

Independent Review of the Circumstances Surrounding the Death of Bailey Gwynne at Cults Academy on 28th October 2015

Background

Following the tragic death of Bailey Gwynne at Cults Academy in October 2015 and the conclusion of the trial at the High Court in Aberdeen on 7th March 2016, Angela Scott – Chief Executive, Aberdeen City Council, Campbell Thomson – Chief Superintendent, North East Division, Police Scotland and Malcolm Wright – Chief Executive, NHS Grampian (the Aberdeen Chief Officers Group) announced their intention to commission an independent review.

Given the issues raised by the case the agencies together wished to identify any lessons that can be learnt to inform future practice.

In the immediate aftermath of the events the multi-agency partnership's priority had been the care and support of those impacted by the incident. The intention to conduct an independent review was discussed shortly afterwards but once the trial had concluded it was felt to be appropriate to proceed.

The review would be chaired by an independent expert who would also help shape the reporting timescale and terms of reference.

The outcomes of the review would be published in September 2016 and would be shared with all appropriate agencies.

On Friday 11th March 2016, the Chief Officers Group announced that **Andrew Lowe** had been appointed as the Independent Reviewer to lead the review.

Review Terms of Reference

The terms of reference for the review were agreed and announced on 8th April 2016 as follows:

Background

Following the death at Cults Academy in October 2015 of Bailey Gwynne and the conclusion of the trial in the High Court in Aberdeen, the principal public agencies with an interest in the issues raised by the case announced their intention on the 7th March 2016 to commission an independent review.

The independent multi-agency review has been commissioned by members of a Chief Officers Group comprising Angela Scott, Chief Executive of Aberdeen City Council, Malcolm Wright, Chief Executive of NHS Grampian and Campbell Thomson, Police Scotland's North East Divisional Commander. Other agencies will be invited to contribute as required.

Mr Andrew Lowe has been appointed to lead the review. The outcome of the review will be published in September 2016.

Aim

The overall aim of the review is to provide independent assurance to partners and the public that all circumstances, in relation to the death of Bailey Gwynne, have been reviewed and to make appropriate recommendations which can be applied for future practice.

Scope of the review

- a) To establish the relationship between Child A and B prior to the stabbing incident together with any relevant circumstances;
- b) To develop a detailed timeline showing the statutory partners' historical involvement with Child A, and to review information sharing between agencies;
- c) To review and analyse whether the educational, pastoral, health and social care services provided were proportionate to the assessment of risk, in line with recognised good practice and compliant with statutory partners' own policies, professional frameworks and legislation;
- d) To establish what lessons can be learned from the case about the way in which local practitioners and organisations work individually and together to safeguard and promote the welfare of children;
- e) To identify any necessary changes and developments needed within the current youth justice system operating within Aberdeen City and that the report, when published will be shared with the Scottish Government, who would then determine if there were wider issues for the whole of Scotland;
- f) To produce a report and recommendations for consideration by the Chief Officers Group, with a view to publication by all three statutory bodies (Aberdeen City Council, NHS Grampian and Police Scotland).

The independent reviewer will:

- a) be able to draw on any additional independent professional expertise he deems necessary in order to allow him to meet the terms of the review;
- b) present his report to the Chief Officer group for publication;
- c) have access to all of the necessary case files and documentation, pertinent to the scope of the review, held by the statutory partners: Aberdeen City Council, NHS Grampian, Police Scotland and Scottish Children's Reporter Administration;
- d) have access to all present day staff of the statutory partners.

Review Methodology

The Chief Officers Group gave careful consideration to the methodology to be followed. In discussion with the Independent Reviewer, it was agreed that the methodology that would apply to the review would focus primarily on the 'lessons learned approach'.

The 'lessons learned approach' is not further defined but it is understood to refer to the approach devised by the Social Care Institute for Excellence (SCIE) known as Learning Together, the key points of the model:

- The 'systems' model helps identify which factors in the work environment support good practice, and which create unsafe conditions in which poor safeguarding practice is more likely.
- It provides a way of thinking about front-line practice and a method for conducting case reviews.
- It produces organisational learning that is vital to improving the quality of work with families and the ability of services to keep children safe.
- The model has been adapted from the systems approach used in other high risk areas of work, including aviation and health.
- It supports an analysis that goes beyond identifying what happened to explain why it did so – recognising that actions or decisions will usually have seemed sensible at the time they were taken.
- It involves moving beyond the basic facts of a case and appreciating the views of people from different agencies and professions. It is a collaborative model for case reviews – those directly involved in the case are centrally and actively involved in the analysis and development of recommendations.

The methodology used here has drawn influence from the above principles. The work commenced with a request for chronologies of involvement with Bailey and Child A from Police Scotland, Aberdeen City Council, Culter Primary School, Cults Academy, and NHS Grampian.

A small team was identified to support the Independent reviewer. Glenn Rodger – former Director of Education and President of ADES (Association of Directors of Education in Scotland) and Chris Jay – former Depute Director of Social Work.

From the single agency chronologies a list of witnesses was identified and court statements were requested from the police. A schedule of interviews was compiled and fieldwork commenced on 9th June 2016. A total of 42 interviews were conducted.

All interviews were recorded and conducted by the Independent Reviewer alone.

A notice was posted in the Aberdeen Press & Journal on 14th June 2016 to ensure that anyone in the Aberdeen area who wanted to give evidence should be enabled to do so. Twelve people responded and were offered interviews.

Combined chronologies were compiled using the unedited information offered.

The Associate Reviewer, Director of Education travelled to Aberdeen and met with the Director of Education and Children's Services and the Head Teacher of Cults Academy.

The Review Team met once each month to plan, discuss and analyse the work.

Review Conclusions

- C1. This was an unplanned, spontaneous conflict that emerged rapidly out of an unexceptional banter. It is not considered that it could have been predicted or averted on the day.
- C2. The course of the conflict was fatally altered by the possession of a bladed weapon by one of the boys. This was potentially predictable and avoidable if those who knew Child A carried weapons in school had reported this to staff.
- C3. The incident at Cults Academy on 28th October was well managed by all agencies.
- C4. The 12th October 2007 incident had marginal significance in relation to later events. Child A was a secondary player in these events and is not mentioned significantly in the correspondence. It did not reveal a violent child but a child under very significant and continual pressure from his brother A1.
- C5. The complaint that followed these events was attenuated and did not receive a satisfactory outcome.

In addition the review notes that:

- The work to develop an Aberdeen City Council Weapons (knife crime) Strategy involving parents and pupils and Police is noted and welcomed.
- Redaction of names in the NHS chronologies left some unresolvable ambiguities. NHS Grampian sought consent for record sharing from one significant actor but this was legitimately denied.
- The move to develop a city focussed chief officers group for public protection is supported.

Review Recommendations

WEAPONS

- R1. All parents should receive a letter from school at the beginning of Year S1 each year. The letter will set out the school rules and the expectations of the school with regard to weapons. The letter will be signed and returned to school.
- R2. Pupil forums and pupil councils to be encouraged to develop safe processes to enable pupils to share their knowledge of weapons with teaching staff.
- R3. Police Scotland shall be notified of each and every incident of weapons possession of which the school become aware.
- R4. Every incident will be recorded by the school immediately following an allegation or an incident and notified to Senior Managers.
- R5. Aberdeen City Council work should work with Police Scotland to establish a clear and effective policy on management of offensive weapons in school with partners.
- R6. In accordance with the law of Scotland searches must be made with pupil's consent. The Head Teacher or her nominee should undertake searches of pupils where consent is given. Where no consent is forthcoming, the police should be notified if there are grounds to suggest that the child or young person is carrying a knife or other offensive weapon.
- R7. A specific search and confiscation protocol should be developed by Aberdeen City Council supported by Police Scotland as part of their weapons/knife crime strategy currently under development.
- R8. Individual risk assessments should be completed on all individuals known or suspected to carry offensive weapons.
- R9. Aberdeen City Council to work jointly with Police Scotland to develop and deliver age appropriate training for Primary 7, Secondary 1 and Secondary 5 to support the knife crime strategy.
- R10. Aberdeen City Council to develop work with Ben Kinsella Trust to develop appropriate teaching resources and lessons plans.
- R11. The Scottish Government should improve the resilience of schools to the threat posed by weapons and give consideration to amending the law in relation to searching pupils.
- R12. The Scottish Government should explore the further legislative controls that can be brought to bear on the purchase of weapons online.

BULLYING

- R13. Aberdeen City Council 2009 Anti bullying policy to be replaced with a policy developed in conjunction with Respect Me to include the changes following Children and Young People (Scotland) Act 2014.
- R14. School anti bullying policies to be written in terms of the new policy.
- R15. A senior teacher to be trained to respond to the complaints of bullying and agree outcomes with parents.

BUSINESS CONTINUITY PLANNING

- R16. The rigour of the business continuity plans for secondary schools be tested using a live scenario based on the 28th October incident.

MEDIA

- R17. The United Kingdom regulatory bodies, Ofcom and IPSO to consider the imposition of a 24 hour bar on reporting and publication of names involved in a fatal incident to allow for the proper and respectful notification to relatives and those intimately effected by the event.
- R18. Aberdeen City Council to develop media training for Members and Chief Officers on the management of communications during adverse events.

GENERAL

- R19. Aberdeen City Council to review the complaints policy to ensure it is responsive and expeditious.
- R20. The review commissioned from the Good Governance Institute by Aberdeen City Council in June 2016 should defer its conclusion until the Scottish Government Child Protection System Review has reported. The national review is underway and is independently chaired by Catherine Dyer. It is due to report by end of December 2016.
- R21. Aberdeen City Chief Officers Group to develop an implementation plan to deliver these recommendations and keep progress under review.

11.10.16

Andrew Lowe

Andrew Lowe FRSA CQSW is the Independent Chair of Child Protection and the Independent Chair of Adult Protection for Renfrewshire and the chair of the Glasgow Public Social Partnership for Learning Disability.

Andrew originally trained for a career in law and worked in it from 1973 until he moved to Scotland in 1974 where he began his social work career with Fife County. Andrew qualified at Dundee University in 1979 and worked for Tayside Region as a social worker for Strathmartine Hospital (learning disabilities).

Moving to England in 1982, Andrew set up community mental health teams and England's first patients' councils in psychiatric hospitals. He became Area Director for Rushcliffe where he managed the aftermath of the Hillsborough tragedy.

He moved to Nottingham City Council as Assistant Director of Adult Services. He was appointed as Director of Social Work for Scottish Borders Council in 2004. In 2006, Andrew was invited by the-then Scottish Executive to chair the Changing Lives Practice Governance change programme. He led work on the guidance on the role of the Chief Social Work Officer, the registered social worker and developed a practice governance framework.

Andrew was elected as President of the Association of Directors of Social Work in May 2011 and served on the Bill Advisory Group for the Public Bodies (Joint Working) (Scotland) Bill chaired by Cabinet Secretary Alex Neil MSP and the Early Years Taskforce chaired by Children's Minister Aileen Campbell MSP.

Andrew retired from Scottish Borders Council in November 2013 and established the consultancy LoweZone in 2014; contracts have included reviewing the social work function in an island authority, conducting a significant case review in a large urban authority; reviewing practice governance and preparing for inspection in another.

Andrew was part of the Reference Group to the National Review of Primary Care Out-of-Hours Services 2015. He has also provided expert testimony for the Scottish Social Services Council. Andrew is an external reviewer with HIQA, the Health Information and Quality Authority in Ireland