

Consultation on the creation of a National Confidential Forum

Respondent Information Form

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Church of Scotland

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Crosse

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Richard

2. Postal Address

The Church of Scotland

Safeguarding Service

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3. Permissions – I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

Are you content for your **response** to be made available?

Please tick as appropriate

Yes **No**

(d) It would be helpful if you could let us know whether you:

Were previously in residential care as a child

Previously worked in residential care for children

Other/prefer not to say

(e) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate **Yes** **No**

Consultation Questionnaire

Q1. Do you agree or disagree with the purpose of a National Confidential Forum?

Agree Disagree No preference

Comments

The Church of Scotland agrees with the purpose of the National Confidential Forum to enable survivors who had been cared 'away from home' an opportunity to be heard and acknowledged. Of equal importance will be the purpose of identifying how care practices can be improved to reduce the likelihood of abuse at present and in the future.

The Church anticipates that the forum will need to operate for an indefinite period rather than a fixed period as referred to in paragraph 18. The nature of historical abuse means that survivors will still be coming forward to be heard and report abuse in years and decades from now.

The National Confidential Forum may need to be resourced at a lower level in the future after perhaps an initial relatively high level of self-referral by survivors. The legislation needs to make provision for this.

Q2. Do you agree or disagree that the Forum should operate independently from Government?

Agree Disagree No preference

Comments

The Forum should operate independently from the Government to ensure the confidence and trust of survivors in the service. Clear lines of accountability and governance to a governing body need to be established.

Q3. Should the Forum

(a) be integrated into another public body ?

Agree Disagree No preference

(b) be a separate unit within another public body?

Agree Disagree No preference

Comments

Further information is required about what 'another public body' or 'a separate unit within another public body' might look like and how it would operate. It would be useful to identify what those public bodies may be and their lines of accountability with the National Confidential Forum.

Q4. Do you agree or disagree that all adults who were placed in residential care by the State should be eligible to take part in the National Confidential Forum?

Agree Disagree No preference

Comments

The Church suggests that consideration be given to including all adults who were 'cared for away from home', in settings arranged and managed by a local authority (social work department). The common denominator for such survivors is that harm occurred in a setting that was determined and supported by a public authority. Residential care is just one type of setting in which historical abuse can occur.

Also see the comments box for question 1 about broadening the range of those survivors who qualify to make use of National Confidential Forum.

Q5. Do you agree or disagree that the process should be the same for all participants, regardless of whether they regard themselves as survivors of abuse in residential childcare?

Agree Disagree No preference

Comments

There should be consistent approach for all survivors of abuse. However as detailed in the comments box in section 6 there may be some survivors who have particular needs that will require a modified service.

Question 5 alludes to survivors who have had good experiences too. If the *primary purpose* of the National Confidential Forum is to meet the needs of those we were harmed in care settings then perhaps a different process is needed for those 'survivors' who only have good experiences to recount. The target audience of the National Confidential Forum is those who were abused in care. Good experiences should be recorded too if they so wish.

Q6. Do you agree or disagree that people who were in the following types of residential care should be included:

- residential schools and children's homes
- residential educational provision for children with special needs

- **long-stay hospital provision for children with acute medical and/or mental health needs**
- **secure accommodation**

Agree Disagree No preference

Comments

As detailed in the response to question 4 the Church supports a suggested wider target audience because such survivors will have the same needs.

Extending provision to children who lived in long stay hospital provision for acute medical or mental health needs is desirable. In particular children who lived in *learning disabilities* long-stay hospitals provision, group homes or family settings should also be considered for inclusion.

Where those survivors with learning disability are able to potentially benefit from the National Confidential Forum the process will need to be adapted to meet their intellectual and communication needs. It is important not to exclude this group of people affected by disability who statistically may be *more likely to have been harmed* in a care setting and who were more vulnerable than other children not so affected. This would be quite a challenge but equally an excellent opportunity to be inclusive.

A similar approach should be available to adult survivors affected by physical disabilities and mental health difficulties who were in publicly funded care settings as children.

Q7. What other support do you consider that participants would benefit from before, during and after the Forum?

Comments

The support that survivors require before, during and after accessing the National Confidential Forum are well set out in the *Time to be Heard* report. However survivors are best placed to identify what support they would benefit from particularly those who have experience of the pilot forum. It may be useful to look at an on-going telephone helpline related to the work of the Confidential National Forum and providing people with opportunities to meet or communicate with others who have had similar experiences.

Q8. Do you think that the participants should be protected from legal action in connection with their work for the Forum?

Yes No No preference

Comments

It is a measured approach to ensure that the members of the National Confidential Forum are protected from prosecution.

We welcome the statements in paragraph 26 about the limits to confidentiality and the public interest. The forum will still need to have a duty to report to the police any on-going reported criminality, where there is a significant risk to the person or to others.

In paragraph 27 it would be useful to know what practices the *Time To Be Heard* pilot used to mitigate any risks that information provided in confidence might require to be disclosed. What types of information or disclosures were included?

Q9. Do you think there are any barriers that would prevent people who are eligible to take part in the Forum from participating?

Yes No

Comments

As with all safeguarding matters, child protection and adult protection, there are often 'barriers to reporting'. Survivors and survivor-organisations are best placed to identify these.

If barriers are a resisting force then a counter-balancing driving force would be a National Confidential Forum demonstrating that it has delivered effective outcomes for survivors. Survivors themselves are best placed to determine effectiveness. Positive publicity in relation to the National Confidential Forum, based on the comments and experiences of survivors, will also help to overcome barriers to people who may need to use the service.

Q10. Do you wish to add any additional points about the Forum?

Yes No

Comments

The Church of Scotland is, and was, a major provider of care for children away from their birth families. CrossReach, the social care arm of the Church, has two residential schools and a service providing short breaks for children affected by disability. Historically the Church was also a significant provider of what was then called foster care and other family-based provision.

The Church of Scotland is in the process of developing a policy and procedure for managing reports of historical abuse. The Church of Scotland Safeguarding Committee will report to the General Assembly in May 2013 setting out how the Church will improve its responsiveness to the needs of survivors. This will include the setting up of a *Safeguarding Listener service*, to provide survivors with an opportunity 'to be heard and acknowledged'. A group of independent and confidential Safeguarding listeners will be recruited to provide this service which will assist survivors to determine what they need and want.

The Church's approach to meeting the needs of survivors will complement the future work of the National Confidential Forum. It also means that the Church will be in a situation to respond appropriately the National Confidential Forum signposts survivors to

the Church of Scotland.

We welcome the approach taken by the Scottish Government which builds on *the Time To Be Heard* report, 2011 and the excellent work undertaken by SurvivorScotland.

Equality Impact Assessment

Introduction

The public sector duties require the Scottish Government pay “due regard” to the need to:

- Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a relevant protected characteristic.

These three requirements apply across the “protected characteristics” of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

In effect, this means that equality considerations are integrated into all the functions and policies of Scottish Government Directorates and Agencies.

A key part of those duties is to impact assess all our policies to ensure that we do not inadvertently create a negative impact for equality groups and also that we actively seek the opportunity to promote equality of opportunity and to foster good relations.

The Aim of the National Confidential Forum

The aim of the National Confidential Forum is to give adults who spent time in residential care as children the opportunity to talk about their experiences.

In this section of the consultation questions we are particularly interested in finding out your views on whether the National Confidential Forum meets the needs of the following groups:

- Age
- Disability
- Gender
- Sexual Orientation
- Race
- Religion and Belief

Your responses to the questions will help us to carry out a full equality impact assessment for a National Confidential Forum.

Questions

1. Do you think the creation of a National Confidential Forum will have a disproportionately negatively impact on particular groups of people in our target audience?

Yes No

Comments

2. Do you think the creation of a National Confidential Forum will have a positive impact on particular groups of people in our target audience?

Yes No

Comments

The National Confidential Forum initiative is in large-part survivor led and is thus likely to have a very positive impact on the target audience.

3. What negative impacts do you think the National Confidential Forum will have on a particular group?

Comments

Negative media and social impacts are likely to be on the organisations that provided 'care away from home' as demonstrated by the *Time To Be Heard* pilot in relation to Quarriers. The challenge will be to manage this adverse impact in a way that is positive for survivors and the organisations concerned. The impact is likely to be greater on faith-based organisations and providers of care because of the incongruity of reported harm in relation to explicit values and beliefs that are always incompatible with harmful actions.

4. What positive impacts do you think the National Confidential Forum will have on a particular group?

Comments

The National Confidential Forum is likely to have a positive impact on survivors who, perhaps for many decades, have not disclosed harm that occurred whilst they were in care. The psychological and practical benefits of being heard and acknowledged for survivors are evidenced in the *Time to Be Heard* report.

It is also likely that with more people reporting historical abuse perpetrators who have, and may still, pose a risk can be identified and appropriately managed. This will reduce the

risk of harm to children and other vulnerable groups now, and in future, and contribute to 'public protection' in general.

5. What changes would you suggest to reduce any negative impact you have identified?

Comments

Support and sensitive national publicity about the initiative would help to reduce the negative impact on service providers/organisations in which historical abuse occurred. Such communications would need to address the perception in some parts of society and the media that many survivors are only interested in making financial claims and are consequently prone to making a significant proportion of false allegations.

6. What changes would you suggest to enhance any positive impacts you have identified?

Comments

Good sensitive publicity that demonstrates the backing of the Scottish Government, and the Scottish people, for this initiative.

7. Are there any significant issues we need to consider in relation to:

- Age
- Disability
- Gender
- Sexual Orientation
- Race
- Religion and Belief?

Comments

With regard to 'disability' see answer to question 6.

There may be a significant issue in relation to religion and belief: members of the National Confidential Forum, who will be listening to people's accounts, will need to be aware of the adverse impact of abuse on the spiritual wellbeing of survivors. See question 3, above, too.