
STIRLING COUNCIL

**CHIEF EXECUTIVE'S
SERVICE**

07/11/96

NOT EXEMPT

THE CULLEN REPORT

1 PURPOSE

This report has been prepared to provide a brief outline of Lord Cullen's report, the Government's response, and the implications for Council Services.

2 SUMMARY

The three main areas examined by the Public Inquiry into the shootings at Dunblane Primary School were control of the possession and use of firearms and ammunition, school security, and vetting and supervision of adults working with children. Stirling Council had taken action in each of these areas before the publication of the Inquiry report. The report was published on Wednesday 16 October 1996. It contains 28 recommendations. Implementation of the recommendations on school security and "vetting" may have resource implications for the Council.

3 RECOMMENDATION(S)

The Council is asked to:

- (i) note Lord Cullen's findings and the Government's response;
- (ii) note, in the context of action already taken by the Council, the potential implications for the Council of implementation of Lord Cullen's recommendations;
- (iii) consider whether in light of Lord Cullen's report and the Government's response it wishes to make a further statement on the ownership of firearms; and
- (iv) consider whether it wishes to submit comment to the Government or any other body on any other issues arising from Lord Cullen's report and the Government's response.

4 THE TRIBUNAL

4.1 The Tribunal was set up to inquire into the circumstances leading up to and surrounding the events of Dunblane Primary School on Wednesday 13 March 1996. The Tribunal was convened by Lord Cullen who, at a preliminary hearing on 1 May 1996, invited submissions in regard to three particular topics – control of the possession and use of firearms and ammunition; school security; and vetting and supervision of adults working with children – and any other topic which was relevant. The Inquiry sat for 26 days from 29 May to 10 July 1996.

5 LORD CULLEN'S REPORT – OUTLINE

5.1 Lord Cullen's report was published on Wednesday 16 October. The Scottish Office had arranged for copies of it, and of the Government's response, to be delivered to Viewforth and they were received at 3.40pm during the Government's statements in the House of Commons.

5.2 The papers were immediately distributed to: The Leader of the Council, a representative of the Conservative Group and the SNP Group, the Chair of the Children's Committee, the Chair of the Community Committee, the Chief Executive, and officers from Chief Executive's Service, Civic Services, Community Services, Education Services and Housing and Social Services who were assisting with the drafting of a press statement and with preparation for the press conference arranged for 5.15 pm at the Victoria Halls in Dunblane. A copy was taken to the Support Centre in Dunblane.

5.3 A copy of the report and the Government's response may be examined by contacting Members Services.

5.4 The report and its appendices are 174 pages long. There are 28 recommendations – 23 concerning the certification system relating to Section 1 firearms, 1 on the availability of Section 1 firearms, 2 on school security, and 2 on vetting and supervision of adults working with children and young people.

5.5 Lord Cullen drew particular attention to two issues which, while they did not properly arise out of the circumstances of the Inquiry, caused him some concerns. Firstly, the danger posed by the use of air weapons at large and whether they should be subject to certification and unavailable until a later age than at present. Secondly, the fact that components for reloading ammunition may be obtained without production of a firearms certificate. In his report Lord Cullen makes no recommendations on these matters but draws them to the attention of the Home Office and The Scottish Office.

- 5.6 The report contains 12 chapters – Chapter 1 is a summary of the report; Chapter 2 sets out the scope and conduct of the Inquiry; Chapter 3 relates to events of 13 March 1996; Chapter 4 sets out events in the life of Thomas Hamilton; Chapter 5 considers the last six months of Thomas Hamilton's life; Chapters 6 to 9 consider various aspects of firearms and ammunition; Chapter 10 considers school security; Chapter 11 considers the vetting and supervision of adults working with children and young people; Chapter 12 is a summary of the report's recommendations.

6 CENTRAL REGIONAL COUNCIL

- 6.1 The Social Work Services, Education Services, Administration and Legal Services and Chief Executive's Services of Central Regional Council all had contact with Thomas Hamilton.
- 6.2 The submission to the Inquiry states, "It is submitted that, in the circumstances, Central Regional Council dealt promptly and conscientiously with the complaints and expressions of concerns which were communicated to it over the years. On every occasion, careful consideration was given to what action might properly be taken. That lets were not terminated was the product of a genuine and widely held belief that, in the absence of more substantial evidence, a termination would not be sustainable."
- 6.3 This belief arose from the outcome of a complaint about the cancellation of lets by Central Regional Council which Thomas Hamilton made to Commissioner for Local Administration in Scotland (the "Ombudsman") in 1983. The Ombudsman upheld the complaint. In his report, Lord Cullen finds that "the reasoning which the Ombudsman provided for his decision is not wholly satisfactory". The belief also reflected the decision of the Procurator Fiscal that no action should be taken in respect of alleged incidents in 1991 involving Thomas Hamilton reported to the Procurator Fiscal after an investigation by the Child Protection Unit (a joint unit of Central Regional Council Social Work Services and Central Scotland Police).
- 6.4 The involvement of Central Regional Council is considered as part of Chapters 4 and 5 of the report. There are no adverse comments on Central Regional Council's involvement which is dealt with as statements of fact. No comment is made on Central Regional Council's immediate response to the incident, nor on the response of Stirling Council since 1 April 1996.

7 CENTRAL SCOTLAND POLICE

- 7.1 The involvement of Central Scotland Police with Thomas Hamilton is referred to in Chapters 4 and 6 of the report, with Chapter 6 being specifically concerned with firearms issues.

- 7.2 The report is critical of some aspects of the procedures operated by Central Scotland Police in respect of firearms certificates.
- 7.3 Lord Cullen also makes specific reference to some procedural issues on the day of the incident. The Chief Constable submitted a written submission on these issues. Whilst he highlighted the issues, Lord Cullen did not make any recommendations on them. The Government's response refers to lessons learned in respect of procedural issues when handling such an incident and says it will ensure the information as submitted to the Inquiry in the written submission by Chief Constable is disseminated to other Police forces.
- 7.4 Lord Cullen states: "Although the Police had received training for emergencies and had participated in disaster planning they could never envisaged an incident of such magnitude and including such disastrous circumstances. He also states: "...it is important to keep in view the general quality of the work which was done by Central Scotland Police", and refers to expressions of gratitude received in respect of help, support and professionalism of the force, and the sensitivity and support provided to relatives by members of the liaison teams.

8 FIREARMS

- 8.1 **Action taken by Stirling Council before publication of Lord Cullen's report.**
- 8.1.1 At its meeting on 19 September 1996 the Council unanimously passed the following motion:
- "This Council notes that the large majority of the law-abiding public are opposed to the possession, ownership or carrying hand guns. Council also notes that the Commons Select Committee saw fit not to reflect this opposition. We as a Council see no reason why Parliament should accept the recommendation of the Select Committee and believe that the Prime Minister should reject it out of hand.
- "Council calls on the Government to bring forward legislation to outlaw the ownership, possession or carrying of hand guns and to introduce salutary prison sentences for any breach.
- "The Council reserves its position on ownership, possession or carrying of any other firearm until after the Cullen Inquiry publishes its findings."
- 8.1.2 This motion was subsequently proposed by Councillor Ironside, seconded by Councillor Harding at the meeting of COSLA on 4 October 1996 and was unanimously approved.

8.2 Lord Cullen's Recommendations on Firearms

8.2.1 Lord Cullen made 23 recommendations on the certification system relating to Section 1 firearms and one on the availability of Section 1 firearms, this recommendation stating:

“Consideration should be given to restricting the availability of self-loading pistols and revolvers of any calibre which are held by individuals for target shooting

- preferably, by their disablement, while they are not in use, by either (i) the removal of the slide assembly/cylinder, which is to be kept securely on the premises of an approved club of which the owner is a member or by a club official; or (ii) the fitting of a locked barrel block by a club official;
- or, if such a system is not adopted, by the banning of the possession of such handguns by individual owners.

8.3 The Government's Response

8.3.1 The Government accepts or supports all the recommendations on the certification system to Section 1 firearms.

8.3.2 In respect of the availability of Section 1 firearms the Government considered Lord Cullen's suggestions on restricting the availability of self loading pistols and revolvers of any calibre which are held by individuals for target shooting and, having considered that neither suggestion would provide an acceptable level of public safety decided to legislate early in the next session of Parliament to ban all hand guns of more than .22 calibre. In addition, all hand guns chambered for .22 rimfire ammunition including single shot guns, will be banned unless they are kept in licensed gun clubs under conditions of the most stringent security. The Government will issue guidelines, to be enforced by the police, on security standards which will be required by Gun Clubs. Guns will be permitted to be removed from premises only for very limited purposes which will be specified in law, and each time a gun is removed a police permit will be required.

8.3.3 The Government also proposes to take action on four other matters:

- ◆ a ban on expanding ammunition, except for the purpose of shooting deer,
- ◆ a requirement that firearms purchased by mail order will require to be delivered to a gun dealer and given to the certificated holder in person only
- ◆ a requirement that, in all circumstances, the disposal of a weapon (including its destruction) is reported to the police;

- ◆ a requirement for all handgun shooters to obtain a firearms certificate from the police, ending the present system where a person without a certificate can shoot a handgun at an approved club. Special provisional arrangements would be made for new members.

8.4 Implication for Stirling Council and proposed action

- 8.4.1 As the Council is not the licensing authority for firearms the proposals will have no direct effect on Council Services.
- 8.4.2 In the light of Lord Cullen's report and the Governments response the Council may wish to make a further statement on firearms.

9 SCHOOL SECURITY

9.1 Action taken by Stirling Council before publication of Lord Cullen's report

- 9.1.1 The following action on school security issues was taken by Stirling Council before publication of Lord Cullen's report; a security system was installed in Dunblane Primary School; a security system was included in the design of the new Newton Primary School; a building audit of all the Council's schools was started, (it will be completed by February 1997); a corporate risk management strategy group was set up.
- 9.1.2 The full cost of the security system at Dunblane Primary School was £30,094. The full cost of the security at Newton Primary School was £14,900 (this security system was included in the design stage). Whilst the full cost of the security systems for these two primary schools was £44,994, due to the co-operation and goodwill of contractors and suppliers the Council only had to pay £20,837 for this work.
- 9.1.3 The Council's risk management strategy group will: identify examples of good practice; develop risk management strategies for implementation at authority and school/local area level; support the establishment of school risk assessment groups; develop school policy guidelines in safety and security; ensure that the Quality Assurance Strategy for Education Services will recognise the legal responsibilities of the local authority as employer for safety in schools; produce a staff training programme and support materials in risk management which will include training for dealing with aggressive behaviour.
- 9.1.4 Education Services have been discussing school security issues with Central Scotland Police. Arising from these discussions, Central Scotland Police, has as from 4 November, seconded an experienced and trained Police Officer to Education Services to help develop and deliver a Community Safety Strategy. Central Scotland Police is also seconding officers to Falkirk Council and Clackmannanshire Council to carry out similar work.

9.2 Lord Cullen's Recommendations

9.2.1 Lord Cullen makes two recommendation on school security –

“Those who have the legal responsibility for the health and safety of the teaching staff and pupils at school should prepare a safety strategy for the protection of the school population against violence, together with an action plan for implementing and monitoring the effectiveness of safety measures appropriate to the particular school.”

“It is desirable that the guidance provided by the Education Service Advisory Committee in regard to violence to staff in the education sector should be extended to encompass the safety and protection of the school population as a whole.”

9.3 The Government's Response

9.3.1 The Government supported the recommendations on school security.

9.4 Implications for Stirling Council and proposed action

9.4.1 The main principles underlying the Council's approach to school safety and security are that schools should remain friendly and welcoming, the emphasis must be on local solutions to local problems, an appropriate culture needs to be fostered in schools where safety and security are an integral part of school life, and staff, pupils, parents and the local community should feel ownership of any policy. This approach is in line with that proposed by Lord Cullen.

9.4.2 Officers will continue the audit of all education buildings.

9.4.2 Whilst the cost of the work cannot at this time be determined, the Secretary of State for Scotland announced in the House of Commons that Councils would receive specific grant in respect of implementation of the recommendations on school security. Details of the grant have not been published.

10 VETTING AND SUPERVISION OF ADULTS WORKING WITH CHILDREN

10.1 Action taken by Stirling Council before publication of Lord Cullen's report

10.1.1 The Council put in place a series of vetting checks to be used where the Council is about to employ, or to grant a let of premises to, someone who is likely to have a significant amount of contact with young people during the course of their work. The procedure involves checks with Scottish Criminal Records Office, provision of two referees, acceptance of the Council's Code of Practice and, for sports coaches, provision of evidence that the relevant coaching qualifications are held.

10.1.2 Lord Cullen recognised the Council's systems but noted that it does not achieve the dissemination of information about those persons who are regarded as potentially unsuitable, nor does it deal with those who use premises other than those owned by a local authority.

10.2 Lord Cullen's Recommendations on "vetting"

10.2.1 Lord Cullen's recommendations:

- ◆ "There should be a system for the accreditation of a national body of clubs and groups voluntarily attended by children and young persons under 16 years of age for their education or development, the main purpose of which would be to ensure that there are adequate checks on the suitability of the leaders and worker who have substantial unsupervised access to them."
- ◆ "Consideration should be given to the development of a Scottish Vocational Qualification in respect of work with children, including the organisation of clubs and child development and protection."

10.2.2 Having carefully analysed the difficulties of having any compulsory scheme for the vetting of either clubs or leaders, and of the difficulties of any voluntary accreditation scheme for leaders as individuals (opposed to clubs) Lord Cullen proposes that there should be a national accrediting body, to which voluntary, charitable and private groups could apply on a voluntary basis. Clubs and groups would pay for accreditation, thus enabling the national body to be self-financing. In this system the onus will be on parents to check whether a club is accredited before deciding if their children should attend. Lord Cullen also suggests that before a local authority grants any lets for its premises, it should ensure that the group or club is accredited. It is envisaged that the national body should be involved in the on-going monitoring of groups to ensure that their performance matches their stated aims. In the case of a bad report, the group could have its accreditation removed.

10.2.3 Whilst the proposals should in principle be welcomed, reservations must be expressed as the proposed accreditation body is not integrated into the current local authority arrangements designed to protect children.

10.2.4 It is difficult to see how a national body will be able to carry out on-going monitoring without incurring significant costs.

10.2.5 The report does not say "leaders" in organisations seeking accreditation must have the proposed SVQ.

10.3 The Government's Response

10.3.1 The Government accepted the need for co-operation of information at national level about persons regarded as potentially unsuitable for work with children and young people, and the need to ensure that all voluntary youth organisations should have arrangements to check on the suitability of leaders and workers. Access to criminal records checks is to be extended to all voluntary youth organisations (this follows proposals in a consultation document "On the Record in Scotland" published in June). The Government will consult immediately with all interested parties in Scotland on the proposals for the establishment of arrangements for a national information and accreditation system (there will be parallel consultation in England and Wales). The Government accepted Lord Cullen's recommendations that

consideration be given to the development of a Scottish Vocational Qualification in respect of work with children, including the organisation of clubs and child development and protection, and is inviting the Scottish Vocational Education Council urgently to bring forward proposals.

10.4 Implications for Stirling Council and proposed action

- 10.4.1 It is not clear whether the proposals apply to voluntary, charitable and private organisations only, or to all youth organisations including those directly organised by local authorities. If the proposals do apply to local authorities Stirling Council's vetting procedures mean it will be well placed to respond.
- 10.4.2 Whilst the proposal to extend access to Scottish Criminal Record Office procedures to voluntary organisations is welcomed, as is access in Scotland for both local authorities and voluntary organisations to a wider range of information about potential offenders against children, charging for such checks and access will put an additional burden on local authorities and voluntary organisations. The Council will wish to examine the likely impact on the voluntary sector in the Council's area and consider making a submission on the issue direct to the Government or asking COSLA to do so as the funding arrangements will affect the voluntary sector throughout Scotland.
- 10.4.3 There will need to be continual national publicity on the new accreditation scheme to make groups and parents aware of it. The Council may wish to ask the Government to consider providing funding to enable local authorities to assist in this task.
- 10.4.4 Stirling Council has experience in the delivery of Scottish Vocational Qualifications and will wish to be involved with the proposed Scottish Vocational Qualifications in respect of work with children.
- 10.4.5 The Council will wish to take an active part in forthcoming consultation on the recommendations.
- 10.4.6 If the national accreditation body is set up the Council will wish to review its vetting procedure to include reference to the body and to include any guidance issued by it.
- 10.4.6 If the national accreditation body is set up the Council will wish to review its vetting procedure to include reference to the body and to include any guidance issued by it.
- 10.4.7 Officers will examine the Council's internal collaboration and co-operation mechanisms on the safety of children and introduce any changes which are deemed appropriate.

11 CONSULTATION

Director of Community Services

Director of Education Services

Director of Housing and Social Services.

12 RESOURCE IMPLICATIONS

There will be resource implications arising from the implementation of the proposals on school security. As the work required and details of Government grant are not known the cost of the Council cannot be quantified at this time.

Depending on the format of the national body and the method of funding of any statutory checks there may be resource implications arising from the recommendations on "vetting".

13 BACKGROUND PAPERS

"The Cullen Report" Cm3386

The Government Response to "The Cullen Report" Cm3392

Press pack prepared for Stirling Council Press Conference on Wednesday 16 October.

Note from Head of Services to Schools on Education Services issues.

Note dated 21 October from Director of Community Services on Community Service issues.

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