

Investigation findings

Introduction

On 6 March 2022 posts appeared on social media regarding Gaelic books having been dumped in a skip at Glencruitten Hostel. A concerned individual contacted the Council to raise their concerns on 7 March. Local press and national press began making enquiries with the Council on 7 March and both ran articles in the press.

As a result, the Executive Director with Responsibility for Education required that the matter be looked at to assess the facts and circumstances in relation to the matter and what lessons might be learned.

Background

Informal arrangements were put in place for the Oban Education Office (OEO) and two containers situated within the grounds of Glencruitten Hostel, Dalintart Drive, Oban to be cleared as part of the Our Modern Workplace (OMW) programme being undertaken by the Council. One of the empty containers was to be relocated to Rosneath Primary.

Staff who worked at the OEO were being relocated to Willowview which is a Council facility near to the Oban Primary Campus.

More formal arrangements were put in place for the clear-out to take place on Wednesday 2 and Thursday 3 March and a number of staff from Education and other areas within the Council (Live Argyll, CLT and Active Schools) were asked to attend on either one or both of these dates.

Arrangements were in place for a skip to be located at OEO from 21 February until 4 March. It was delivered on 24 February. The same skip was at OEO when the office and the container were being emptied on 2 March. Roads and Infrastructure were asked to arrange for the skip to be collected on 3 March. Due to a breakdown in the vehicle that would have collected it, that was not possible, although tentative arrangements were made for it to be collected on Saturday 5 March if the vehicle had been repaired. That did not happen and it was collected on Monday 7 March. An empty skip was left on 7 March but it was collected (empty) on 8 March.

As part of this fact finding exercise I have spoken to those parties with closest knowledge of matters.

Detail

Staff attended to clear the OEO on 2 March.

Staff attended on 2 March to empty the container.

Oban Education Office - The first task was for the hall to be cleared of resources and these were taken to Fuaran, Corran Halls for storage/distribution to schools/partners.

The team worked within the OEO to clear the main cupboard of all resources/files and stationery. The stationery was either packed up in boxes for removal to Willowview or taken by staff for distribution to Oban High School – this included numerous boxes of envelopes, stationery items, flip chart paper etc

There was a number of outdated stationery items that were going to be of no use to any school and these were disposed of into the skip.

There were 6 boxes of documents including Education Scotland distributions, management circulars and research information from many years ago. The team went through the boxes and any information they identified as confidential was put into confidential waste sacks for disposal through that route. Other office items were either put into boxes for removing to Willowview or put in the skip if deemed unnecessary.

Clearance of the main office took all morning up until 1pm and in the afternoon the team cleared the reception area and the back room which was still full of equipment and some Gaelic books which were very old. The team followed the same process for disposal of any confidential information.

Staff went to Rockfield PS to drop off some resources there and look for storage space for some other resources.

Container - Staff were tasked with clearing the container of the Gaelic resources.

There was a significant amount of resources and they went through them to identify those that would still be used by schools and those that would not, eg, older versions of curriculum resources were put into the skip, although some of these were still in good condition. Due to the large amount of resource they also thinned down some of those resources and put them in the skip.

Resources that could still be used were identified and some taken to Dunoon for distribution, others were taken to Oban High, Fuaran and others for distribution to schools in Oban, Lorne and the Isles and Islay. There were still resources in the container at this time.

There was discussion on social media about a number of Gaelic dictionaries found in the skip and there were approximately 8 or 9 boxes, each containing 50/60 dictionaries. On the basis that the schools now use an online resource, a view was taken by the team that some would be kept and the remainder were put into the skip.

Another officer attended at the container on 4 March to further thin down the amount of resources still there.

Issues raised by Members of the public

Two main issues have been identified

1. Gaelic Resources in skip

On 6 March posts started appearing on social media regarding Gaelic books having been dumped in a skip at Glencruitten Hostel and a concerned individual contacted the Council to raise her concerns on 7 March. Local press and national press began making enquiries with the Council on 7 March and both ran articles in the papers. The reputational damage to the Council locally is high and the Oban Times ran a further story in their edition on 17 March.

The container had been bought by Education a number of years ago to store excess Gaelic resources produced by Storlann. Historically, Storlann would do a minimum print run and always provided the Council with more resources than might actually be required by the schools in Argyll and Bute.

Schools continued to replenish their stocks from the container when necessary. There was an ad hoc procedure in place for this. No inventory of the resources was maintained.

There was a significant amount of resource within the container that had built up over a number of years as the Council has moved to using on-line Gaelic dictionaries, so no longer requires paper

versions and Gaelic teaching materials are updated as the Gaelic school curriculum is updated; some Gaelic resources were therefore no longer part of schools' teaching materials.

The staff tasked with clearing it out felt they had to make decisions on the day, using their own judgement, on whether resources should continue to be stored, distributed to schools/partners or others or put into the skip.

Staff confirmed that there appeared to be no clear plan in place on what was to happen to the resources, in terms of reuse, re-distribution or continued storage and it is clear that they ensured that a large quantity were stored elsewhere, re-distributed within the school estate, (partially through staff in attendance loading up their own cars with resources) or continued to be stored. Staff were unhappy about putting the resources in the skip but due to the amount of resource that was no longer used within the curriculum, was damaged or required to be thinned down, felt they had no option but to do so.

2. Data Breach

A Member of the public handed over a folder, taken from the skip, to a local Councillor containing some personal information and they handed it into Oban High School. They also returned an ipad which they had been told had also been taken from the skip.

Another member of the public also reported that they had taken a folder from the skip and was concerned that it had personal information in it and they made arrangements for it to be delivered to Oban High School on 7 March.

I collected both folders from OHS and the ipad on 10 March.

One folder contained photographs and youth achievement award paperwork for one pupil from 2013 and some handwritten notes on individual pupils from 2016, who cannot be identified from the notes.

The other folder contained two emails and a spreadsheet containing personal information.

- One email relating to a complaint to a school from 2018 containing some special category health information about one pupil.
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- The spreadsheet contained details of senior pupils' exam results from 2018.

The Council's IT service have confirmed that the Education's Mobile Device Management (MDM) system has not seen any online activity on the ipad in over a year. So it is clear that the ipad was not accessed as a result of this matter.

An internal data breach report has been prepared confirming that the information in the folders was not appropriately handled for disposal during the clear out of the OEO.

An assessment of these data breaches has been made using the Information Commissioners (ICO) self-assessment tool <https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach-assessment/> and there is no requirement to self-report the breach to the ICO.

Lessons identified

Before the clearance of the OEO and the container began, more consideration should have been given to what was to happen with the resources in both in terms of reuse, re-distribution or continued storage either in the container or elsewhere and staff in attendance should have been aware of the decisions around this prior to undertaking the clearance.

There was no evidence that the disposal of materials was in any way an indication of any lack of respect on the part of staff for Gaelic or Gaelic culture, in fact the staff made clear that they felt quite the opposite and held the Gaelic language and culture in high regard.

Decisions appeared to be made ad hoc on the day around this, eg, staff taking resources away in their own vehicles for reuse, re-distribution and alternative storage.

The Education service has guidance with sections on resources and office files when dealing with school moves and it would have been good if that guidance had been followed.

RESOURCES	
Inventory made of internal resources available for other local schools	School
Inventory circulated to schools and items picked up/delivered	School
Skip arranged for dumping of any old resources/items no longer of use	School & School Support

OFFICE FILES	
Any paperwork required to be retained under GDPR - scanned and stored centrally prior to being shredded or placed in confidential waste sacks	School
Notify all contracts such as Nessy, GLA Assessments etc	School
Speak to Archivist to see if any records can be kept by them	School

While resources from the council's Education Office in Oban had in many cases been re-distributed across council services, consideration should have been given to advising schools, partners and parents groups and the wider Gaelic community that the clearance was taking place and giving them the opportunity to attend and take away any resources that may have or did end up in the skip.

I recommend that the Council develop a more robust process for dealing with excess resources which should include Local communities being involved in putting excess council resources to good use in appropriate cases.

Governance Risk and Safety Manager
March 2022