

Minutes

Education, Children and Families Committee

10am, Tuesday 3 May 2022

Present:

Councillors Perry (Convener), Aldridge (substituting for Councillor Young), Bird (Vice-Convener), Burgess, Mary Campbell, Griffiths, Johnston (substituting for Councillor Douglas), Key, Laidlaw, Frank Ross and Whyte (substituting for Councillor Rust).

1. Order of Business

The Convener ruled the amendment by the Coalition urgent so that it could be considered at this meeting.

The Service Director, Legal and Assurance referred to the legal advice which had been circulated to members in advance of the meeting setting out the reasons why the report on Edinburgh Secure Services should be held in private.

The legal advice recommended that proper scrutiny by members would best be achieved through free and frank discussion in private as this would allow officers to answer relevant questions. This did not mean, however, that some of the exempt information could not be considered and debated by a future committee in public once the relevant risks had abated as matters progressed.

Motion

Committee notes the original rationale for requesting this Special Meeting below:

The following members request an urgent meeting of Education Children and Families Committee under Standing Order 4.3 to discuss the implications of the report in the Sunday Post allegedly detailing leaked elements of reporting into Edinburgh Secure Services (ESS) and a case where a vulnerable young person was placed in the care of a social worker who was already under investigation over an inappropriate relationship with a minor placed in their care.

Specifically, this meeting of the Committee should receive a report from the Chief Executive detailing why this placement was allowed to happen.

It should address the allegation that an investigation ordered under the authority of the Chief Executive didn't take place, how this relates to the latest ESS report and how this relates to the earlier Gordon Collins investigation which was not implemented by senior management despite the awareness of the Chief Executive, Director and other senior managers of the report and its recommendations.

The report should detail whether any issues raised at any stage in these matters remain to be investigated and whether the young people involved in the ESS cases have been interviewed, as recommended in the Whistleblowing report, to determine whether any further action should be taken against any employee through disciplinary or Police investigation.

The report should also address whether the 'Physical Contact and Physical Intervention - Special Schools Special Classes and Additional Support for Learning' procedures agreed by the Education Children and Families Committee in October 2015 have been fully implemented in ESS and all other appropriate settings, and if that is not the case, provide a full explanation of the failure to do so including detail of the settings involved and who determined that the instructions of Committee should not be followed.

The report should detail all senior management interaction with the outcomes of the reports identified and the Chief Executive should explain why he has not personally ensured that recommendations were implemented through being aware of the work of the Council's children's services and through management and appraisal of the work of successive directors."

Committee agrees that effective scrutiny of this must take place in public as far as is possible and will therefore debate these concerns in public.

Any additional confidential matters under the terms of the relevant Acts that Officers wish to introduce can, of course, be held back for a 'B' agenda at this meeting.

If disciplinary matters are to be referenced, Committee would expect to hear from the Service Director of Human Resources.

- moved by Councillor Whyte, seconded by Councillor Laidlaw

Amendment

The Committee agrees that as far as possible all debates and scrutiny of council decisions should be held in public. However, it also recognises that confidentiality is appropriate for specific items and should be considered on a B agenda.

In relation to the report for this meeting, officers have advised that this report should be considered on a B agenda as there may be legal consequences if debated in public.

The Committee requests that officers redraft the report to clearly identify all items which can be considered on an A Agenda and those which must remain on the B in order that as much as possible can be debated in public.

It is too late to complete this properly during the meeting and should be reviewed and confirmed with the Council's legal team. This should also be done with the report on this matter that was received by Governance, Risk and Best Value Committee and full Council. These revised reports should be referred to a special meeting of the Education, Children and Families Committee as soon as possible following the election.

The Committee also agrees that we should proceed as a B agenda for this meeting to consider the information contained within the report as requested in the Conservative Group motion.

- moved by Councillor Perry, seconded by Councillor Bird

Voting

For the motion - 3 votes
For the amendment - 8 votes

(For the Motion: Councillors Johnston, Laidlaw and Whyte.

For Amendment: Councillors Aldridge, Bird, Burgess, Mary Campbell, Griffiths, Key, Perry and Frank Ross).

Decision

To approve the amendment by Councillor Perry.

2. Edinburgh Secure Services – Update Report

The Committee in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 12 and 15 of Part 1 of Schedule 7A of the Act.

An update was provided on a major investigation in relation to Edinburgh Secure Services.

Decision

- 1) To note the responses to the specific questions and remit any agreed further action to the new committee.
- 2) To agree the proposed model of scrutiny suggested for the new Convener and committee.
- 3) To note that the Governance, Risk and Best Value Committee, on 8 March 2022, had agreed to refer the report responding to a whistleblowing investigation and consolidated action plan by the Executive Director of Education and Children's Services to a future meeting of the Education, Children & Families Committee as a "B" agenda item for consideration.

(Reference – report by the Chief Executive, submitted.)