, and particularly those in the CF Department. For example, in respect of TB's allegations and an incident involving another

individual (i.e., the Second and Third Alleged Formal Disclosures), the Inquiry Team was presented with a considerable amount of evidence to suggest these matters were discussed quite openly amongst staff. Indeed, the Inquiry Team were surprised at the level of detail that many witnesses provided in relation to those two disclosures.

- 7.1.11 Similarly, rumour and gossip in respect of the incidents involving EB – i.e., the subject of the First Alleged Formal Disclosure – was also extensive. One witness – who was fully aware of the nature of the allegation – told the Inquiry Team that, at the time, talk of SB's inappropriate behaviour was widespread. Given the prevalence of rumour, gossip and speculation in relation to the First, Second and Third Alleged Formal Disclosures, the CEC's failure to take action to investigate matters at those times is extremely difficult to understand.

'Whether any steps were taken / not taken by the CEC / CEC employees to respond to any past allegations or suspicions of abuse by SB, and the reasons for any identified failures'

First Alleged Formal Disclosure

- 7.1.12 It is the Inquiry Team's view that, on the balance of probabilities, in the 1990's, a CEC employee was made aware of inappropriate behaviour towards EB on the part of SB. Although EB did not detail the abuse suffered, the information provided to that individual was, in the Inquiry Team's opinion, more than sufficient to suggest that some form of abuse may have taken place. Although the Inquiry Team cannot be certain of the way in which others at the CEC were made aware of EB's comments, it is the Inquiry Team's view that at least two other CEC employees were aware of, in one witness's own words, an '*inappropriate episode*' involving SB.

- 7.1.13 At a similar time, certain other employees were also suspicious of SB's conduct, and this was relayed to a more senior colleague. Notwithstanding the above, no steps were taken by the CEC to respond to EB's allegations. The reasons for this are unknown but, as was a theme throughout the Inquiry, it appears that SB may well have discredited the source. Thus, EB was not believed and no formal investigation was conducted. It is the Inquiry Team's view that the failure to properly report, escalate and investigate the allegations of inappropriate behaviour was a significant failing of the CEC.

Second Alleged Formal Disclosure

- 7.1.14 As stated at paragraph 7.1.2(b)(i) above, it is the Inquiry Team's view that, on the balance of probabilities, SB seriously assaulted a fellow colleague in the 2010's. That incident was reported by the survivor to their line manager who, in turn: i) reported it to AJ, then Senior Manager of Children's Social Work Services at the CEC (who, subsequently, informed AG, then Head of Support to Children and Young People at the CEC); and ii) included details of the incident in a document that, seemingly, was widely disseminated at the CEC (the "**Dossier**"). Indeed, it was suggested to the Inquiry Team that, at the time, even the CEC's Chief Executive may have received a copy of the document. For the sake of clarity, however, the Inquiry Team is unable to: i) verify whether the Chief Executive was a recipient; ii) confirm exactly *who* received a copy of the Dossier; and iii) confirm exactly *how many* CEC employees may have had sight of that Dossier and, as a consequence, knowledge of this incident.
- 7.1.15 Notwithstanding the above, given the circumstances, it is the Inquiry Team's view that the CEC did not take appropriate action. Such action should have included the launching of an investigation, in conjunction with a report to the police. Given the highly sensitive nature of the work carried out within the CF Department, and the position of utmost trust held by SB, it is completely unacceptable that such appropriate action was not taken. The CEC policies in existence at the time, although perhaps not comprehensive, were sufficient enough to have mandated the CEC to escalate the matter further and report it to the police. It is the Inquiry Team's view that the failure to take appropriate action was a failing of the CEC and was in breach of the CEC's own policies that were in force at the time. In respect of the individuals involved in the decision to take no further action – namely AJ and AG – it was a dereliction of duty on their part, compounded by the fact that, as vastly experienced SWs themselves, they really should have known better. Indeed, they should have been considering the risks posed by SB to both his alleged victims, as well as other CEC employees and service users.

Third Alleged Formal Disclosure

- 7.1.16 It is the Inquiry Team's view that, on the balance of probabilities, SB abused TB physically, sexually, and psychologically over a prolonged period of time.

It is also the Inquiry Team's view that, during a private meeting with AJ, TB alluded to the fact she had suffered some form of abuse by SB. Notwithstanding this, an appropriate investigation (which would have likely resulted in a report being made to the police) was not commenced.

7.1.17 While the Inquiry Team cannot be certain on the available evidence of the reason(s) why no enquiries were made, it may have been that TB was not perceived to be a credible witness, or that matters outside of the workplace were considered not to be the responsibility of the CEC.

7.1.18 However, such views were incongruous with the CEC's own policies and the general responsibilities of management in such an organisation. It should not have been for the CEC to refuse to take matters further on an assessment of TB's credibility in light of such serious, repeated and independently corroborated accounts. In particular, TB's account supported that of the individual that is the subject of the Second Alleged Formal Disclosure – it was corroborative evidence. It is the Inquiry Team's view that the failure to take appropriate action was a failing of the CEC and was in breach of the CEC's own policies that were in force at the time.

Fourth Alleged Formal Disclosure

7.1.19 It is the Inquiry Team's view that, on the balance of probabilities, while EB disclosed past instances of abuse and inappropriate behaviour to a CEC employee in the 2010's, those disclosures were made in general terms in respect of the nature of the abuse and the extent to which it had occurred at the hands of her stepfather, 'Sean'. Further, those disclosures were not attributed explicitly to SB. At the time of this disclosure, the Inquiry Team's view is that, on the balance of probabilities, the recipient of that information did not know who 'Sean' was or that he was a SW at the CEC.

7.1.20 In light of the Inquiry Team's observations, no direct criticism is levelled at the CEC in respect of the Fourth Alleged Formal Disclosure.

Fifth Alleged Formal Disclosure

7.1.21 In June 2020, EB disclosed to a CEC employee details of the abuse she, her mother and another individual had suffered at the hands of SB. The matter was then escalated up the management structure at the CEC and eventually

to the police. The police subsequently arrested SB, who later took his own life prior to the commencement of any criminal trial. It is the Inquiry Team's view that, on the balance of probabilities, the CEC acted appropriately and followed the necessary policies. The CEC launched their own investigation, reported the matter to the police, considered the potential risk to EB and suspended SB, all expeditiously, which is what the Inquiry Team would expect from such an organisation. The only area upon which the CEC could have improved was in respect of its communications with EB at the time, to ensure she was fully aware of the appropriate steps the organisation was taking.

8. OBSERVATIONS

- 8.1 While not strictly within the parameters of the Inquiry's Terms of Reference, prior to outlining its Recommendations, the Inquiry Team wishes to provide some general observations on the evidence it obtained during the Inquiry:
- 8.1.1 while it is clear that a number of formal disclosures were made to CEC employees, it is also apparent that a significant number of informal disclosures also occurred. To that end, SB's inappropriate behaviour (and, potentially, also his abuse) seemed to be, as one witness described it, an '*open secret*' in the CF Department. That department was, and is, charged with looking after some of the most vulnerable people in the local authority area. The SWs working within the CF Department are supposed to be experts at spotting signs of abuse, experts at preventing abuse and experts at investigating and resolving incredibly sensitive cases involving abuse. It is, therefore, particularly striking that SB's behaviour remained unreported and unchallenged for as long as it did, especially where that behaviour was potentially widely known about or suspected. That SB's behaviour was allowed to continue unchecked over an extended period of time, and that he was protected from investigation of this alleged behaviour, is worthy of strong criticism and it must not be allowed to happen again in respect of other victims of abuse;
- 8.1.2 the CEC and, in particular, the CF Department within it, should have had a heightened sensitivity and awareness of abuse-related issues yet, despite that, SB was allowed to, effectively, become '*untouchable*.' When his behaviours were challenged, the Inquiry Team was told that he would work to discredit the source of that information;
- 8.1.3 witnesses who were survivors of SB's abuse, or aware of his misbehaviours, talked of feelings of fear and hopelessness. They felt that, if they came forward with their concerns, they would either be, as above, discredited, or simply not believed. Therefore, they felt that it was safer to stay silent. Clearly, those feelings were not mutually exclusive and SB's ability to discredit resulted in the accounts of witnesses such as EB and TB being disbelieved. That was only possible, however, because SB was often taken on his word. Such was his influence, his accounts and explanations were never critically assessed. Indeed, it appears that, whatever SB said, it was taken as '*gospel*.'

This suggestion was repeated by a large proportion of the witnesses who spoke to the Inquiry Team and the sentiment ran deep. When asked about SB's influence on senior personnel in the CF Department, one witness said their feeling was that SB had '*groomed*' a number of people. When asked by the Inquiry Team why a witness did not utilise the protection afforded under the CEC's whistleblowing policy, they said that they did not do so as they knew they would not be '*supported...*' They added that the CEC's '*wider culture*' would not have supported a complaint concerning SB;

8.1.4 in light of the above, a key question, therefore, appears to be: 'why was SB always believed?' The answer is, most probably, multifaceted:

- (a) SB appears to have had enormous influence in the CF Department in particular, and within social work at the CEC more generally. He had worked there for his entire career, he was well-connected, moved in the right circles and, importantly, he got results. It was also suggested that SB had friends in higher places;
- (b) SB was described by many witnesses as charismatic, self-assured and convincing. Further, as stated by several witnesses, he was very intelligent. One witness suggested that, because of these characteristics, SB was skilled at keeping people onside. Another witness told the Inquiry Team that SB was a '*very persuasive character*' and, as a result, senior individuals at the CEC just accepted what SB said as '*the truth.*' It should be noted, however, that the characteristics outlined above are not solely applicable to SB, as they are typical of many abusers. Possessing such attributes enables people like SB to become adept at grooming people; and
- (c) it was suggested by a number of witnesses that SB was '*believed*' because he formed part of an '*old boys' network*' (the "**Network**") of individuals in the CF Department who, above all else, looked after their own.⁴ Several witnesses described the Network as being pervasive at the CEC. To those witnesses it meant that the members of the Network were treated differently from the rest; for example, if any of them were in trouble, or subject to investigation,

⁴ For the sake of clarity, it is the Inquiry Team's understanding that the actors identified as being part of the Network in the CF Department are no longer employed by the CEC.

their cases would often be reviewed by other individuals in the Network. Thus, objectivity and impartiality were absent.

The Inquiry Team was told that the Network developed over time, with several of the alleged members having trained or progressed through the ranks at the CEC together. The Inquiry Team is of the view that SB's position within the Network may have afforded him a certain level of protection. For many witnesses, it was suggested that SB had a '*friendly relationship*' with other senior individuals within the CEC. The Inquiry Team was also told that, because of the relationships formed between SB and other senior individuals, and because of the Network mentality amongst them, working and personal relationships became blurred. Indeed, as above, one witness told the Inquiry Team that concerns were raised about certain members within the Network conducting investigations into other members, notwithstanding the longstanding working relationships and friendships between them. It was suggested that AJ's review of the incident that is the subject of the Second Alleged Formal Disclosure, and his wider investigations into allegations of recruitment malpractice and the misuse of public funds, fell into such a category. In respect of AJ, the Inquiry Team is of the view that SB's behaviour may have become a blind spot for him over the years they worked together. Setting aside his conduct in relation to the Second and Third Alleged Formal Disclosures, some of AJ's other behaviour towards SB can, on the evidence received, be described as inappropriate on occasions. For example, notwithstanding AJ's inference in August 2020 that SB was being investigated by the police for sexual offences, the Inquiry Team was told by a witness that AJ arranged a collection for SB when the latter was signed-off from his work at the CEC with ill health at that time. Further, at or around the same time, AJ circulated an internal newsletter to all staff in the CF Department commending SB for certain improvements that had been made to the service and stating: '*I have passed on to Sean the huge number of warm wishes that have been relayed to me by colleagues and we are all wishing him a good recovery.*'⁵ When asked by the Inquiry Team whether

⁵ Newsletter circulated to staff in the CF Department in August 2020.

he regretted sending the newsletter, AJ said that he did but, for all he knew, SB would be found not guilty of what was being alleged against him. AJ's conduct was bad judgment on his part, given his state of knowledge, and perhaps reflects a wider theme in this Report that, regardless of the accusations and allegations levelled at SB, he was the one who was generally believed and supported by senior management, rather than the accusers or witnesses.

- 8.1.5 while the Inquiry Team has been critical of AJ⁶ and AG's respective conduct in this Open Report and in the Report, it should be recognised that both men have been SWs and public servants for many years. The Inquiry Team spoke to several witnesses at the CEC who spoke very highly of both individuals and suggested that their impact on the field of social work has been substantial. As such, it is inferred that both AJ and AG have made a positive difference over many years to numerous families in need of care, help and support in Edinburgh. Their long tenure and valuable contribution to this essential service area should not be forgotten, regardless of the criticism of them in this Report. While the Inquiry Team found both AJ and AG to be intelligent and affable individuals, who did their best to assist the work of the Inquiry, the Inquiry team are satisfied that certain errors of judgment were made. In respect of AG, that error pertained to the Second Alleged Formal disclosure and, in the Inquiry Team's view, a failure to take appropriate action. As to AJ, those errors relate to both the Second and Third Alleged Disclosures and, as with AG, a failure to take appropriate steps in the respective circumstances.

⁶ AJ resigned from his position with CEC during the course of the Inquiry. As there was an ongoing disciplinary process at the time of his resignation, it is expected that the CEC will have notified the SSSC of the same, if required to do so in terms of its obligations as a social services employer.

9. RECOMMENDATIONS

9.1 Set out below are the Inquiry Team's Recommendations based on the work it has undertaken in relation to the Inquiry. It is the Inquiry Team's hope that its Recommendations will be considered by the CEC for implementation in full, subject to, of course, employment law, data protection provisions, financial considerations and the decision-making structure within the CEC. It is also the Inquiry Team's genuine hope that the Recommendations are not used as a political instrument within the CEC. The Recommendations are intended to provide a positive framework for the organisation to address many of the identified failings of the past and it would not be in the interests of the CEC, or those whom it serves, for the Inquiry Team's conclusions, observations or Recommendations to be seized upon by elected members or their parties and used for political gain. It is the Inquiry Team's view that to do so would be reprehensible, particularly given the extremely sensitive nature of the Inquiry's subject matter and the interests of the survivors of SB's abuse.

'Investigations relating to sexual allegations, domestic abuse, physical violence, stalking or harassment'

- 9.1.1 the system of investigation within the CEC relating to sexual allegations, domestic abuse, physical violence, stalking or harassment needs to be reformed to ensure that it is independent and impartial, and seen to be as such, both within and outwith the CEC;
- 9.1.2 the CEC should consider the implementation of an independent investigation unit of appropriately experienced and properly trained investigators, to investigate all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not). The CEC should either procure an independent external firm to establish an independent team of investigators to take on this role; or create an internal unit of investigators whose sole role is to carry out such investigations. If internal, any such unit should be regularly audited by an independent body;
- 9.1.3 all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) must be escalated to the CEC's Monitoring Officer prior to the appointment of any investigator,

whether internal or external; and a record should be kept of all such allegations for an appropriate period of time, subject to GDPR considerations, to allow for identification of patterns of behaviour;

- 9.1.4 if the system of investigation for such matters remains internal, all CEC employees tasked with conducting investigations must be properly trained to ensure, amongst other things, that:

- (a) they are alive to the possibility of potential conflicts of interest arising from personal / work related relationships with those subject to investigation, or witnesses, and decline to act where there is an actual or apparent conflict prior to, or during, the investigation, as required; and
- (b) they understand how to properly conduct interviews with alleged survivors of various kinds of abuse and will make referrals to support services for survivors, where necessary;

- 9.1.5 if the system of such investigations remains internal, the CEC should look to an external service provider with appropriate expertise to design and / or deliver the training to CEC employees, and to provide refresher training annually;

'Training and Education on domestic abuse, coercive control, the 2019 Policy on Domestic Abuse (the "2019 PDA"), the 2019 Whistleblowing Policy (the "2019 WBP") and other employee and service user welfare policies'

- 9.1.6 staff training and understanding within the CF Department and the wider-CEC surrounding domestic abuse, coercive control, the 2019 PDA, the 2019 WBP and other employee and service user welfare policies needs to be improved. Appropriate training and education are paramount in ensuring an effective safeguarding culture for employees and service users;

- 9.1.7 all employees of the CEC with line management responsibilities should be required to partake in mandatory training on domestic abuse, coercive control and how to appropriately deal with those individuals making complaints of a potentially criminal nature; and such training should be refreshed annually, with records kept of such training. The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training;

9.1.8 all employees of the CEC with line management responsibilities should be required to undertake training on public interest disclosures and the 2019 WBP, to enable them to differentiate between such disclosures and matters falling within other CEC policies (the PDA 2019, grievances, and potential disciplinary matters). The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training;

'Policy and Procedures'

9.1.9 the current CEC HR practices relating to relationships between CEC employees are inadequate and do not reflect the close working and personal relationships between many CEC employees, which are often undisclosed;

9.1.10 a CEC policy should be created which stipulates that relationships between CEC staff members must be disclosed if they involve an individual with line management responsibilities. This policy should also include the steps to be taken if a situation involving allegations of a sexual nature, domestic abuse or those relating to physical violence, harassment, or stalking, within or outwith the working day or CEC workplace, arises between employees who are, or were, involved in a relationship;

9.1.11 the current CEC domestic abuse policy, the 2019 PDA, requires to be revised to state explicitly that it covers situations with CEC employees which arise outside the workplace and / or outwith work hours;

'General Recommendations'

9.1.12 there must be a formal system in place at the CEC for recording disclosures by employees, service users or others relating to allegations of sexual or physical violence, harassment or stalking by CEC employees (whether occurring during the course of work hours or on CEC premises or not);

9.1.13 record keeping must be improved within the CEC, with notes taken at all meetings where disclosures or concerns are raised by employees to line managers regarding sexual or physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not). Once recorded, line managers should be obliged to report such disclosures or concerns up the management structure at the CEC;

- 9.1.14 a record of all investigations conducted (whether internal or external) regarding abuse of a sexual or physical nature, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) should be kept by the CEC for a period of twenty-five years, in a searchable and accessible format, subject to GDPR considerations;
- 9.1.15 an appropriate CEC redress scheme should be set up, without admission of liability, to compensate those who have been abused by SB; and
- 9.1.16 familial or former familial relationships of employees within the CEC should be disclosed and logged appropriately on both employees' HR files, to ensure that any actual or potential conflicts which may arise during the course of internal investigations are addressed.