

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
Sent: 11 February 2022 15:36
To: Shirley-Anne.Somerville.msp@parliament.scot; Scottish Ministers
<Scottish_Ministers@gov.scot>
Subject: Fwd: Nationwide Pupil Safeguarding Concern

Ms Sommerville

The story coming out of Crieff High School is related to the concerns I brought to you a couple of weeks ago. If children's concerns were recorded as per the government policy announced in 2018 I don't believe situations like the one at Crieff Hydro would be allowed to develop. Unless this is stopped at school it continues into adulthood and is never addressed.

Looking at your video on the link below the councils / schools can't be trusted to deliver this. Government needs to step in and make sure they do as they are supposed to do.

[Crieff High: Education Secretary urges schools to listen after open letter \(thecourier.co.uk\)](https://www.thecourier.co.uk/news/scotland/education-secretary-urges-schools-to-listen-after-open-letter-2022-02-11)

Regards

[redacted s38(1)(a)]

----- Original Message -----

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
To: Shirley-Anne.Somerville.msp@parliament.scot; scottish.ministers@gov.scot
Sent: Saturday, 29 Jan, 2022 At 22:30
Subject: Nationwide Pupil Safeguarding Concern

Ms Sommerville

In 2018 the Scottish Government announced a new policy in relation to school bullying. Not only were bullying incidents to be recorded, actions taken by the school were to be listed as were outcomes. I commend and thank the government for this. Unless schools are accountable and no longer tolerate and often ignore bullying this problem will continue to impact children's lives. For some like [redacted s38(1)(b)] who has been too anxious to attend a single class in the last 18 months its life changing. For others and their families its even worse.

Attached is a document which I believe proves beyond any doubt that the councils / schools have failed to properly to implement this policy. Its evidenced based and in my opinion confirms a significant safeguarding problem which needs urgent government attention.

[attachment included at **Annex C**]

Its concerns me that the Scottish Government seems to be unaware of this as it confirmed to me in an FOI response it is not monitoring how this policy is progressing. In my opinion this must change moving forward. My local MSP's have let me and [redacted s38(1)(b)] own on this hence me reaching out to you direct.

I look forward to receiving a response in a timely manner.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
Sent: 06 March 2022 13:05
To: Scottish Ministers <Scottish_Ministers@gov.scot>; Shirley-Anne.Somerville.msp@parliament.scot
Subject: Fwd: Serious Scottish School Records Application Concerns

For the attention of Shirley Anne Sommerville

Please see the email trail below. I believe the current SEEMiS application is not fit for purpose. It lacks integrity and the ability to comply with the latest data protection laws. I uncovered this after discovering [redacted s38(1)(b)] school records had been falsified. The government must step in and address this.

I look forward to your response.

Regards

[redacted s38(1)(a)]

----- Original Message -----

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
To: Scotland@ico.org.uk
Sent: Sunday, 6 Mar, 2022 At 12:58
Subject: Serious Scottish School Records Application Concerns

Hi

SEEMiS is the school record system used by all 32 councils in Scotland. It is a key system of record application covering a child's record whilst at school. It often holds confidential information. For good reason I had reason to doubt the integrity of the application. Following several FOI's I uncovered the following -

- Its impossible for councils to demonstrate that users are only accessing personal data / confidential records for lawful and approved reasons. Why - they have no idea who has looked at records and when. This is open to abuse and can't be allowed to continue
- If a user edits a previously recorded record the application does not retain a copy of what was previously recorded. Why previous records are allowed to be changed in the first place is beyond me but if its allowed its essential that a record is kept of what was previously recorded
- A user can edit another users record about a child without their agreement or knowledge. If a user does this the original time, data and user name will remain as was. This should not be allowed
- The date, time and name linked to a record can be changed at anytime. For example, a user could open up a new pastoral note today and back date it to make it look like it was recorded a year ago which is simply appalling. This can be done with edited pastoral notes also

I raised these concerns with SEEMiS LLP but as you will see with the email trail below they don't share my concerns hence me bringing this to your attention. The councils must be able to demonstrate that they are operating in line with current legislation but I don't think this is possible with the above. Given my personal experience I believe that this must be urgently looked into by the ICO.

I look forward to your response.

Regards

[redacted s38(1)(a)]

----- Original Message -----

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@seemis.gov.scot>

Sent: Friday, 4 Mar, 2022 At 17:31

Subject: RE: Concerns

[redacted s38(1)(b)]

Thank you for your response. Having worked in IT for almost 30 years I can appreciate your comments on this and the position you find yourself in. Please be assured that I am not out to cause trouble for SEEMiS LLP.

I am coming at this from a regulatory and compliance perspective. As it stands the Data Controller's, i.e. the councils have no way of being sure that confidential information is only being accessed for lawful reasons. Also when a parent likes me submits a Subject Access Request to obtain a copy of [redacted s38(1)(b)] education records they must to be accurate. If a record created today is presented to me as being recorded last year this would not be in line with current legislation. If this was done deliberately it could be a criminal offense under Section 173 of the Data Protection 2018 Act.

As such I would I thought it would have been in your customers interest to resolve these matters as quickly as possible. Councils should have trust in their employees but the longer these loopholes exist the greater the risk that data protection laws will be broken by them.

Regards

[redacted s38(1)(a)]

----- Original Message -----

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@seemis.gov.scot>

To: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Sent: Friday, 4 Mar, 2022 At 16:32

Subject: RE: Concerns

Dear [redacted s38(1)(a)]

Whilst we do not agree with all of the conclusions you have expressed, we thank you for the time you have taken to raise your concerns.

We certainly do not take your points lightly and we fully intend to take the concerns you raise here about the functionality of some areas through our established governance processes, to determine what action is required.

As with most IT systems it has been developed over a significant time period and we are currently working through a comprehensive upgrade programme. Any new applications that are developed provide full audit capability.

Regards,

[redacted s38(1)(b)]



[redacted s38(1)(b)]

helpdesk@seemis.gov.scot
letters@seemis.gov.scot

SEEMiS Group LLP

Almada Street

Hamilton

ML3 0AA

www.seemis.gov.scot

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Sent: 22 February 2022 20:07

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@seemis.gov.scot>

Subject: Concerns

[redacted s38(1)(b)]

Thank you for your recent assistance. For a key system of record I found the following very surprising -

- There is no history of who has viewed a child's records.
- That the date, time and name associated with pastoral notes can be changed to what ever date or name a user wishes when being created or edited.

I accept that some safeguard measures are in place, i.e., restricted access and a history trail but given my own personal experience and knowledge I still have concerns -

- Just because a user has access that does not mean that they can access a child's confident record for any reason whatsoever. For example, a noisy teacher looking at a neighbours records or a teacher finding some "dirt" for a friend involved in a dispute with another family or an ex partner. That's why the likes of the NHS have safeguarding measures in place such as recording who is accessing what and when to capture unauthorized and unacceptable access to personal data.
- The ability to change the time, date and name when creating or editing pastoral notes deeply concerns me. Its open to potential abuse. For example a user could backdate a record to make it look contemporaneous or they could edit a note created by someone

else without their knowledge. It also increases the likelihood of inaccurate or incomplete records as users know they can eventually get round to catching up with their record keeping without any real fear of being found out. I accept there is a history trail which captures this but this is not common knowledge making this too open to abuse. It also does not capture previous versions of a note if its been edited. This I believe is necessary for completeness.

In my opinion its important that the public has confidence in the integrity of important system of records such as SEEMiS. Its the same for internal users who must have access to an accurate child's history to ensure that their needs are met. In [redacted s38(1)(b)] case no one reading [redacted s38(1)(b)] pastoral notes and the Bullying and Equalities module would have been aware that there had been an incident involving a dangerous weapon in primary school two days after I raised serious concerns about [redacted s38(1)(b)] safety. It had been whitewashed from existence and replaced with a false narrative to cover up what actually happened.

As it stands I don't have confidence in the integrity of the SEEMiS application / service provided by SEEMiS LLP. Others I have discussed this with are equally concerned about what I have discovered. Everyone agrees that these loopholes must be closed.

I bringing this to your attention in the hope that this too concerns you. What you do with this is up to you. If I don't hear from you within the next couple of weeks I will assume that you intend to do nothing about it.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
Sent: 06 May 2022 09:29
To: First Minister <firstminister@gov.scot>
Cc: [redacted s38(1)(b)] <[redacted s38(1)(b)] @icloud.com>; Presiding Officer <PresidingOfficers@parliament.scot>; [redacted s38(1)(b)] @parliament.scot
Subject: Re: Conduct of [redacted s38(1)(b)] , The Ombudsman

[redacted s38(1)(b)]

I raised what I believe are serious concerns with you over a month ago. It disappoints me that I have had no response whatsoever given that honesty in public office is currently very topical and your own recent comments on this topic. There is clear evidence of wrongdoing by both [redacted s38(1)(b)] and the SPSO and this needs to be properly investigated. When you have the organisation tasked with investigating the conduct of others acting in a similar manner something is seriously wrong. The fact that they have no one to answer to in such a scenario can't be allowed to continue.

Can you please provide a response to my concerns.

Regards

[redacted s38(1)(a)]

----- Original Message -----

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @btinternet.com>
To: firstminister@gov.scot
Cc: [redacted s38(1)(b)] @parliament.scot; "[redacted s38(1)(b)] " <[redacted s38(1)(b)] @icloud.com>; "Presiding Officer" <PresidingOfficers@parliament.scot>
Sent: Tuesday, 5 Apr, 2022 At 14:33
Subject: Conduct of [redacted s38(1)(b)] , The Ombudsman

[redacted s38(1)(b)]

I recently raised concerns with [redacted s38(1)(b)] with regard to the conduct of [redacted s38(1)(b)] , the Ombudsman. [Redacted s38(1)(b)] informed me that [redacted s38(1)(b)] is basically untouchable, a law unto Redacted s38(1)(b)] and responsible to no one. Given the important role Redacted s38(1)(b)] plays I find this very disturbing and concerning.

I accept that the SPSO is independent of government but that does not give [redacted s38(1)(b)] the right to act dishonestly when Redacted s38(1)(b)] personal conduct is being investigated by an independent reviewer and the ICO without any repercussions whatsoever. Someone, somewhere must have oversight of Redacted s38(1)(b)] personal conduct should Redacted s38(1)(b)] integrity be impaired given the role Redacted s38(1)(b)] performs. Redacted s38(1)(b)] sets the standards for others to follow, Redacted s38(1)(b)] police's them when they don't. Redacted s38(1)(b)] can only do this if Redacted s38(1)(b)] integrity remains intact.

In my case I believe Redacted s38(1)(b)] was dishonest with a junior employee who was liaising with the independent reviewer. They had asked [redacted s38(1)(b)] why Redacted

s38(1)(b)] had issued a Stage 2 decision for a decision which had already been upheld by one of Redacted s38(1)(b)] managers at Stage 1. Redacted s38(1)(b)] falsely claimed that I had submitted a second but similar complaint which Redacted s38(1)(b)] must have known was untrue. This information was then shared with the independent reviewer. I only found this out after submitting Subject Access Requests to both the independent reviewer and the SPSO. Unlike the independent reviewer the SPSO failed to disclose this to me at the time. Eventually they had to after I raised concerns about missing data.

I raised a complaint about this with [redacted s38(1)(b)] and Redacted s38(1)(b)] deliberately failed to respond to this specific allegation. I submitted a Request for Rectification to correct this false claim but the SPSO refused to do so despite clear evidence of it being wrong. I then raised a complaint with the ICO who found in my favour and have instructed the SPSO to correct this inaccurate data and inform the independent reviewer of this.

There is more to it than this (as per the attached document) but in my opinion Redacted s38(1)(b)] conduct needs to be investigated. Redacted s38(1)(b)] has been dishonest about me, Redacted s38(1)(b)] was dishonest with a junior employee in the knowledge that Redacted s38(1)(b)] would inform the independent reviewer of this. I think Redacted s38(1)(b)] did this in the expectation that I would never find out but I did. Even then Redacted s38(1)(b)] had opportunities to rectify things given the overwhelming evidence against Redacted s38(1)(b)] but Redacted s38(1)(b)] chose not to.

[document attached at Annex B]

I hope this is something you can help with. Highly paid, tax funded individuals such as [redacted s38(1)(b)] must be accountable if they are found to be dishonest.

I do hope this is something you can deal with.

Regards

[redacted s38(1)(b)]

[redacted s38(1)(b)]

1 February 2023

Ms Shirley-Anne Sommerville
Cabinet Secretary for Education & Skills
Scottish Government
St Andrews House
Regent Road
Edinburgh
EH1 3DG

Dear Ms Somerville

Request for an investigation into the conduct of East Dunbartonshire Council

Last year I wrote to you re my findings published in The Herald –

https://www.heraldscotland.com/business_hq/200https://www.bbc.co.uk/news/uk-scotland-6442263324712.fears-bullying-hugely-under-reported-protect-school-reputations/

I understand from Gayle Gorman that Education Scotland has completed its review in relation to my concerns and will publish it soon. Given the compelling evidence I uncovered and recent comments by the EIS I would be very surprised if all was deemed well – Union wants better records of violence in Scottish schools - BBC News

Last year you also signposted me back to East Dunbartonshire Council and the SPSO as you were unwilling to look into my specific concerns. Had I lived in England I strongly believed that Ofsted would have stepped in but we don't have this option in Scotland as Education Scotland also won't get involved. It's the same with the GTCS when it comes to safeguarding with everyone signposting back to the council.

That leaves one option or so I believed, i.e., the SPSO whom I pushed all the way until they played their "trump card". Within the Ombudsman Act they are expressly forbidden from investigating the conduct of a school under the management of an education authority. Given that I had accused two teachers of falsifying school records in SEEMiS as part of a safeguarding coverup they were unable to investigate this leaving me without anyone apart from the council to turn to which is completely unacceptable given their conduct over the past 3.5 years. There is a gap and this needs to be filled as per the following BBC article - Fears over teacher safeguarding investigations - BBC News- I was one of the 47 referrers to the GTCS mentioned in this article and current Petition 1979 - PE1979 Establish an independent inquiry and an independent national whistleblowing officer | Scottish Parliament Website

Let down by the process and those whom I thought would help me I turned to the courts. Why – I was 100% sure that some of [redacted s38(1)(b)] school records were falsified. I was also 99% sure that the records presented to the SPSO were not recorded contemporaneously as claimed. As a data subject matter expert I was confident that I could prove this if I could obtain a copy of the underlying metadata. This is a "hidden" record of who did what and when for audit purposes.

Late November 2022, after reviewing evidence the court ordered the council to hand this metadata over to me. Yesterday, I received a copy of it and my fears were confirmed. For the three records checked two were recorded at a later date and backdated to look

contemporaneous. The other was edited a month after the date the council claimed it was recorded. As a result the council has confirmed that they are now investigating this. But there is more. They falsified another child's record in an attempt I believe to corroborate their position but this backfired when I discovered it within the court disclosure. I am also concerned that [redacted s38(1)(b)] school attendance records were also tampered with.

What's happened is truly shocking. How it's even possible for teachers to tamper with SEEMiS records is beyond me. The council cannot be allowed to investigate themselves. The Government needs to step in now and order an independent investigation. Nothing less will suffice as I am concerned that my scenario is the "tip of the iceberg". As far as I am concerned the public needs to know what is going on and I have already had discussed with the BBC on this.

I do hope you share my concerns and take action like you did the last time. There can be no place for this conduct when it comes to safeguarding. The impact this coverup has had on [redacted s38(1)(b)] is life changing. It has had a huge impact [redacted s38(1)(b)] and education.

I look forward to your response. Whatever you do please do not signpost me back to either the council or SPSO. They are part of the problem not the solution to which I am looking to you to provide.

Yours sincerely

[redacted s38(1)(a)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)] @nrscotland.gov.uk> **On Behalf Of**
NRS : Business Management Unit
Sent: 07 March 2022 14:57
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>; NRS : Business
Management Unit <BMU@nrscotland.gov.uk>
Subject: RE: Serious Scottish School Records Application Concerns

Hi [redacted s38(1)(b)]
I think this is for whoever deals with the schools census, or Education records, but not for
NRS.
thanks

[redacted s38(1)(b)]

Business Management Unit
National Records of Scotland | Currently working from home
| [contactSCOTLAND-BSL](#) | [redacted s38(1)(b)] @nrscotland.gov.uk |
www.nrscotland.gov.uk

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From: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Sent: 07 March 2022 12:45
To: NRS : Business Management Unit <BMU@nrscotland.gov.uk>
Subject: FW: Serious Scottish School Records Application Concerns

Good Morning

I'm wondering if this correspondence would be for NRS colleagues?

Grateful for your help and advice.

Many thanks

[redacted s38(1)(b)]

[redacted s38(1)(b)]

Public Engagement Unit

1E.10 St Andrew's House

CorrespondenceUnit@gov.scot

From: [redacted s38(1)(b)] <[redacted s38(1)(b)] @gov.scot> **On Behalf Of** Cabinet
Secretary for Education and Skills
Sent: 07 March 2022 08:57
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Cc: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Subject: FW: Serious Scottish School Records Application Concerns

Upload to MiCase as OR please

[redacted s38(1)(b)] ([redacted s38(1)(b)])

Assistant Private Secretary to Cabinet Secretary for Education & Skills

T: [redacted s38(1)(b)] | E: cabsecES@gov.scot

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG
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From: Somerville S (Shirley-Anne), MSP <Shirley-Anne.Somerville.msp@parliament.scot>

Sent: 07 March 2022 08:14

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Subject: FW: Serious Scottish School Records Application Concerns

From: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills
Sent: 02 February 2023 10:00
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Subject: FW: For the urgent attention of Shirley-Anne Sommerville

PEU,

Please add to MiCase as an OR.

Thanks

[redacted s38(1)(b)]

[redacted s38(1)(b)] | [redacted s38(1)(b)]
St Andrew's House | Regent Road | Edinburgh | EH1 3DG | Email: CabSecES@gov.scot

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From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 01 February 2023 21:01
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [redacted s38(1)(b)] <[redacted s38(1)(b)]@educationscotland.gov.scot>
Subject: For the urgent attention of Shirley-Anne Sommerville

[redacted s38(1)(b)]

Please see my attached letter. I do hope that you can respond quickly on my serious concerns. I have copied Gayle Gorman as I do think HM Inspectors might need to get involved.

[attached at Annex B]

Regards

[redacted s38(1)(b)]
[redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 27 February 2023 11:48
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [redacted s38(1)(b)] <[redacted s38(1)(b)]@educationscotland.gov.scot>; [redacted s38(1)(b)]<[redacted s38(1)(b)]@Parliament.scot>
Subject: Concerns about recent Education Scotland Report on Bullying

Ms Sommerville

Please read my serious concerns about recent findings by Education Scotland. I am deeply concerned by this. I have attached my previous two letters to you on this plus your response to one of them (still waiting for a response on the other)

I have had enough of this "lip service", lack of progress and urgency shown to date at children and families expense. You should be ashamed at the lack of progress been made since introducing these new guidelines in 2018.

[redacted s38(1)(b)] - please forward this information to [redacted s38(1)(b)]. As discussed, I think its in the public interest that I be allowed to present in person to the Parliamentary Committee for Petitions PE1964 and PE1979 given what I have uncovered over a period of almost 4 years.

Regards

[redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 14 April 2023 17:36
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: RE: Case - 202300345515

Thanks [redacted s38(1)(b)], much appreciated.

----- Original Message -----

From: [redacted s38(1)(a)]@gov.scot
To: [redacted s38(1)(b)]@btinternet.com
Sent: Friday, 14 Apr, 2023 At 15:41
Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)],

Thank you for your email and your voicemail.

I understand your frustration at the situation and want to provide you with all the information I can to help you. I'm seeking advice from colleagues around Section 70 and will provide you with a fuller response, hopefully next week.

I'll be in touch as soon as I can.

Best wishes,

[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T: [redacted s38(1)(b)]**

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Sent: 13 April 2023 18:47

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>

Subject: Case - 202300345515

[redacted s38(1)(b)]

Thank you for your response to my concerns.

I am very disappointed with it. Yet again I feel the Scottish Government is both abdicating responsibility and ignoring the crux of the problem. For example -

- Section 70 of the Education (Scotland) Act 1980 enables Scottish Ministers to get involved with individual cases following a complaint. As such, I don't accept that Scottish Ministers can't get involved.

- In fact, I believe that Scottish Ministers must get involved to ensure my human rights with regard to my right to have a fair and independent investigation into a complaint about a publicly funded body. The normal recourse for this is the SPSO but they are expressly forbidden within the Ombudsman Act from investigating the conduct of a school under the management of an education authority. If Scottish Ministers refuse to invoke the rights bestowed to them under Section 70 of the Education (Scotland) Act 1980 and not take action I will view this as an infringement of my human rights and seek legal advice.

- At the crux of this matter is the significant under reporting of bullying in Scotland. The evidence is overwhelming yet I see nothing from the Scottish Government or Education Scotland to date which accepts or addresses this and the fact that teachers can easily cover up failings by tampering with records. This is a clear child safeguarding issue which has impacted [redacted s38(1)(b)] significantly and I have no doubt other children.

Tinkering is not going to make the difference required as the councils / schools have proven they simply can't be trusted. External scrutiny is now required given the harm to children this is causing.

I look forward to a detailed response to each bullet point. I stand by my previous request to have a meeting with the new Cabinet Secretary for Education and would appreciate it if you would set this up. Why - I don't think you are treating this as seriously as you should be and the longer this goes on the likes of [redacted s38(1)(b)] remain free to cover up safeguarding failures without fear of any independent scrutiny. Given that this puts children's lives and safeguarding at risk this cannot and must not be allowed to continue.

I look forward to your response.

Regards

[redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 24 April 2023 12:46
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

Thank you for your response. Personally I don't think the Scottish Government is taking bullying as seriously as it should be. Its taken almost 4 years to discover that a third of the councils have yet to start implementing the new guidelines introduced in 2018 (phased approach to implementation meant to be completed by August 2019) and the ones which have are not properly following them. This should have been identified much earlier than this. As for under reporting of bullying incidents neither the Scottish Government or Education Scotland nor has yet to comment on the concerns I raised let alone accept that this is a problem which much be addressed. Until the Government accepts that there is an under reporting problem and informs me what is is doing about it I will continue to lobby that it does given the impact this is having on children's wellbeing, health and education today.

Question / Request 1 - has my request for a meeting with the new Cabinet Secretary for Education been forwarded to her. If not, can you please ensure that it is and confirm that it has been done.

Question / Request 2 - does the Sottish Government acknowledge that there is a significant under reporting problem as well as the issues uncovered by Education Scotland. If so, please confirm what it is doing about it. If not, please confirm this and what data this is based on.

As for Section 70 I have to say that I find it quite complex to understand. For example, my local council is still withholding educational records from me and going back to the ICO would be a waste of my time as they are "toothless" when it comes to this so a Section 70 complaint might make better sense for me.

Question / Request 3 - I need support to make a Section 70 complaint. The organisation (Govan Law Centre) who the SG funds to do this can't tell me when they can provide it. Is there any way the SG can intervene on my behalf to speed this support up

That aside, my biggest concern is that there seems to be no mechanism in place to have an independent third party investigate the conduct of a school under the management of an education authority apart form the council itself. As previously mentioned the SPSO is forbidden from doing this and no one else including the Scottish Government, Education Scotland, GTC Scotland, ICO, three of my MSPs (two of whom have education roles) or my councilors want to touch it with a "barge pool". All want to hide behind a system which protects organisations putting children at risk and in many cases causing them harm. This only encourages organisations like my local council to continue covering up safeguarding issues safe in the knowledge that no one can or will investigate them.

Finally, children are being put at even more risk due to other limitations of SEEMiS. Once in, a user is free to read, copy or print off any child's confidential record without this being captured by the application. In the worst case scenario a paedophile could print of details of potential victims and councils would be none the wiser. Best case scenario is that

councils can't prove that this data is only being accessed for lawful reasons as required under GDPR legislation (how can they if they don't know who is looking at what and when). This too must be dealt with along with functionality which enables schools to tamper with records as happened with my case. I raised this with the SG previously whose response was to signpost me to the ICO who has done nothing about it so its back with the SG now to sort this out.

We have strayed into the public interest test as my concerns continued to be ignored or not effectively addressed. Shame on the Scottish Government from where I am sitting.

Regards

[redacted s38(1)(b)]

----- Original Message -----

From: [redacted s38(1)(a)]@gov.scot
To: [redacted s38(1)(a)]@btinternet.com
Sent: Monday, 24 Apr, 2023 At 09:55
Subject: RE: Case - 202300345515

Good morning [redacted s38(1)(b)],

Thank you for your patience while I sought advice on this matter.

The section 70 guidance (application form is included within this) highlights that the section 70 process can only be used in certain circumstances where it is alleged that a responsible body has failed to carry out a statutory duty relating to education. The guidance provides that it is vital that when making a complaint, it is clear which sections of legislation (relating to education) you believe the responsible body has failed to carry out.

Additionally, the guidance explains that only current alleged failures can be investigated under the section 70 process, it cannot be used to investigate historic matters. This is because the only action Scottish Ministers can take if they find that there has been a current failure to carry out a statutory duty relating to education is to declare the education authority (or other responsible body) to be in default in respect of that duty and order them to perform the said duty. For example, it may be alleged that a responsible body has previously failed to carry out an assessment of a child's additional support needs. However, if the responsible body has now carried out this assessment, the previous alleged failure cannot be investigated under section 70.

From the information you have currently provided, I am unsure which specific educational statutory duty you consider the responsible body to have failed to discharge. However, if you do think there is an educational statutory duty the authority has failed to discharge, you may wish to complete the application form with the guidance.

I understand that you have already contacted the Information Commissioner's Office about certain aspects that relate to this matter. It may be appropriate to contact the ICO again, specifically in relation to the right to have inaccurate personal data rectified under Article 16 of the UK GDPR. Please note that under the Data Protection Act 2018 personal data is considered to be inaccurate if it is incorrect or misleading as to any matter of fact.

Please also note that under regulation 10 of the Pupils' Educational Records (Scotland) Regulations 2003 a parent can make a request to the responsible body (East Dunbartonshire Council in this case) to rectify or erase any information in the educational records which the parent considers to be inaccurate. In making such a request, you would be required to (a) supply sufficient information for the responsible body to locate the information regarded as inaccurate; (b) specify in what respect the information is inaccurate; and (c) specify in what manner the responsible body should rectify the information or what part of the information should be erased.

Finally, on your concerns around recording and monitoring of bullying incidents in schools, I want to reassure you that we take this very seriously and acknowledge that improvements are required. As per my previous correspondence, we are working with key stakeholders, SEEMiS and Education and Scotland on what more can be done to support schools in relation to anti-bullying and to improve the current approach to recording and monitoring of incidents.

Thank you again for taking the time to raise these concerns with us.

Best wishes,

[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T:** [redacted s38(1)(b)]

From: [redacted s38(1)(b)]

Sent: 20 April 2023 13:08

To: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

Thank you very much for sharing this additional information with me. I am sorry that you feel you have not received a satisfactory response from the bodies listed below.

Section 70 complaints do not fall within my remit which is why I've had to contact a colleague for advice on this. They are looking into it for you and I will provide you with the advice and any other options as soon as I have it. Unfortunately, this is likely to fall into next week now. Apologies, I know you have already waited a significant amount of time for a satisfactory response already.

Best wishes,

[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T:** [redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Sent: 20 April 2023 12:06

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>

Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

I reached out to the Govan Law Centre last week as the Scottish Government funds them to advise parents like me contemplating making a Section 70 Complaint. Upon receiving no response from them (I sent an email as requested) phoned them up today for them to tell me that they are busy and that they have no idea when someone will get back to me if they ever do. They can't even say a week, a month or a year. For a public funded service I don't think this is good enough, i.e., as a very minimum they should be able to given some sort of indication.

At 50,000 feet the system looks great, i.e., the council will properly investigate themselves and should they not act properly when doing so you can go to the -

- SPSO (no you can't because buried in the Ombudsman Act is a clause which means they are forbidden to investigate the conduct of a school under the management of an education authority)
- GTC Scotland (no you can't because bullying concerns I raised can't be investigated by them)
- ICO (you can, but they will taken no action against a council refusing to had over all school records or when its proven that some of the ones that have been handed over have been tampered with as part of a safeguarding cover up)
- Scottish Ministers (you can raise a Section 70 complaint and to help you do so public funds are given to the Govan Law Centre to advise you on this but they are very busy and have no idea when they can get back to you, if ever.

Meanwhile, my very serious, well evidence concerns about child safeguarding across Scotland and my local council are not being dealt with as no one wants touch it with a "barge pole" including three of my MSPs (one constituency, two regional) despite two of them having spokesperson roles for Education within their party. Its the same for my councilors as well. No wonder nothing gets done and bullying continues to causes much harm. I have no doubt had I lived in England HM Inspectors would be investigating by now. But I don't, I live in Scotland. This is simply not good enough.

I need two things to happen -

- Help with making a section 70 complaint
- A meeting with the cabinet secretary for Education as this can't continue.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(b)]
Sent: 14 April 2023 15:34
To: [redacted s38(1)(a)] <[redacted s38(1)(a)]@gov.scot>
Subject: FW: Concerns about recent Education Scotland Report on Bullying

Hi [redacted s38(1)(b)]

I hope you're well.

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

Let me know if it would be easier to discuss.

Thanks,
[redacted s38(1)(b)]

From: [redacted s38(1)(a)]@btinternet.com
Sent: 13 April 2023 18:47
To: [redacted s38(1)(b)] [redacted s38(1)(b)]@gov.scot
Subject: Case - 202300345515

[redacted s38(1)(b)]

Thank you for your response to my concerns.

I am very disappointed with it. Yet again I feel the Scottish Government is both abdicating responsibility and ignoring the crux of the problem. For example -

- Section 70 of the Education (Scotland) Act 1980 enables Scottish Ministers to get involved with individual cases following a complaint. As such, I don't accept that Scottish Ministers can't get involved.

- In fact, I believe that Scottish Ministers must get involved to ensure my human rights with regard to my right to have a fair and independent investigation into a complaint about a publicly funded body. The normal recourse for this is the SPSO but they are expressly forbidden within the Ombudsman Act from investigating the conduct of a school under the management of an education authority. If Scottish Ministers refuse to invoke the rights bestowed to them under Section 70 of the Education (Scotland) Act 1980 and not take action I will view this as an infringement of my human rights and seek legal advice.

- At the crux of this matter is the significant under reporting of bullying in Scotland. The evidence is overwhelming yet I see nothing from the Scottish Government or Education Scotland to date which accepts or addresses this and the fact that teachers can easily cover up failings by tampering with records. This is a clear child safeguarding issue which has impacted [redacted s38(1)(b)] significantly and I have no doubt other children.

Tinkering is not going to make the difference required as the councils / schools have proven they simply can't be trusted. External scrutiny is now required given the harm to children this is causing.

I look forward to a detailed response to each bullet point. I stand by my previous request to have a meeting with the new Cabinet Secretary for Education and would appreciate it if you would set this up. Why - I don't think you are treating this as seriously as you should be and the longer this goes on the likes of East Dunbartonshire Council remain free to cover up safeguarding failures without fear of any independent scrutiny. Given that this puts children's lives and safeguarding at risk this cannot and must not be allowed to continue.

I look forward to your response.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>

Sent: 27 February 2023 11:48

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: [redacted s38(1)(b)]<[redacted s38(1)(b)]@educationscotland.gov.scot>; [redacted s38(1)(b)]<[redacted s38(1)(b)]@Parliament.scot>

Subject: Concerns about recent Education Scotland Report on Bullying

Ms Sommerville

Please read my serious concerns about recent findings by Education Scotland. I am deeply concerned by this. I have attached my previous two letters to you on this plus your response to one of them (still waiting for a response on the other)

I have had enough of this "lip service", lack of progress and urgency shown to date at children and families expense. You should be ashamed at the lack of progress been made since introducing these new guidelines in 2018.

[redacted s38(1)(b)] - please forward this information to [redacted s38(1)(b)]. As discussed, I think its in the public interest that I be allowed to present in person to the Parliamentary Committee for Petitions PE1964 and PE1979 given what I have uncovered over a period of almost 4 years.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(b)]
Sent: 20 April 2023 13:02
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: FW: Case - 202300345515

Hi [redacted s38(1)(b)]

Further to our email exchange yesterday, please find additional correspondence from [redacted s38(1)(a)] below. I'd be grateful if you could consider this as part of your advice please?

Thank you,
[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T:** [redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 20 April 2023 12:06
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

I reached out to the Govan Law Centre last week as the Scottish Government funds them to advise parents like me contemplating making a Section 70 Complaint. Upon receiving no response from them (I sent an email as requested) phoned them up today for them to tell me that they are busy and that they have no idea when someone will get back to me if they ever do. They can't even say a week, a month or a year. For a public funded service I don't think this is good enough, i.e., as a very minimum they should be able to given some sort of indication.

At 50,000 feet the system looks great, i.e., the council will properly investigate themselves and should they not act properly when doing so you can go to the -

- SPSO (no you can't because buried in the Ombudsman Act is a clause which means they are forbidden to investigate the conduct of a school under the management of an education authority)
- GTC Scotland (no you can't because bullying concerns I raised can't be investigated by them)
- ICO (you can, but they will taken no action against a council refusing to had over all school records or when its proven that some of the ones that have been handed over have been tampered with as part of a safeguarding cover up)
- Scottish Ministers (you can raise a Section 70 complaint and to help you do so public funds are given to the Govan Law Centre to advise you on this but they are very busy and have no idea when they can get back to you, if ever.

Meanwhile, my very serious, well evidence concerns about child safeguarding across Scotland and my local council are not being dealt with as no one wants touch it with a "barge pole" including three of my MSPs (one constituency, two regional) despite two of them having spokesperson roles for Education within their party. Its the same for my councilors as well. No wonder nothing gets done and bullying continues to causes much harm. I have no doubt had I lived in England HM Inspectors would be investigating by now. But I don't, I live in Scotland. This is simply not good enough.

I need two things to happen -

- Help with making a section 70 complaint
- A meeting with the cabinet secretary for Education as this can't continue.

Regards

[redacted s38(1)(a)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@gov.scot>

Sent: 19 April 2023 15:25

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>

Subject: RE: Concerns about recent Education Scotland Report on Bullying

Hi [redacted s38(1)(b)]

[redacted s36(1)]

[redacted s36(1)]

Kind regards

[redacted s38(1)(b)]

[redacted s38(1)(b)] | [redacted s38(1)(b)] Children, Education, Rights Incorporation and Disclosure Division (CERID) | Scottish Government Legal Directorate | Victoria Quay | Edinburgh | EH6 6QQ

This correspondence is from the Scottish Government Legal Directorate. It contains legal advice and is legally privileged. It may, therefore, be exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004.

From: [redacted s38(1)(b)]

Sent: 19 April 2023 15:48

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>

Subject: RE: Concerns about recent Education Scotland Report on Bullying

Hi [redacted s38(1)(b)]

Thank you very much for getting back to me. Hope you are well.

[redacted – section 36(1)]

Thanks,

[redacted s38(1)(b)]

From: [redacted s38(1)(b)]
Sent: 24 April 2023 09:47
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Cc: SGLD School Education <SGLDSE@gov.scot>
Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

[redacted s36(1)]

Best wishes,
[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T:** [redacted s38(1)(b)]

From: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Sent: 21 April 2023 17:07
To: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>
Cc: SGLD School Education <SGLDSE@gov.scot>
Subject: RE: Case - 202300345515

Hi [redacted s38(1)(b)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

[redacted s36(1)]

Kind regards

[redacted s38(1)(b)]

[START]

Hi [redacted s38(1)(b)]

[redacted s21 (1) - this information was issued to the correspondent]
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[redacted s21 (1) - this information was issued to the correspondent]
[redacted s21 (1) - this information was issued to the correspondent]

[END]

Kind regards

[redacted s38(1)(b)]

[redacted s38(1)(b)] [redacted s38(1)(b)] Children, Education, Rights Incorporation and Disclosure Division (CERID) | Scottish Government Legal Directorate | Victoria Quay | Edinburgh | EH6 6QQ

This correspondence is from the Scottish Government Legal Directorate. It contains legal advice and is legally privileged. It may, therefore, be exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004.

From: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Sent: 14 April 2023 10:30
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: FW: Case - 202300345515

Hi [redacted s38(1)(b)]

How are you?

I received a MiCase from the correspondent below about concerns that [redacted s38(1)(b)] records had been falsified in relation to bullying incidents. I sent the attached reply and he has responded with the email below.

Are you able to provide me any contribution to go back on the points about section 70 please?

Thanks,
[redacted s38(1)(b)]

[redacted s38(1)(b)] ([redacted s38(1)(b)]) | **Support and Wellbeing Unit| Scottish Government Area 2C North, Victoria Quay | Edinburgh | EH6 6QQ | T:** [redacted s38(1)(b)]

From: [redacted s38(1)(a)] <[redacted s38(1)(a)]@btinternet.com>
Sent: 13 April 2023 18:47
To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: Case - 202300345515

[redacted s38(1)(b)]

Thank you for your response to my concerns.

I am very disappointed with it. Yet again I feel the Scottish Government is both abdicating responsibility and ignoring the crux of the problem. For example -

- Section 70 of the Education (Scotland) Act 1980 enables Scottish Ministers to get involved with individual cases following a complaint. As such, I don't accept that Scottish Ministers can't get involved.

- In fact, I believe that Scottish Ministers must get involved to ensure my human rights with regard to my right to have a fair and independent investigation into a complaint about a publicly funded body. The normal recourse for this is the SPSO but they are expressly forbidden within the Ombudsman Act from investigating the conduct of a school under the management of an education authority. If Scottish Ministers refuse to invoke the rights bestowed to them under Section 70 of the Education (Scotland) Act 1980 and not take action I will view this as an infringement of my human rights and seek legal advice.

- At the crux of this matter is the significant under reporting of bullying in Scotland. The evidence is overwhelming yet I see nothing from the Scottish Government or Education Scotland to date which accepts or addresses this and the fact that teachers can easily cover up failings by tampering with records. This is a clear child safeguarding issue which has impacted [redacted s38(1)(b)] significantly and I have no doubt other children.

Tinkering is not going to make the difference required as the councils / schools have proven they simply can't be trusted. External scrutiny is now required given the harm to children this is causing.

I look forward to a detailed response to each bullet point. I stand by my previous request to have a meeting with the new Cabinet Secretary for Education and would appreciate it if you would set this up. Why - I don't think you are treating this as seriously as you should be and the longer this goes on the likes of East Dunbartonshire Council remain free to cover up safeguarding failures without fear of any independent scrutiny. Given that this puts children's lives and safeguarding at risk this cannot and must not be allowed to continue.

I look forward to your response.

Regards

[redacted s38(1)(b)]

DIRECTORATE FOR LEARNING
Improvement, Attainment and Wellbeing

T : [redacted s38(1)(b)]

E : [redacted s38(1)(b)] @gov.scot

[redacted s38(1)(a)]

[redacted s38(1)(a)] @btinternet.com

Our Reference: 202200280787

3 March 2022

Dear [redacted s38(1)(b)]

Thank you for your emails of 29 January and 24 February 2022 to Ms Somerville, Cabinet Secretary for Education and Skills regarding pupil safeguarding concerns. Ms Somerville asked me to thank you for your letter and to reply on [redacted s38(1)(b)] behalf.

I am very sorry to hear about [redacted s38(1)(b)] experience at school. I would like to assure you that the Scottish Government takes the issue of bullying very seriously. Bullying of any kind is unacceptable and must be addressed quickly, whenever it arises. We are absolutely committed to working with schools and local authorities to prevent bullying happening in the first place and educating our children and young people.

It may be helpful to know that each local authority is responsible for the care, safety and welfare of pupils in school in the authority. Scottish Ministers and Scottish Government officials are unable to intervene in individual circumstances, therefore raising concerns with [redacted s38(1)(b)] school and the education authority is the most appropriate way in which to resolve these matters. All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing of the children and young people in their care. This is something we refer to as the 'Responsibility of All', which is in place to ensure each practitioner fulfils their role in promoting open, positive, supportive relationships across the school community.

You may be aware that in November 2017, we published updated anti-bullying guidance '[Respect for All](#)'. We expect that all local authorities have an anti-bullying policy that covers all of their schools and each school should develop and implement an anti-bullying policy in line with this. The policy should indicate how the issue of bullying will be raised within the curriculum and how incidents will be dealt with and recorded. Where concerns are identified, actions are taken to support all the individuals involved to ensure the health and safety of all. We also fully fund respectme, Scotland's anti-bullying service to build confidence and capacity to address bullying effectively, aligned to Respect for All. This includes implementing and evaluating locally relevant anti-bullying policies on which stakeholders have been consulted and providing training, information and support with guidelines, procedures and monitoring.

As you are aware, in 2019 we introduced a consistent approach to recording and monitoring

incidents of bullying across all schools in Scotland. In order to support local authorities and schools on recording and monitoring bullying incidents we published the [supplementary guidance](#) that you mention in your email.

We have no plans for the numbers of bullying incidents to be collated at a national level. This is because we know that recording and monitoring of bullying incidents is essential and best carried out locally where recurring patterns can be identified, thereby ensuring early intervention and appropriate support.

We expect all schools and local authorities to be using the new approach to recording and monitoring. An evaluation will be undertaken by Education Scotland later this year to assess how successfully the new system has been embedded. The Scottish Government is grateful to you for highlighting your concerns. We will share your document with Education Scotland to consider when they undertake the evaluation.

I understand you are not happy with the complaints procedure in Scotland. However, Scottish Ministers do not have the legal power to consider complaints about specific school matters and are unable to intervene in individual circumstances. I understand you reached out to the Scottish Public Services Ombudsman (SPSO) but it may be helpful to know that the next step would be for you to raise a formal complaint with East Dunbartonshire Council at: [Customer complaints | East Dunbartonshire Council](#) This aligns with the legal responsibilities of education authorities to provide educational services in Scotland. If you are still not happy with the Council's response then you can ask for this to be reviewed. If you are not happy with the response to the review, it is then at this point that we would encourage you to contact the SPSO who will look at your complaint. You can contact the SPSO at: Freepost EH641, Edinburgh, EH3 0BR, or telephone 0800 377 7330 or the website is <https://www.spsso.org.uk/complain/form/start/>.

Thank you for taking the time to write to us. I hope this response reassures you that we take the issue of bullying very seriously.

Yours sincerely

[redacted s38(1)(b)]

[redacted s38(1)(b)]

Policy Officer, Health and Wellbeing

DIRECTORATE FOR LEARNING
DLEARN : Education Analytical Services

[redacted s38(1)(a)]
[redacted s38(1)(a)] @btinternet.com

Our Reference: 202200285858

14 March 2022

Dear [redacted s38(1)(b)]

Thank you for your email to Ms Somerville dated 6 March 2022.

I note that you have raised concerns about the way in which SEEMiS is used by education authorities. There are specific requirements upon education authorities in relation to pupil records as a result of the requirements of The Pupils Educational Records (Scotland) Regulations 2003. The issue you have raised is a matter for local authorities as Data Controllers of the information that you are referring to. The Scottish Government does not have any involvement on how local authorities process their own data and who their data processor is.

I see that you have already contacted the Information Commissioner's Office with regards this matter, and is who I would have suggested you approach with this matter.

Yours sincerely

[redacted s38(1)(b)]
EAS : Information Management, Improvement and Evidence

DIRECTORATE FOR JUSTICE
DJUST : Civil Law and Legal System

[redacted s38(1)(a)]
[redacted s38(1)(a)] @btinternet.com

Our Reference: 202200299049

23 May 2022

Dear [redacted s38(1)(b)]

Thank you for your recent correspondence, highlighting the issues you have been having with the Scottish Public Services Ombudsman (SPSO).

The Scottish Public Services Ombudsman falls under the remit of the Minister for Community Safety and I have been asked to respond on their behalf.

I am sorry to hear that you have had a negative experience with the Scottish Public Services Ombudsman (SPSO).

Please note that the SPSO is funded by the Scottish Parliamentary Corporate Body (SPCB) and the SPSO's budget forms part of the SPCBs overall budget. However, as an independent officeholder, the SPSO is not subject to the direction or control of the SPCB or any member of the Scottish Government or Scottish Parliament with regards to its functions.

I note that you have already progressed a complaint to the Information Commissioner and as you will be aware the SPSO has an internal complaints system and a link has been provided below. I note however you may have already accessed the formal process. Please be aware that there is an onwards complaints process to the Independent Customer Complaints Reviewer. This must be taken within one month of receiving the SPSO decision letter. There is however a route of complaint directly to the Independent Customer Complaints Reviewer, which is at the discretion of the SPSO.

Full details of the complaints process and the onwards route of appeal can be found here. [Our customer service standards | SPSO](#)

I hope this proves helpful.

Yours sincerely

[redacted s38(1)(b)]
CLLS : Courts and Tribunals

DIRECTORATE FOR LEARNING
Improvement, Attainment and Wellbeing

T : [redacted s38(1)(b)]
E : [redacted s38(1)(b)] @gov.scot

[redacted s38(1)(a)]
[redacted s38(1)(a)] @btinternet.com

Our Reference: 202300345515

13 April 2023

Dear [redacted s38(1)(b)]

Thank you for your recent emails to Ms Somerville, MSP, former Cabinet Secretary for Education and Skills about the recording and monitoring of bullying incidents in schools. I have been asked to respond as I have policy responsibility for bullying in schools.

I am very sorry for the length of time you have had to wait for a response. As you are aware, the Scottish Government cannot legally get involved in individual circumstances. East Dunbartonshire Council has confirmed there was an investigation ongoing and this is the appropriate avenue for your concerns to be addressed.

I am sorry about the experience you and [redacted s38(1)(b)] have had around the recording of bullying incidents. I understand this will be a very difficult and stressful time for you having had to go through this. I would like to reassure you that the Scottish Government takes the issue of bullying very seriously and we expect all schools and authorities to record and monitor bullying incidents. As you know, the national approach to recording and monitoring was introduced in August 2019. It was agreed that an evaluation would be carried out in 2021 to allow time for the system to embed. Due to COVID-19 the evaluation was delayed and instead was carried out in October 2022, with the final report being published this year following Education Scotland's quality assurance process. We take the report very seriously and acknowledge that there is room for improvement. We have taken immediate action to ensure schools and school staff have the right support in place to prevent and respond to bullying.

As part of that, we have begun our review of our national anti-bullying guidance Respect for All: national approach to anti-bullying - gov.scot (www.gov.scot). Through the review we will be utilising the experience and expertise of a wide range of stakeholders to understand what updates are required to the guidance to better support schools to respond to the concerns raised, and to ensure learners and parents have confidence in how bullying is dealt with. The review will be informed by the findings of the thematic inspection, including its findings in relation to monitoring and recording, the definition of bullying, and communication with parents and pupils.

HM Inspectors will also undertake a second phase of the thematic inspection which will look at good practice in how schools are responding to bullying. Education Scotland will publish this report later this year. The findings will inform our future work.

More generally, we are seeking the advice of the Teacher Panel and our Advisory Group on Relationships and Behaviour in Schools about the findings and next steps required to further improve our approach to recording and monitoring bullying incidents in schools. We have also begun engagement with SEEMiS, the schools information management system, to consider what action may be required to address the concerns raised in the report.

We are also in the process of gathering, or have gathered, evidence that will help us better understand the extent of bullying and other behaviour at a national level. Our longitudinal Behaviour in Scottish Schools Research (BISSR) began in February and will report later this year. We will also consider the findings from the Health and Wellbeing Census on pupils' experiences of bullying.

Thank you for taking the time to write to us. I hope you find this response helpful.
Yours sincerely

[redacted s38(1)(b)]
[redacted s38(1)(b)]

Health and Wellbeing

Annex A

[redacted s38(1)(b)]

1 February 2023

Ms Shirley-Anne Sommerville
Cabinet Secretary for Education & Skills
Scottish Government
St Andrews House
Regent Road
Edinburgh
EH1 3DG

Dear Ms Somerville

Request for an investigation into the conduct of East Dunbartonshire Council

Last year I wrote to you re my findings published in The Herald –

https://www.heraldscotland.com/business_hq/200https://www.bbc.co.uk/news/uk-scotland-6442263324712.fears-bullying-hugely-under-reported-protect-school-reputations/

I understand from [redacted s38(1)(b)] that Education Scotland has completed its review in relation to my concerns and will publish it soon. Given the compelling evidence I uncovered and recent comments by the EIS I would be very surprised if all was deemed well – Union wants better records of violence in Scottish schools - BBC News

Last year you also signposted me back to [redacted s38(1)(b)] and the SPSO as you were unwilling to look into my specific concerns. Had I lived in England I strongly believed that Ofsted would have stepped in but we don't have this option in Scotland as Education Scotland also won't get involved. It's the same with the GTCS when it comes to safeguarding with everyone signposting back to the council.

That leaves one option or so I believed, i.e., the SPSO whom I pushed all the way until they played their "trump card". Within the Ombudsman Act they are expressly forbidden from investigating the conduct of a school under the management of an education authority. Given that I had accused two teachers of falsifying school records in SEEMiS as part of a safeguarding coverup they were unable to investigate this leaving me without anyone apart from the council to turn to which is completely unacceptable given their conduct over the past 3.5 years. There is a gap and this needs to be filled as per the following BBC article - Fears over teacher safeguarding investigations - BBC News - I was one of the 47 referrers to the GTCS mentioned in this article and current Petition 1979 - PE1979 Establish an independent inquiry and an independent national whistleblowing officer | Scottish Parliament Website

Let down by the process and those whom I thought would help me I turned to the courts. Why – I was 100% sure that some of [redacted s38(1)(b)] school records were falsified. I was also 99% sure that the records presented to the SPSO were not recorded contemporaneously as claimed. As a data subject matter expert I was confident that I could prove this if I could obtain a copy of the underlying metadata. This is a "hidden" record of who did what and when for audit purposes.

Late November 2022, after reviewing evidence the court ordered the council to hand this metadata over to me. Yesterday, I received a copy of it and my fears were confirmed. For the three records checked two were recorded at a later date and backdated to look contemporaneous. The other was edited a month after the date the council claimed it was recorded. As a result the council has confirmed that they are now investigating this. But there is more. They falsified another child's record in an attempt I believe to corroborate their position but this backfired when I discovered it within the court disclosure. I am also concerned that [redacted s38(1)(b)] school attendance records were also tampered with.

What's happened is truly shocking. How it's even possible for teachers to tamper with SEEMiS records is beyond me. The council cannot be allowed to investigate themselves. The Government needs to step in now and order an independent investigation. Nothing less will suffice as I am concerned that my scenario is the "tip of the iceberg". As far as I am concerned the public needs to know what is going on and I have already had discussed with the BBC on this.

I do hope you share my concerns and take action like you did the last time. There can be no place for this conduct when it comes to safeguarding. The impact this coverup has had on [redacted s38(1)(b)] is life changing. It has had a huge impact on [redacted s38(1)(b)] wellbeing, health and education.

I look forward to your response. Whatever you do please do not signpost me back to either the council or SPSO. They are part of the problem not the solution to which I am looking to you to provide.

Yours sincerely

[redacted s38(1)(b)]

Annex B

[redacted s38(1)(b)]
26 February 2023

Ms Shirley-Anne Sommerville
Cabinet Secretary for Education & Skills
Scottish Government
St Andrews House
Regent Road
Edinburgh
EH1 3DG

Dear Ms Somerville

Significant Concerns about Education Scotland Bullying Report

Bullying in schools is a national disgrace. It's the "elephant in the room" which must be properly dealt with once and for all.

The Scottish Government (SG) knows this hence its decision to introduce guidance in 2018 with regard to the bullying and monitoring of bullying in schools. Unless the size of the problem is properly understood (accurate reporting of incidents) and addressed (accurate recording of outcomes) how can any meaningful progress be made.

On 29 January 2022 I wrote to you outlining serious concerns about the failure of schools to adhere to these guidelines (attached – Safeguarding Concerns v1). On the 3 March 2022 the Scottish Government responded (attached – Response 2022002807787) informing me that it passed my evidence on to Education Scotland for their consideration when they reviewed how the guidance is being implemented later in the year. I was disappointed with this because clearly something was seriously amiss and every day this was not resolved many thousands of children remained at unnecessary risk and are being harmed.

On 1 February 2023 I submitted new concerns to you (attached – Urgent Safeguarding Concerns) after obtaining proof that not only is it possible for teachers to tamper with SEEMiS records that they had actually did. Apart from sexual offenses I can't think of a more serious allegation for a teacher, i.e., the covering up of a safeguarding incident to the further harm of a child. I am waiting on a response from you on this and my request for help as I have no one else to turn to due to a gap in the system which means no one apart from the council can investigate themselves on this.

Last week, Education Scotland issued its bullying report (attached - Approaches to recording and monitoring incidents of bullying in schools). It reminds me of the TV football programme, Only an Excuse. For a system introduced in 2018 I find it astonishing that it has taken until 2023 to find out that –

- All schools are not yet using the Bullying & Equalities Module (BEM) to record and monitor the progress of bullying concerns
 - o If not, are they still following the guidelines, I suspect not
- Teachers find BEM too hard to use and are not happy with its functionality so they record details elsewhere such as the pastoral notes.

- If this is truly an issue, this should have been resolved prior to now. This was rolled out across the councils throughout 2018/19 so why this was never raised as a concern with the early adopters is beyond me. Rectifying BEM should be an easy task and a priority for the SG now
- Teachers don't like labels. I do and so does most of us. A bully is a bully and a victim is a victim and need to be treated as such. We are talking about potentially life changing outcomes here
- Teachers don't understand the definition of what bullying is. Not only does the SG guidance confirm what it is, 96% of pupil's asked in the Education Scotland's survey know what it is. It's all too easy to use this as an excuse and teachers doing so should be held to account if they never took action to determine what it is

Education Scotland confirmed that bullying could under reported due to the above but they have failed to quantify this if it is and by how much. Had it reviewed my findings, i.e., less than 1% of children being bullied per year and on average of 2.5 bullying incidents per school, per year and combined it with its own findings, i.e., that 40% of pupils confirmed they have been bullied (that's 316,460, pro rata based on 792,000 pupils) it would know that it is being significantly under reported. In [redacted s38(1)(b)] case only one out of eight concerns was recorded in BEM

- With 6% of pupils (47,520 pro rata) also not feeling safe at school and 17% (134,640 pro rata) not being confident about reporting bullying not enough progress is being made to give children the confidence they need to feel safe or report bullying in school
- 10% of pupils (79,200 pro rata) don't even believe that schools deal with bullying they see first-hand.

Education Scotland also confirmed that schools **rarely** record outcomes of bullying complaints in BEM (as happened with [redacted s38(1)(b)]). This is completely unacceptable given its importance. As such, it's no wonder that 14% of pupils (110,880 pro rata) and 15% of parents are not happy with how their concerns are handled. This is a significant problem which must be addressed immediately otherwise children will be unnecessarily and unacceptably harmed.

The Education Scotland bullying report confirms what I knew, i.e., that the new guidelines / process is not working as they should. What it does not do is "call out" the scale of the problem, i.e., significant underreporting of bullying as per my findings nor does it show any urgency with regard to remediation. This is deeply concerning given that every day this remains unresolved children are harmed. I dread to think how many children have been impact by these failings since 2018.

The SG tell us to judge it on education. I am giving it a firm F given what I believe is "lip service" yet again when it comes to our children's safety in education. I am not alone in thinking this as per Education Scotland's own survey and Parliamentary Petition PE1979. It's not just a national disgrace, it's also a scandal given how easy it should have been to implement the new guidance. The truth is that teachers and schools don't want to record all incidents for fear of either being compared with others or being on the "hook" for every single incident they record. It's now my public duty to make the public aware of this as this seems to be the only way to get the SG to do anything these days. I am also going to request that I be allowed to present in person to the Petitions Committee for petitions PE1964 and PE1979 as Parliament needs to know the true impact current shortcomings and gaps are having on our children and all our fellow citizens.

Yours sincerely

[redacted s38(1)(b)]

Annex C

Background

After a two-year battle to obtain a copy of [redacted s38(1)(b)] Education Records I discovered what I suspected. None of the bullying incidents [redacted s38(1)(b)] unable to attend a single class in 18 months had been recorded in SEEMiS in line with government policy. This included a dangerous weapon incident in [redacted s38(1)(b)] primary school which had been whitewashed from [redacted s38(1)(b)] records despite been told in writing this had been recorded. In its place was a false narrative to cover up failings on the school's part.

I wanted to find out if this issue was specific to [redacted s38(1)(b)] or a council wide problem so I submitted an FOI to confirm the number of recorded bullying incidents over the past 3 years. Shocked by this response I raised a complaint with the council about it under reporting bullying incidents. Despite admitting that it had not recorded [redacted s38(1)(b)] incidents in line with the government policy in SEEMiS, it denied it had a bigger problem despite clear evidence of this. This spurred me into sending FOIs to the other 31 councils. I wanted to see if this was an [redacted s38(1)(b)] only problem or a much wider one.

Whilst waiting on the responses I reached out to [redacted s38(1)(b)] at the SPSO. It was clear to me that [redacted s38(1)(b)] organisation had missed the fact that none of the bullying incidents I had asked [redacted s38(1)(b)] organisation to investigate had been recorded in SEEMiS in line with government policy. I presented clear evidence of this to [redacted s38(1)(b)] and [redacted s38(1)(b)] refused to accept any error on their part which makes them an even bigger part of the problem. Why – unlike in England where Ofsted has the powers to investigate the conduct of schools under the management of an education authority when it comes to bullying the Ombudsman Act forbids the SPSO from doing this. All they can do is review if the process was followed which in my case, they failed to do properly which is beyond me. In my opinion it must be made mandatory that they make this most basic of checks when reviewing bullying complaints.

However, this still leaves a gap that I don't believe exists in England, i.e., complaints about the conduct of a school when it comes to bullying. As far as I can see there is no organisation in Scotland that can deal with this and the councils know it. I tried John Swinney, Education Scotland and the GTCS and none of them would touch my concerns about [redacted s38(1)(b)] previously. My constituency MSP paid lip service and two Regional MSP "ghosted me". It's as if bullying is the "elephant in the room" which everyone has given up on. In my opinion this gap needs to be addressed or councils like mine will be allowed to falsify records, lie to the SPSO without little fear of redress. Meantime it's the children that suffer.

Size of the bullying problem

I am not an expert but like most people I know that bullying is a significant problem. My guess would be that a minimum of 10% of children are bullied every year and that there would be at least one bullying incident on average in most schools every month. Having reviewed 12 school inspection reports it would not surprise me if the problem was much bigger. During every inspection, pupils and parents are asked in a questionnaire how well their school dealt with bullying. On average only 30% of pupils and 40% of parents had not experienced bullying suggesting quite a sizeable problem to me.

So far 30 councils have responded to the FOI. Two of them have no records for 2018/19. I have submitted a Request for Review to the other two. I could have waited until they responded but decided that time is off the essence.

Key Results

Below is a table which lists each council over the past three years. Across Scotland, over three years this averages out at -

- Less than 2.5 recorded incidents per school per year or 0.83 incidents per term
- Less than 1% of pupils being bullied in our schools per year (its 0.92%).

I have no doubt that the actual figure is even less than 0.92%. I have based it on a maximum of one incident per pupil but that's not going to be the case. For example, City of Edinburgh recorded 384 bullying incidents in 2019/20. In 2020/2021 this increased to 1,979 incidents due to reporting changes. Previously if two children bullied another two it would have been recorded as a single incident, now it would be recorded as four incidents.

As for Clackmannanshire Council it recorded only one bullying incident across its 24 schools in 2020/21. In my opinion the Chief Education Officer either deserves a "gold star" or their "jotters". I suspect I know the answer to that one. You only have to do a quick google search to cast doubt on this -

Plea for action over bullying at Clacks primary school | Alloa and Hillfoots Advertiser (alloaadvertiser.com)

None of this is credible or believable and I hope the Scottish Government would agree with me.

What would I like to see happen now?

I would like to see urgent action taken. The good news is that the policy is right and everything is in place for it to work so little effort is required. I understand why the schools don't want to be more accountable or that too many recorded incidents at a school might not look good but safeguarding must come first.

Evidence Tables

Please see the following evidence -

Output from School Inspection Reports – Pupil & Parent Questionnaire

School deals well with bullying	Pupil - Never Experienced Bullying	Parent – Never Experienced Bullying
Aberdeen Grammar	60%	44%
Boddam Primary School	13%	18%
Lenzie Meadow Primary	45%	52%
Boclair Academy	38%	46%
Dalry Primary	34%	17%
Campbelltown Grammar	14%	46%
Chapelhall Primary	25%	44%
Prestonfield Primary	23%	18%
Boroughmuir High	47%	55%
Flora Stevenson Primary	17%	36%
Stewarts Melville College	20%	35%
Greenfaulds High	29%	51%
Average	30.4%	38.5%

Output from Council FOI's

Council	Recorded bullying incidents 2018/19	Average number of incidents per school in 2018/19	Percentage of pupils being bullied in 2018/19 (assuming maximum one incident per pupil)	Recorded bullying incidents 2019/20	Average number of incidents per school in 2019/20	Percentage of pupils bullied in 2019/20 (assuming maximum one incident per pupil)	Recorded bullying incidents 2020/21	Average number of incidents per school in 2020/21	Percentage of pupils bullied in 2020/21 (assuming maximum one incident per pupil)
City of Aberdeen	223	3.59	0.96%	115	1.85	0.49%	192	3.09	0.81%
Aberdeenshire	160	0.93	0.45%	139	0.81	0.39%	62	0.35	0.17%
Angus	102	1.73	0.67%	110	1.86	0.72%	106	1.80	0.69%

Argyll and Bute	408	4.53	3.96%	385	4.27	3.77%	191	2.12	1.87%
Clackmannanshire	[redacted – 38(1)(b)]	0.12	0.04%	10	0.41	0.15%	[redacted – 38(1)(b)]	0.04	0.015%
Dumfries and Galloway	450	3.87	2.39%	435	3.75	2.31%	310	2.67	1.65%
Dundee	252	5.86	1.37%	180	4.18	0.98%	171	3.97	0.93%
East Ayrshire	70	1.32	0.43%	100	1.88	0.62%	52	0.98	0.32%
East Dunbartonshire	125	2.84	0.72%	94	2.13	0.54%	55	1.25	0.31%
East Lothian	97	2.42	0.67%	76	1.9	0.51%	87	2.17	0.58%
East Renfrewshire	51	1.59	0.29%	30	0.94	0.17%	63	1.96	0.36%
City of Edinburgh	725	5.89	1.43%	384	3.12	0.74%	1979	16.08	3.80%
Falkirk	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond
Fife	539	3.38	1.08%	611	3.84	1.22%	713	4.48	1.41%
City of Glasgow	1067	5.56	1.55%	902	4.70	1.29%	730	3.80	1.03%
Highland	146	0.71	0.47%	95	0.46	0.30%	93	0.45	0.30%
Inverclyde	146	5.21	1.48%	101	3.60	1.02%	59	2.10	0.60%
Midlothian	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond	Failed to Respond
Moray	48	0.90	0.40%	189	3.56	1.58%	170	3.20	1.40%
Na h-Eileanan Siar	34	1.41	1.01%	33	1.43	0.99%	33	1.43	0.99%
Orkney Islands	25	1.04	0.89%	32	1.33	1.14%	17	0.71	0.42%
North Ayrshire	No Record	No Record	No Record	43	0.74	0.23%	25	0.43	0.13%
North Lanarkshire	148	0.95	0.30%	79	0.51	0.16%	68	0.43	0.13%
Perth and Kinross	199	2.42	1.10%	233	2.84	1.29%	220	2.68	1.20%
Renfrewshire	141	2.27	0.59%	91	1.46	0.38%	52	0.83	0.21%
Scottish Borders	221	3.15	1.52%	154	2.20	1.05%	147	2.10	1.00%
Shetland Islands	29	0.82	0.89%	15	0.42	0.45%	20	0.57	0.60%
South Ayrshire	40	1.27	0.29%	206	4.04	1.46%	107	2.1	0.75%
South Lanarkshire	No Record	No Record	No Record	133	0.89	0.29%	84	0.56	0.18%

Stirling	56	0.82	0.44%	62	1.35	0.49%	31	0.67	0.24%
West Dunbartonshire	48	1.2	0.38%	30	0.75	0.23%	26	0.65	0.20%
West Lothian	317	3.72	1.17%	775	9.11	2.83%	1284	15.10	4.67%
Scotland Wide Average	NA	2.48	0.96%	NA	2.34	0.92%	NA	2.62	0.89%

Key assumptions

I assumed the worst-case scenario, i.e., that every child was only bullied once. I suspect that every council will have situations where multiple bullying incidents are recorded for one child. In 2020/21 City of Edinburgh confirmed this is the case. For example, if two pupils bullied two other pupils this would be recorded as four instances of bullying instead of one previously.

I divided the total number of schools in 2021 and the total number of pupils in each year by the number of recorded incidents to confirm the above numbers.