

External Review of East Lothian Council's Child Protection and Safeguarding Policies and Procedures

His Majesty's Inspectors of Education

December 2022

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1. Introduction

In December 2021 East Lothian Council made a request to His Majesty's Inspectors (HMI) of Education to conduct an external review of the council's child protection and safeguarding systems, processes, and policies. The Chief Executive Officer, together with the Executive Director of Education and Children's Services had identified the need for this external review. They recognised it was important to ensure that policies and procedures were enabling staff across the council to understand their roles and responsibilities to keep children and young people safe. The review took place over the period May to September 2022.

1.1 Focus of the Review

The external review focused on three main areas related to safeguarding and child protection:

- The council's safeguarding policies and procedures, which inform staff of the arrangements for keeping children and young people safe.
- Staff's understanding of their safeguarding roles and responsibilities in respect of those who work with children and young people on a one-to-one basis.
- Staff's awareness and understanding of East Lothian Council's policy on whistleblowing.

1.2 Sources of evidence

HM Inspectors, when undertaking the external review, gathered relevant information from three main sources of information and evidence:

- The council's policies, procedures and guidance.
- Online questionnaires developed by HM Inspectors for council staff.
- Face-to-face or online meetings with focus groups of staff.

1.3 Methodology

HM Inspectors met with senior leaders from Education and Children's Services to agree the focus of the review, as detailed in 1.1 above. HM Inspectors' initial work involved a review of a broad range of policies and guidance, as detailed in appendix 1.

The approach to engaging with staff was designed to ensure that staff across the council who were delivering a broad range of services had an opportunity to participate in the review. As part of this external review, HM Inspectors met with staff from across council services including staff who work with children and young people in a wide range of contexts. This included staff who work in educational settings and in the local community such as activities that take place outwith the school day.

HM Inspectors sent online questionnaires to a range of staff from across the council. Almost 700 staff responded to the online questionnaires (see Appendices 2 and 3).¹ Focus group

¹ Questionnaires were sent to the Executive Director of Education and Children's Services within East Lothian for wider distribution to staff. Please note that the findings within this report are based on responses received to the survey and therefore may not be representative of all staff within East Lothian.

meetings were conducted with senior leaders, staff in administrative roles, staff from Education and Children's Services and staff at all levels within schools, early learning and childcare settings (ELC)² and services. In addition, meetings took place with other council services such as school crossing patrol managers, facilities management and school catering services. HM Inspectors held over 50 focus group meetings and visited 18 schools. Overall, HM Inspectors met either online or face to face with over 200 staff from across East Lothian Council.

Statements in online questionnaires and discussions with groups of staff were designed to gather information related to the focus of the review as detailed in 1.1. However, in both questionnaires and in focus groups, staff highlighted wider areas of safeguarding and child protection. HM Inspectors have included these in the report to ensure chief officers and senior leaders within the council have an accurate account of staff's views and experiences.

2. Executive summary

His Majesty's Inspectors of Education, at the request of East Lothian Council, conducted a review of policies, practices and guidance related to child protection, safeguarding, one-to-one working and whistleblowing. The purpose of the review was to determine how well the council's policies and procedures supported council staff in schools, settings and services to understand and implement their safeguarding and child protection roles and responsibilities.

HM Inspectors' findings come from three main sources of evidence: a review of the council's policies and procedures, online questionnaire responses from 697 staff across the council and meetings with 204 council staff, including focus group discussions with staff who work in council services and staff in schools, settings and services.

HM Inspectors identified the following key strengths and areas for development:

2.1 Key strengths:

- The Chief Executive Officer and the Executive Director for Education and Children's Services are prioritising improving safeguarding and child protection approaches across the council.
- Staff across East Lothian Council are committed to understanding and implementing their roles and responsibilities to keep children and young people safe.
- Council policies, procedures and guidance, including references to whistleblowing in recent child protection training, demonstrate clearly a commitment to supporting staff to implement their child protection and safeguarding roles and responsibilities.
- Senior leaders in Education Services are improving their support for staff in schools, settings and services and are beginning to help them evaluate their approaches to child protection and safeguarding.
- Staff have a good understanding of the need to take specific actions when working one-to-one with children and young people.

² Referred to as "settings" throughout the report

2.2 Next steps for East Lothian Council:

- Engage with all staff to ensure that child protection professional learning is appropriate to their roles and remits.
- Ensure there is a clear understanding about the thresholds for intervention for children perceived to be at risk of harm.
- Within existing quality assurance arrangements, develop further approaches to identify what is working well and areas for improvement in relation to safeguarding and child protection.
- Ensure procedures for reporting child protection concerns across educational visiting services are robust and that these are in line with council policy.
- Review how well the Health and Safety Policy is being implemented across the council and in schools, settings and services, particularly in relation to feedback for those who have made referrals.
- Develop clear and appropriate policies and guidance for one-to-one working situations.

3. Policies, procedures and guidance related to child protection and safeguarding

As part of the external review, HM Inspectors reviewed a range of policies, procedures and guidance developed by staff in the local authority. This included professional learning guidance, presentations and training modules. A full list of policies and guidance included in the review can be found in appendix 1. The purpose of this part of the external review was to consider how well policies and guidance supported staff across the local authority to understand their roles and responsibilities.

3.1 Findings:

Policies and guidance demonstrate clearly the council's commitment to supporting staff to implement their roles and responsibilities to keep children and young people safe. Policies include references to national guidance and children's rights. Staff in the council are taking appropriate account of updated national guidance such as the National Guidance for Child protection in Scotland 2021³. Work is underway to update policies and procedures to reflect this new national guidance.

Senior leaders in the Education Service are beginning to support those in schools, settings and services to self-evaluate their child protection and safeguarding approaches through the completion of an annual self-evaluation form. Staff told HM Inspectors that this is supporting them to identify what is working well and what needs to improve. Staff in the Education Service are beginning to use information from this audit to identify strategic strengths and areas for improvement to inform their child protection and safeguarding action plan.

Staff reported that they benefit from child protection and safeguarding professional learning guidance developed by East and Midlothian Public Protection Committee. Within East Lothian, this professional learning is delivered by the school's senior leadership team in each establishment. This guidance provides practical information and strategies to support staff's understanding of reporting and recording approaches. Staff expressed a preference for face-to-face professional learning that includes opportunities to participate in discussion with colleagues and scenario-based learning. Staff reported that the inclusion of information about how to report concerns related to staff conduct is a welcome addition to updated professional learning guidance developed in August 2022.

East Lothian Council provides helpful and appropriate online training in child protection and safeguarding, in line with the council's policy. A few groups of staff that engage with children and young people have not participated in any child protection or safeguarding learning. Some staff are not able to access face-to-face learning or attend training sessions in schools. They report that this is due to contractual issues. Depending on the role of staff, online modules are available at Level 1 or Level 2. Level 1 module offers staff a basic level of child protection learning, including areas such as identifying types of abuse and reporting procedures. Level 2 module provides staff with more detailed learning about dealing with child protection concerns

³ [national guidance for child protection in Scotland 2021](#)

and working with other agencies. A significant number of staff told HM Inspectors that whilst online learning is useful, they would welcome opportunities to participate in additional face-to-face learning. Some staff would like to participate in level 2 training and are unsure if this is available to them. Senior leaders in the Education Service should communicate to staff what is available and who can participate in different levels of training.

Across schools, settings and services, senior leaders and staff in focus groups have a good understanding of approaches for reporting concerns to other agencies. They are familiar with Edinburgh and Lothians Inter-agency Child Protection Procedures⁴ which all staff are expected to follow. A number of senior staff who had reported child protection concerns to Children's Services were not always provided with details of the action taken as a result of their referral. Staff were also concerned that child protection concerns they raised did not always meet the thresholds for Children's Services colleagues to take action. Edinburgh and Lothians Child protection procedures are currently being updated. As this work progresses, senior leaders in Education and Children's Services should ensure that the council's policies and procedures provide clear guidance for staff in schools to help them understand when it is appropriate for them to refer to the Children's Services Duty Team. Guidance should support staff to take appropriate steps if referrals to Children's Services do not meet thresholds for intervention. The guidance should also make clear what happens once staff make referrals, including what to do if they do not receive information about actions that have been taken following a referral. Within existing quality assurance arrangements, senior leaders in Education and Children's Services should develop further approaches to identify what is working well and areas for improvement in relation to safeguarding and child protection. This should include systems that provide them with an overview of child protection and safeguarding concerns that are reported within all schools, settings and services. As part of their self-evaluation approaches, senior leaders should sample referrals to evaluate practices, such as the quality of reporting forms, chronologies and appropriateness of actions from other agencies. This will allow senior leaders in Education and Children's Services to identify and share effective practice.

Senior leaders within Education and Children's Services have clear expectations that staff within all council services understand and follow Edinburgh and Lothians Inter-agency Child Protection Procedures. Currently, different visiting services have a range of ways of reporting child protection concerns. For example, in a few services, staff report concerns to the designated child protection coordinator in the child's or young person's school. In other services and if appropriate, staff report concerns to their line manager who will then refer to other agencies. Senior leaders within Education and Children's Services should review further the reporting procedures across all services to ensure that concerns, referrals to other agencies and actions taken are shared with the relevant staff in schools. School staff should also ensure that visiting services and specialists are provided with wellbeing information about children and young people, as appropriate.

East Lothian Council has in place a system for staff to report health and safety accidents and incidents. This system requires staff in schools and settings to complete and submit forms with details of incidents or accidents. During focus groups, a few staff told HM Inspectors that they require feedback or discussion with council staff when they report incidents or accidents. They are concerned particularly when they submit several forms that relate to the same

⁴ [Edinburgh and Lothians child protection procedures](#)

circumstances and receive no communication about what action, if any, has been taken. Senior leaders in the Education Service should review how reported incidents and accidents are dealt with and clarify feedback expectations. Where required, and in line with policies and procedures, council staff should investigate reports to determine what actions need to be taken to prevent further accidents or incidents.

4. One-to-one working and whistleblowing:

Across schools, settings and services, staff talked about a range of contexts in which they work in one-to-one situations with children and young people. This includes areas such as in early learning and childcare settings, providing pastoral care and support and providing individual learning or tuition. As part of the review, we asked staff across the council about policies and procedures to keep children, young people and staff safe when working in one-to-one situations.

Senior Leaders in Education and Children's Services in East Lothian Council asked HM Inspectors to include the council's whistleblowing policy in the external review. Questions about staff's understanding of whistleblowing were included in online questionnaires and in focus group discussions. The council had recently updated and distributed a whistleblowing policy across all staff teams. At the start of each academic year, senior leaders in the Education Service provide a child protection professional learning presentation for staff in schools, settings and services. In August 2022, this presentation included information about raising concerns under the council's whistleblowing policy.

4.1 Findings:

Staff have a good understanding of the importance of taking specific actions when working one-to-one with children and young people. They told HM Inspectors about practical approaches they take such as working in public areas or keeping doors open in rooms when they are on their own with children and young people. Staff in early learning and childcare settings have developed policies and guidance to ensure the safety of young children and staff when providing intimate care. Staff in other services are beginning to develop procedures that are specific to their context. Whilst staff can identify good practice they implement in order to keep children, young people and staff safe, there are no specific council policies or guidance on this matter. Staff across the council told HM Inspectors they require guidance related to one-to-one working. Senior leaders in Education and Children's Services should provide strategic guidance and policies related to working in one-to-one situations.

Staff value the recent addition of whistleblowing awareness raising in their child protection and safeguarding professional learning. Staff who were involved in focus groups told HM Inspectors that this element of professional learning facilitated discussion and dialogue about reporting concerns related to the behaviour or conduct of other members of staff or volunteers. If staff report concerns and do not feel that these have been dealt with or taken seriously, whistleblowing policies and procedures provide useful advice. Senior leaders within Education and Children's Services should provide further guidance to support staff to understand the whistleblowing policy within the context of child protection and safeguarding. There needs to be further clarity in relation to whether concerns about a member of staff should be reported using child protection or whistleblowing approaches. Further advice is needed to emphasise that staff who have concerns about the conduct of other staff, should report such matters as they would any other child protection or safeguarding concern.

5. Conclusion:

Across the council, including in schools, services and settings, overall, those staff with whom HM Inspectors have engaged with, understand the council's safeguarding and child protection policies and procedures. Those in leadership roles in the council are beginning to implement self-evaluation approaches to inform safeguarding and child protection improvements. Senior leaders within Education and Children's Services should build on existing policies, practices and approaches and address areas for improvement as identified in this report. As they develop approaches and progress improvements, senior leaders should take account of the information and views offered by staff as part of this review.

Appendix 1:

Policies and guidance included in the external review by HM Inspectors

Policy
Customer feedback
Respect for All – A positive approach to preventing bullying
Inclusion and wellbeing service policy
Safeguarding policy
A positive approach to improving attendance
Inclusion, equality and accessibility for all
Disclosure, PVG processing guidance for managers
Disclosure manager checklist
Code of conduct policy
Harassment at work policy
Whistleblowing policy
Child Protection processes and risk assessment training June 2022 – Powerpoint
Level 1 face to face presentation June 2022 Powerpoint
Child protection Aug 2022 Powerpoint
Child protection audit May 2022
Managing distressed and challenging behaviour 2018
Health and wellbeing PSE framework
Health and wellbeing RoA framework
Guidance on personal care needs
EMPPC Learning Practice Development Strategy2021-23

Appendix 2:

External Review of Policies and Practices Related to Child Protection and Safeguarding

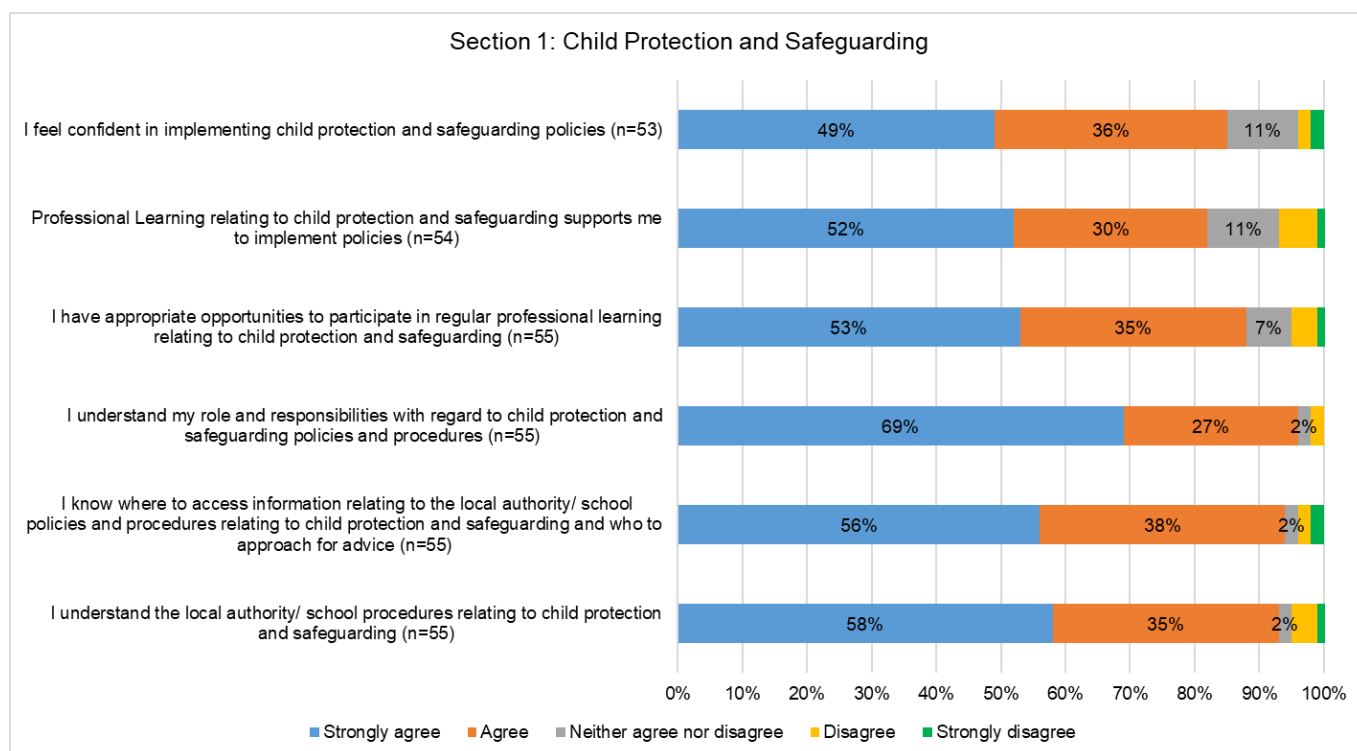
Introduction

As part of the evidence for the external review, HM Inspectors developed an online questionnaire for local authority staff which gathered their views and experiences of Child Protection and Safeguarding. The online questionnaire was sent to local authority staff that engage with children and young people but do not routinely work in schools, settings and services. A total of **55 responses** were received.

The evidence gathered from the online questionnaire is summarised below.

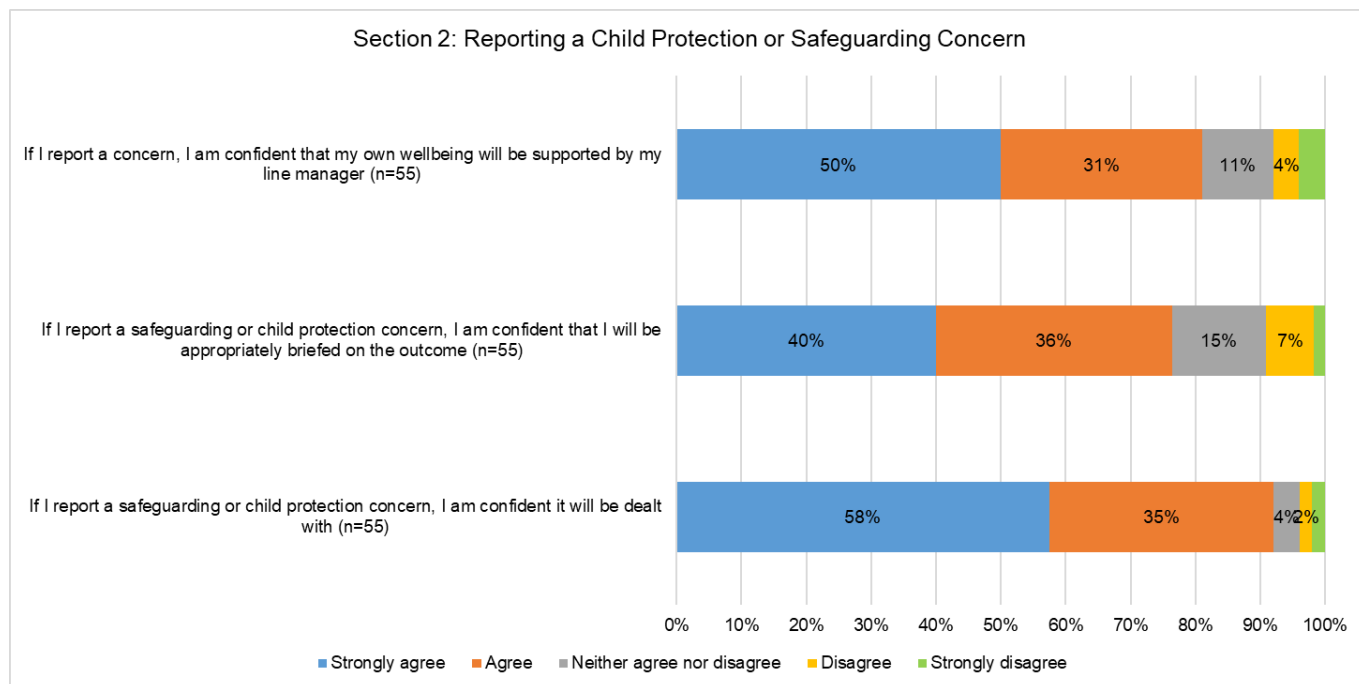
Section 1: Child Protection and Safeguarding

Section 1 of the online questionnaire asked respondents for their views in relation to understanding and implementing child protection and safeguarding policies and accessing information and professional learning relating to child protection and safeguarding.



Section 2: Reporting a child protection or safeguarding concern

Section 2 of the online questionnaire focused on reporting a child protection or safeguarding concern.



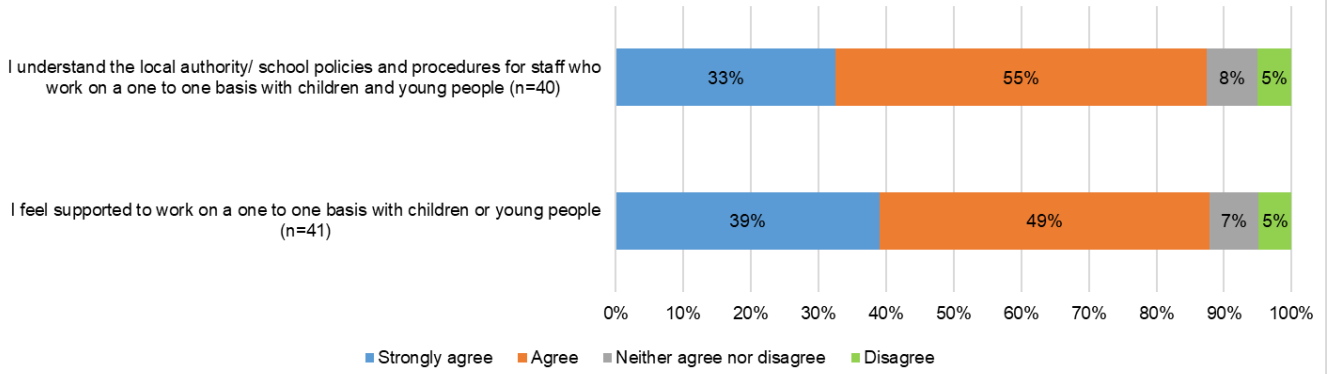
Section 3: Working with children and young people on a one-to-one basis

Section 3 of the online questionnaire focused on working with children and young people on a one-to-one basis. Overall, 36% of respondents said they did work with children and young people on a one-to-one basis, and a further 38% said that they did 'sometimes'.

Response	Number of responses	Percentage of Responses
Yes	20	36%
No	14	25%
Sometimes	21	38%

For those respondents answering 'Yes' or 'Sometimes' to this initial question, an additional two questions were asked to gather further insight into the understanding of policies relating to working on a one-to-one basis with children and young people and the support offered. The results are provided in the chart below.

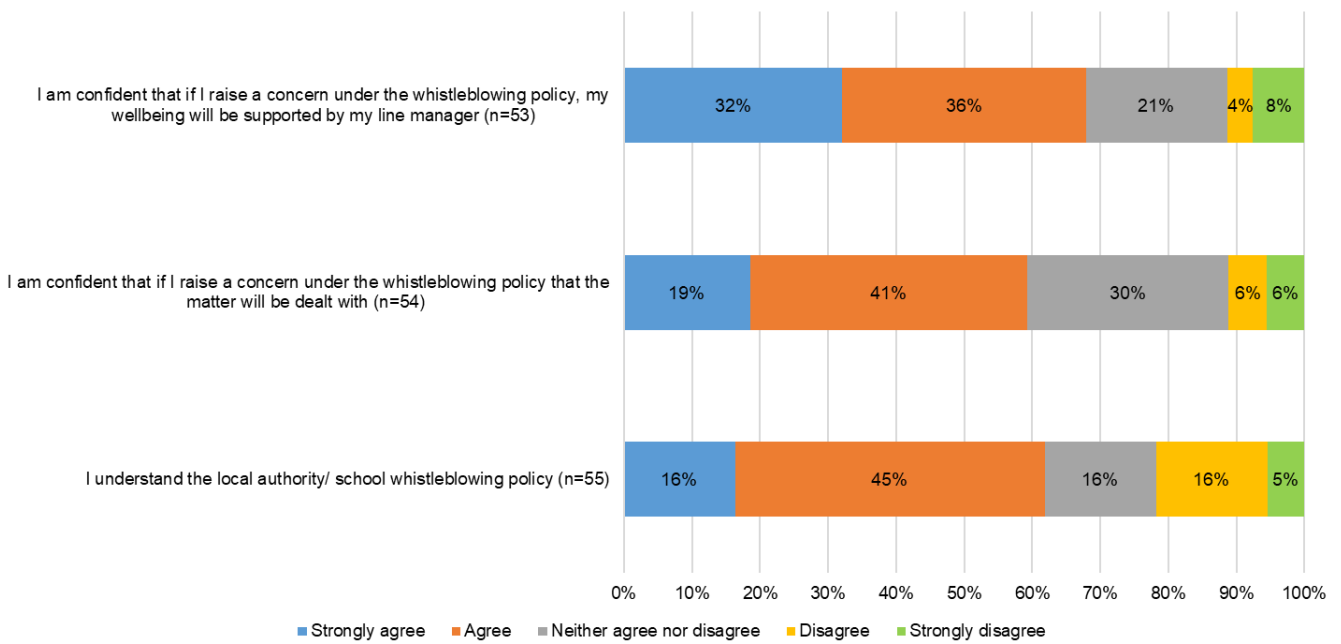
Section 3: Working with Children and Young People on a One to One Basis



Section 4: Whistleblowing Policy

The final section of the online questionnaire asked for feedback on the whistleblowing policy. The results of these questions are provided in the chart below.

Section 4: Whistleblowing



Appendix 3:

External Review of Policies and Practices Related to Child Protection and Safeguarding

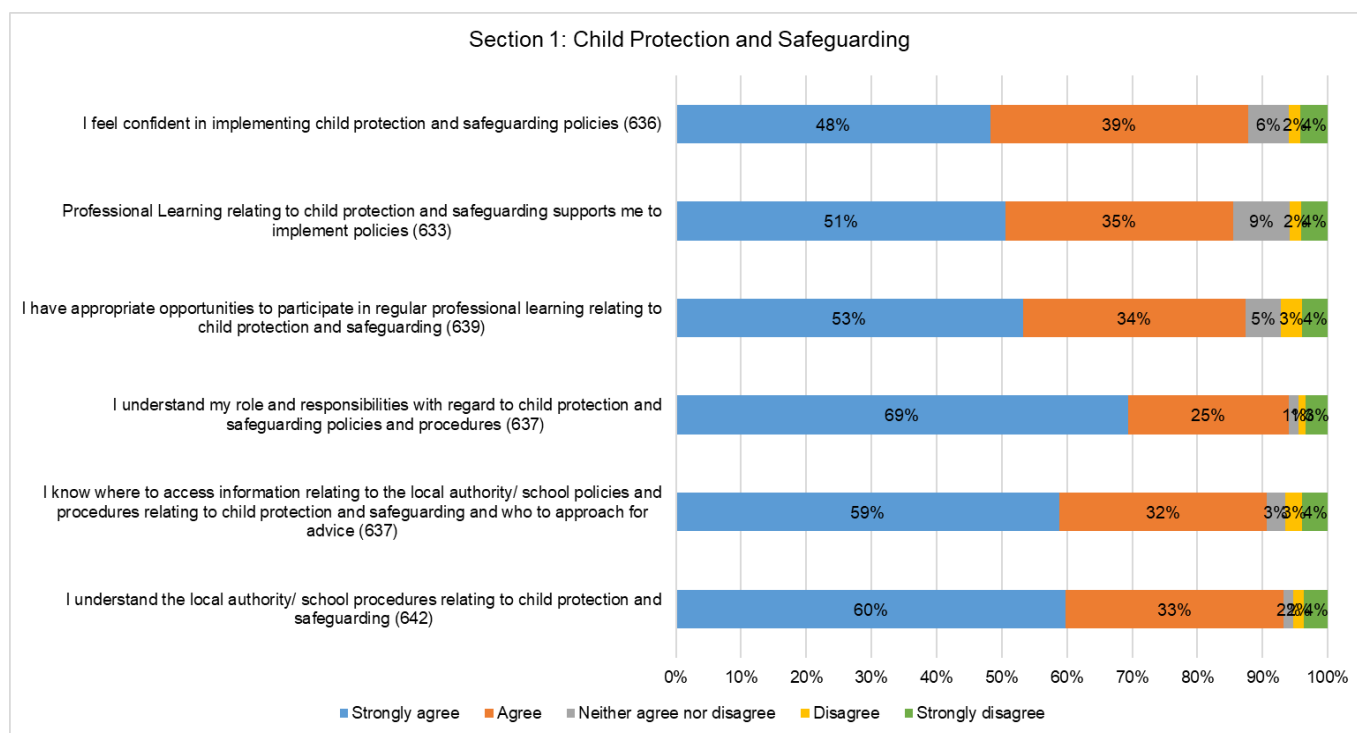
Introduction

As part of the evidence for the external review, HM Inspectors developed an online questionnaire for ELC and school Staff which gathered their views and experiences of Child Protection and Safeguarding. The online questionnaire was sent to ELC and school staff for completion and a total of **642 responses** were received.

The evidence gathered from the online questionnaire is summarised below.

Section 1: Child Protection and Safeguarding

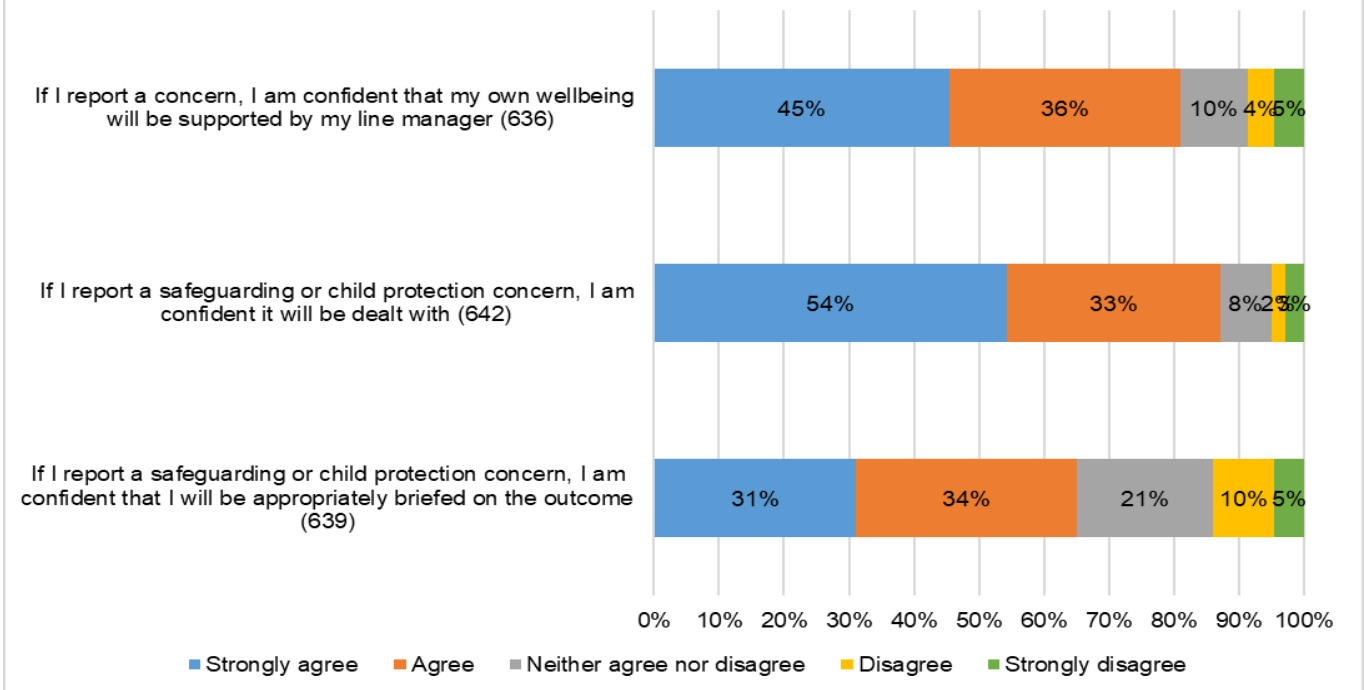
Section 1 of the online questionnaire asked respondents for their views in relation to understanding and implementing child protection and safeguarding policies and accessing information and professional learning relating to child protection and safeguarding.



Section 2: Reporting a child protection or safeguarding concern

Section 2 of the online questionnaire focused on reporting a child protection or safeguarding concern.

Section 2: Reporting a Child Protection or Safeguarding Concern



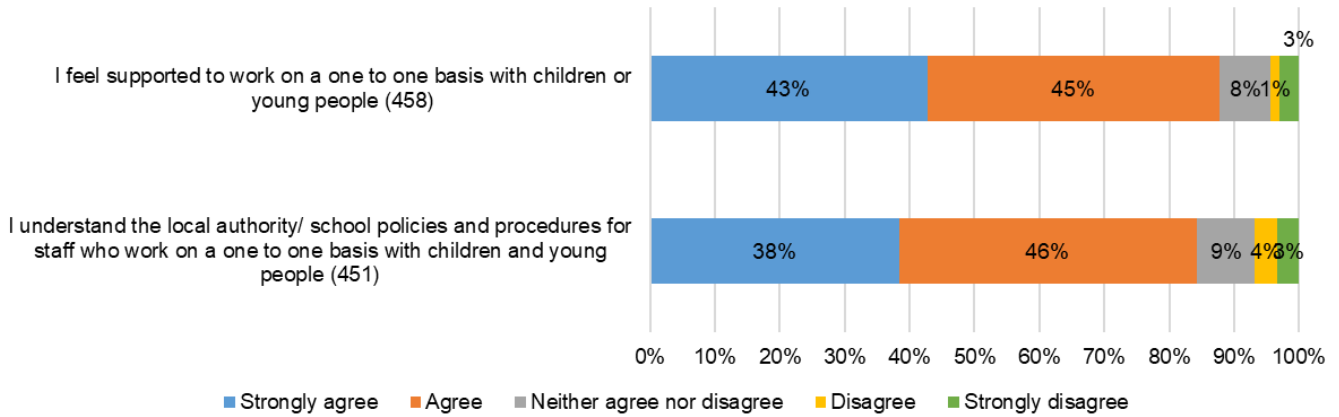
Section 3: Working with children and young people on a one-to-one basis

Section 3 of the online questionnaire focused on working with children and young people on a one-to-one basis. Overall, 30% of respondents said they did work with children and young people on a one-to-one basis and a further 41% said that they did ‘sometimes’.

Response	Number of responses	Percentage of Responses
Yes	194	30%
No	184	29%
Sometimes	264	41%

For those respondents answering ‘Yes’ or ‘Sometimes’ to this initial question, an additional two questions were asked to gather further insight into the understanding of policies relating to working on a one-to-one basis with children and young people and the support offered. The results are provided in the chart below.

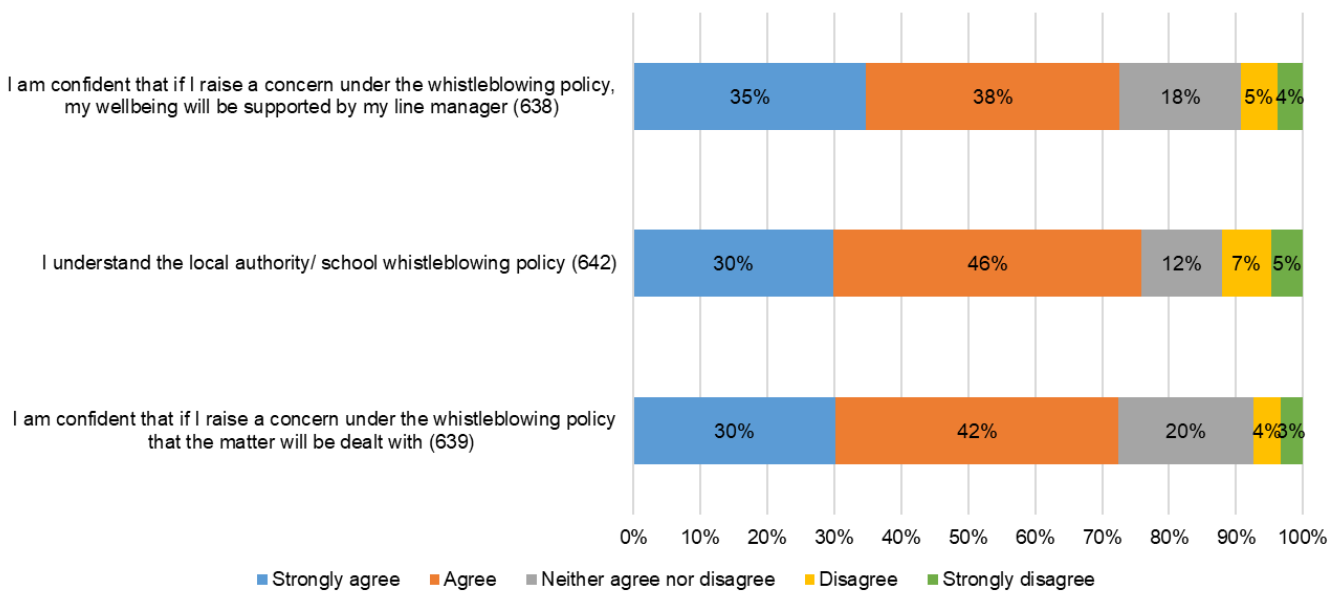
Section 3: Working with Children and Young People on a One to One Basis



Section 4: Whistleblowing Policy

The final section of the online questionnaire asked for feedback on the whistleblowing policy. The results of these questions are provided in the chart below.

Section 4: Whistleblowing



Education Scotland

Denholm House
Almondvale Business Park
Almondvale Way
Livingston EH54 6GA

T +44 (0)131 244 4330

E enquiries@educationscotland.gsi.gov.uk

www.education.gov.scot