

Emergency meeting over failures in care services for young people held in private with promise of early discussion by new council

Concerns over serious failures within the council's care services for young people should be discussed in public "as much as possible", councillors have agreed – as an emergency meeting was held in private over the issues.

An emergency meeting of the Education, Children and Families Committee was held on Tuesday at the request of Conservative councillors. Reports emerged that an investigation into the culture of Edinburgh Secure Services (ESS) – the local authority's provider of care and accommodation for youngsters aged 10 to 17 – was requested by the council's Chief Executive Andrew Kerr in 2017 but had never taken place.

Tory group leader Cllr Iain Whyte argued the public "has a right to know" about any potential "corporate failure" in the council, however officials said there were legal concerns about holding discussions in public "at this time", adding that doing so could lead to the identification of victims.



Cllr Iain Whyte – now a candidate for Craigentenny/Duddingston

by Donald Turvill Local Democracy Reporter

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Councillors voted to debate in private on Tuesday – but agreed that a special meeting of the new committee should be held “as soon as possible” following Thursday’s local elections when “as much as possible can be debated in public”.

And one senior councillor said he believed the council may have failed in its duty of care.

The meeting followed reports in the Sunday Post which alleged

that Mr Kerr's call for a probe into ESS was not followed up, and which also claimed council staff were aware a girl in care had been sent to stay with a social worker under investigation for having a relationship with a 15-year-old.

These allegations came after revelations of "illegality, maladministration and injustice" and "serious and sustained failings" within secure care services up to 2020, outlined in a confidential report shown to councillors last month.

Sources claimed the report detailed "physical and mental abuse of highly vulnerable and disturbed young people". Calls for the report to be released in full, whilst protecting victims' identities, have intensified in recent weeks, with Scotland's Children and Young Person's Commissioner Bruce Adamson the latest high profile figure to urge the council to publish.

Cllr Whyte said the latest claims leaked to the press were not mentioned in that report.

Requesting the emergency meeting last week, he called for a new report to be brought to the committee outlining why the minor was allegedly placed with a suspected sex offender, whether claims Mr Kerr's request for an investigation into ESS in 2017 didn't go ahead are true and the way in which the accusations relate to the report shown to councillors in March.

And he submitted a motion to have it debated in public "as far as is possible".

However, on Monday night councillors received legal advice from officials which said doing so would not be possible 'without causing significant risk to the council'.

The City of Edinburgh Council's head of legal, Nick Smith said: "Some of the information in the report cannot be published, for example data protected information, and there's other information in the report with significant issues for

ongoing processes or detriment to other individuals including victims could be created if it were to be released at this time.”

Conservative councillor Andrew Johnston said: “I think when you have a report that talks about illegality, maladministration and injustice I think all of us want to get to the bottom of this. From an outsider looking in, it looks like once again this council is dealing with things in private.”

Fellow Conservative councillor Callum Laidlaw, who is stepping down at this election, said: “It seems unusual to me that we can’t have a policy discussion about some of the structural issues relating to how the council handled this without identifying individuals, whether employees or victims.”

He added: “Taking legal advice to protect the council’s reputation when we’re discussing failures by the council is an issue.”

Mr Smith replied: “I did not say the legal advice was to protect the council’s reputation in any way. I absolutely agree that victims are at the centre of this, and they are also who we are trying to protect in this.”

Cllr Whyte said: “If we have a debate about a lack of progress with actions, ordered by the Chief Executive or others to improve our services, we have a general debate about our policy, we should be able to do that in public without impacting on future hearings.

“And if there’s corporate failure, or not, the public has a right to know about that. The investigation here into the whistle-blowing found maladministration, criminality and injustice in Edinburgh Council and the public has no idea why or what that’s about.”

An amendment tabled by the coalition called on officers to

redraft the report with an 'A agenda' containing all items able to be considered in public and a private 'B agenda' with any confidential matters.

Passed by eight votes to three, the committee agreed it should be brought to another special meeting of Education, Children and Families Committee "as soon as possible following the election".

Convener Ian Perry, Labour, said: "There's no attempt by this administration or anybody in this committee I hope to hide anything. Everything has got to be done in public as much as possible.

"There's no immediate need to have a discussion two days before an election, what we need to do is to get the officials to go away and reflect on what we've said and come back with an A and B agenda, an A agenda that can be discussed in public."

Vice convener Ellie Bird added: "This is not about secrecy, this is about responsibility. As councillors we must at all times conduct ourselves with integrity and that is what's expected of us and should be expected of us – and conduct ourselves with the seriousness that issues such as this demand."

After the meeting, Cllr Whyte said the answers given in response to his questions about care failures "paint a rather different picture to what has been reported in the media".

Asked if, following the debate, he thought that corporate failure had taken place, he replied: "I certainly believe there has been because there are things that were meant to happen in previous reviews that weren't properly implemented.

"Whichever way you look at it, and whether or not the people responsible are no longer with the council or not, the council as a whole didn't implement those actions which were fully

intended to make the service better and to make it safer for the young people involved – and so that in itself is a corporate failure.”

Cllr Whyte also said the ‘action plan’ set out in the report’s recommendation “has a lot of merit”, adding: “It needs to be fully pushed through by the senior officers involved and the real problem here going back years is that things weren’t properly pushed through in the past.

“I remain of the view that there’s a whole host of things that could be discussed in public and particularly about general policy and how the council finds ways of ensuring these services are safe and listening to the young people and the public about them.”