

# **A consultation on the proposal to establish a National Confidential Forum**

## **Analysis of Consultation Responses**

# CONTENTS

<b>ACKNOWLEDGEMENTS</b>	2
<b>KEY FINDINGS OF THE CONSULTATION</b>	3
<b>INTRODUCTION AND BACKGROUND TO THE CONSULTATION</b>	6
<b>THE CONSULTATION ON A NATIONAL CONFIDENTIAL FORUM</b>	9
<b>CONSULTATION RESPONSES AND APPROACH TO ANALYSIS</b>	11
<b>ANALYSIS OF RESPONSES TO THE CONSULTATION QUESTIONS</b>	13
<b>NEXT STEPS</b>	30
<b>ANNEX A: EQUALITY IMPACT ASSESSMENT</b>	31
<b>ANNEX B: LIST OF RESPONDENTS</b>	35

## **ACKNOWLEDGEMENTS**

The Scottish Government would like to thank all of the individuals and organisations who provided submissions in response to this consultation.

The Scottish Government would also like to thank the National Confidential Forum Reference Group and the Survivor Stakeholder Group, members of which helped to inform and shape the consultation and who also provided responses.

In particular, the Scottish Government would like to acknowledge the strength of survivors of abuse in care who provided written responses to the consultation and who attended consultation events held across Scotland.

## KEY FINDINGS OF THE CONSULTATION

1. In 2011, the Scottish Government announced its intention to establish a national acknowledgement forum, building on the positive work of the Time to be Heard Pilot Forum. The purpose of this Forum was to test the appropriateness and effectiveness of a confidential, acknowledgement forum in giving former residents of residential schools and children's homes the opportunity to recount their experiences of being in care, particularly experiences of abuse, to an independent and non-judgemental panel. The evaluation of TTBH showed the clear benefits to participants of acknowledgement and the value of the Forum in informing future policy and practice as regards looked after children.

2. The Scottish Government launched a consultation on the proposal to establish a National Confidential Forum on 23 July 2012. In addition, it organised and facilitated consultation events across the country and one to one sessions with individual survivors of abuse to ensure a depth and range of participation. The Scottish Government sought the views of members of the National Confidential Forum Reference Group in developing the consultation and established the Survivor Stakeholder Group, specifically to ensure that the voice of survivors was heard in the consultation process.

3. Fifty one written responses to the consultation document were received and fifty four attendees participated in consultation events held across Scotland. These written responses, together with discussion and feedback at consultation events, has provided a rich range and depth of views as to the proposal to establish a National Confidential Forum and how it should operate to maximise its contribution to an improvement in the health and wellbeing of participants in the Forum.

4. A summary of respondent views on the proposal to establish a National Confidential Forum follows.

- Almost all respondents to the consultation agreed with the purpose proposed for it as an acknowledgement forum<sup>1</sup>. No respondent disagreed with this purpose. This general view was reinforced at each of the consultation events, with widespread agreement of the focus on, and need for, acknowledgment.
- Respondents to the consultation saw benefits for former, current and future residents of institutional care as a direct result of the establishment of the National Confidential Forum, specifically in contributing to the improved health and wellbeing of participants and informing improvements to policy and practice.
- Four fifths of respondents agreed that the National Confidential Forum should operate independently of Government.<sup>2</sup> The option preferred by respondents is for the National Confidential Forum to be established as a separate unit within an existing public body.

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<sup>1</sup> 92% of respondents agreed (47 out of 51, with 2 respondents not providing a response and 2 not expressing a preference).

<sup>2</sup> 80% of respondents agreed (41 out of 51, with 3 respondents not agreeing, 3 not expressing a preference and 4 not providing a response).

- A very high proportion of respondents agreed that all people who were placed in residential care by the state should be eligible to take part in the National Confidential Forum<sup>3</sup>. The Scottish Government considers it important that the opportunity of acknowledgement be extended to all people placed in residential care, irrespective of whether they were placed there by the state or their family. It is intended, therefore, that the National Confidential Forum will be open to all of those people.
- A very high proportion of respondents agreed that the types of residential care listed in the consultation document (in Question six) should be included within the scope of the National Confidential Forum<sup>4</sup>. Just less than a fifth of respondents proposed that the scope of the Forum encompass all categories of care. A further fifth of respondents made a specific reference to foster care being included within the scope of the Forum, with half of those proposing that foster care be considered.
- The Scottish Government has considered in depth the matter of the scope of eligibility to participate in the National Confidential Forum and proposes that the principal criteria for participating in the Forum will be the experience of having been placed in institutional care as a child, which may include abuse and neglect. It will be that experience which will be the starting point for determining eligibility to participate in the Forum. It is intended that the scope of the National Confidential Forum will encompass all forms of institutional care into which children can be placed, including long stay hospitals and secure units. As such, the scope of the National Confidential Forum will be considerably wider than that of the Time to be Heard Pilot Forum.
- Almost three quarters of respondents agreed that the process to be followed in hearings of the National Confidential Forum should be the same for all participants, regardless of whether they identify themselves as survivors of abuse or intend to disclose abuse.<sup>5</sup>
- Over half of respondents to the consultation agreed that people engaged with the National Confidential Forum should be protected from any form of legal action as a result of either participating in hearings or working for the Forum.<sup>6</sup> Several respondents expressed the view that, in order for participants to feel comfortable and willing to recount their experiences, they should be protected and feel able to do so without fear of legal action as a result of what they say during hearings. Several respondents also expressed the view that members and staff of the National Confidential Forum should also be protected from possible legal action in undertaking the work of the Forum.
- The general view expressed in consultation responses was that support was required for participants and their carers and family members before, during

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<sup>3</sup> 88% of respondents agreed (45 out of 51, with 1 respondent disagreeing and 5 not providing a response).

<sup>4</sup> 84% of respondents agreed (43 out of 51, with 1 disagreeing and 7 not providing a response).

<sup>5</sup> 71% of respondents agreed (36 out of 51, with 5 disagreeing; 3 having no preference; and 7 not providing a response.)

<sup>6</sup> 57% of respondents agreed (29 out of 51, with 6 disagreeing; 7 having no preference; and 9 not providing a response).

and after participation in the National Confidential Forum. A high proportion of respondents made suggestions as to the range and types of support they considered would be helpful to participants in the Forum. The Scottish Government will be working closely with stakeholders to ensure that the support requirements of participants in the Forum are known and that steps are taken to meet those requirements and that any barriers to participation in the Forum are identified and tackled.

## INTRODUCTION AND BACKGROUND TO THE CONSULTATION

### The SurvivorScotland Strategy

5. SurvivorScotland, the National Strategy for Adult Survivors of Childhood Abuse,<sup>7</sup> was launched by the Scottish Government in September 2005. The Strategy includes all adult survivors of childhood abuse, including people abused in care as children. The Strategy has different elements, including the funding of services for adult survivors of childhood abuse; training for professionals; and measures to increase public awareness of childhood abuse. Since 2007, the Scottish Government has provided £5.1 million to support the design and delivery of services for survivors of childhood abuse in a number of priority areas including: services in rural and remote areas; mental health needs; complex trauma; learning disability; minority ethnic issues; and work in prisons.

### The 'Time to be Heard' Pilot Forum

6 In 2005, the Scottish Government commissioned a review of the systems of laws, rules and regulations that governed residential schools and children's homes between 1950 and 1995.<sup>8</sup> The conclusions contained in that Review note the need for former residents to "have their experiences as a child in a residential establishment heard and recorded as a means of acknowledging and believing what they need to tell".<sup>9</sup>

7. In 2009, the Scottish Ministers announced that a Pilot Forum, Time to be Heard, ("TTBH") would be established. The purpose of the TTBH Pilot Forum was to test the appropriateness and effectiveness of a confidential, acknowledgement forum in giving former residents of residential schools and children's homes the opportunity to recount their experiences in care, in particular abusive experiences, to an independent and non-judgemental panel.

8. The scope of TTBH was limited to one institution. Quarriers was selected because it was one of the largest institutions in Scotland providing residential care to children and young people, with up to 1500 children living in the Village at any one time. In total, over 30000 children had been cared for by Quarriers since its inception in the late 19<sup>th</sup> century to the closure of mainstream residential child care provision in the 1980s, when it ceased providing general residential child care.

9. People seeking to participate in TTBH were not asked to identify themselves as survivors nor to indicate that they had experienced abuse in care. This was to ensure the broadest possible participation of former residents and that a wide range of experiences could be heard. In total, 98 former residents of Quarriers Village were listened to with respect and in good faith. Participants were able to bring with them a friend, family member or someone else to provide support at the hearing. Institutions and alleged or convicted abusers were not present. Lawyers were not involved and no investigations were conducted.

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<sup>7</sup> [www.survivorscotland.org.uk](http://www.survivorscotland.org.uk)

<sup>8</sup> *Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950 to 1995* Tom Shaw, (2007) Scottish Government. <http://www.scotland.gov.uk/Publications/2007/11/20104729/0>

<sup>9</sup> Historical Abuse Systemic Review, page 155.

10. The Scottish Government recognised the need for support to be available to participants before, during and after they shared their experiences in TTBH. The services of In Care Survivors Service Scotland (“ICSSS”) were highlighted to every person who applied to participate in TTBH. ICSSS offered a specific service to people considering participation and its helpline was open until 11 pm on the days on which hearings were held.

11. The experience of TTBH was evaluated using a number of different methods including: questionnaires returned by participants; in-depth interviews with participants; and daily debrief sheets compiled by the Chair and Commissioners. Feedback was also obtained from ICSSS, including anonymised information about the use of its helpline. The experiences of other support agencies were noted in interviews with Kingdom Abuse Survivors Project, Break the Silence, Open Secret, Health in Mind and the Moira Anderson Foundation.

12. Feedback from participants in TTBH was very positive. While a quarter of those who gave feedback said that they had found it very difficult or quite difficult to decide to take part in TTBH, none indicated that they regretted doing so. A high proportion considered that they were able to say all or most of what they wanted to say and all said that they had felt listened to with respect and sensitivity. Over 87 per cent considered that the overall experience had been almost all or mainly positive.

13. An independent report of the experience of TTBH was published in 2011<sup>10</sup> and states that:-

*“The experience of TTBH has shown clearly the benefits of a confidential forum. The large majority of participants have confirmed, in terms of release or partial release from the burden of the past, its encouragement of self-worth and self confidence, and its contribution to moving on and getting closure. TTBH also ... afforded them a means of contributing to making provision of care better for children today.”*<sup>11</sup>

## **The Human Rights Framework and InterAction**

14. In 2009, the Scottish Government commissioned the Scottish Human Rights Commission (“SHRC”) to produce a human rights framework for the design and implementation of a Forum for survivors of historic child abuse in Scotland (“the SHRC Framework”)<sup>12</sup>. The SHRC Framework was published in February 2010.<sup>13</sup> The Scottish Government provided an interim response (in June 2010) on the specific recommendations for the TTBH Pilot Forum and a further response (in February 2011), following the completion of the TTBH hearings and just before the launch of the TTBH Report, on all of the recommendations<sup>14</sup>.

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<sup>10</sup> <http://www.scotland.gov.uk/Publications/2011/03/07122331/0>

<sup>11</sup> At page 104.

<sup>12</sup> A human rights framework for the design and implementation of the proposed ‘Acknowledgement and Accountability Forum’ and other remedies for historic child abuse in Scotland, SHRC, February 2010.

<sup>13</sup> <http://www.scottishhumanrights.com/news/latestnews/article/framework>

<sup>14</sup> <http://www.survivorscotland.org.uk/time-to-be-heard/scottish-human-rights-commission/>

15. The SHRC Framework outlines what the SHRC regards as a “comprehensive approach to ensuring effective access to justice, remedies and reparation for childhood abuse”. The confidential committee model adopted for TTBH focused on acknowledgement rather than accountability. As such, the SHRC Framework addresses wider issues than those addressed by the TTBH Pilot Forum. These matters are now being taken forward in the InterAction, a process which is being led by the Centre for Excellence for Looked After Children in Scotland (“CELCIS”) and in respect of which the Scottish Government has made a commitment to participate. The stated purpose of the InterAction is to “bring together former residents, representatives of institutions, government and others with responsibility to consider how recommendations made by the Commission in 2010 can be taken forward in practical and meaningful ways... [and] to develop an Action Plan for justice within a human rights context”.<sup>15</sup>

### **Experiences in other jurisdictions**

16. In developing the policy concerning the National Confidential Forum, the experiences of other jurisdictions in responding to adults placed in care as children have been considered, including developments in Canada, Australia, New Zealand, Wales and Ireland.

17. From 2001 to 2010, a Confidential Committee operated as part of the Irish Commission to Inquire into Child Abuse. The approach of that Committee was sympathetic and informal, designed to support survivors be able to describe their experiences. This model, in particular, helped inform the development of what became TTBH.

18. Legislation in the Northern Ireland Assembly to establish an inquiry into historical institutional childhood abuse has just passed<sup>16</sup>. The Northern Ireland Inquiry will include a confidential Acknowledgement Forum in which survivors of abuse will be supported to recount their childhood experiences of institutional care. The experience of developing and operating the Acknowledgement Forum will help inform the roll out of the National Confidential Forum.

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<sup>15</sup> <http://www.scottishhumanrights.com/news/latestnews/article/interactionnews2012>

<sup>16</sup> <http://www.niassembly.gov.uk/Assembly-Business/Legislation/Primary-Legislation-Current-Bills/Inquiry-into-Historical-Institutional-Abuse-Bill/Inquiry-into-Historical-Institutional-Abuse-Bill-as-Introduced-Explanatory-and-Financial-Memorandum/>

## **THE CONSULTATION ON A NATIONAL CONFIDENTIAL FORUM**

### **The proposal**

19. The proposed purpose and scope of the National Confidential Forum is rooted firmly in the experience of TTBH. This pilot showed the positive benefit to people placed in Quarriers Village as children, and their families, of participating in a confidential forum which offered acknowledgement of their experiences. TTBH also demonstrated the value of this approach in informing policy and practice responses, specifically to prevent the abuse of children placed in residential care in the future.

20. The National Confidential Forum will give adults the opportunity to recount, in confidence, their experiences of being in care as children to a non-judgemental and independent panel. The intention is that participation in the Forum will contribute to an improvement in the health and wellbeing of the people who participate, through the direct acknowledgement of their experiences, including experiences of abuse and neglect.

### **The consultation**

21. The independent report of TTBH, written by the Chair of the Pilot Forum, Tom Shaw, contains a series of recommendations, six of which are concerned with the establishment and operation of a National Confidential Forum. The Scottish Government accepted all six recommendations, including that legislation should be introduced to underpin it, thereby enabling it to function effectively, including being able to offer protections to participants.

22. On 23 July 2012, the Scottish Government launched a consultation on the proposal to establish a “forum giving adult survivors abused in residential care as children the opportunity to describe their experiences to people who understand about such abuse in residential care.” The consultation document set out ten questions in relation to the proposal that a national forum be established following TTBH, including questions as to the scope of the forum and protections and support for participants.

23. The National Confidential Forum Reference Group has offered valuable input into the consultation document, including considerations important to the effective implementation of the Forum.

24. The consultation document was sent to over 500 organisations and individuals and an advert was taken out in Third Force News, highlighting the consultation to voluntary and community sector organisations. A copy of the consultation document was also sent to all members of the Reference Group and organisations in receipt of funding under the SurvivorScotland programme fund.

25. In parallel, members of the Scottish Government SurvivorScotland team organised and attended four consultation events, at which a total of 54 attendees participated as follows:-

- Dumfries on 28 August 2012 – 3 participants attended
- Inverness on 28 August 2012 – 5 participants attended
- Edinburgh on 29 August 2012 - 20 participants attended

- Glasgow on 4 September 2012 - 26 participants attended.

26. Participation in the consultation events was clearly difficult for some people who had experienced abuse and neglect in care. Despite that, stakeholders engaged as fully as possible and showed an enthusiasm and commitment to work with the Scottish Government in taking forward the establishment of the National Confidential Forum. This willingness, particularly on the part of survivors, has been particularly important in developing the policy to create the Forum.

27. Written summaries of each of the consultation events were drafted by the members of Scottish Government staff present at those events, the content of which has been incorporated into the consultation analysis set out in this report.

28. The Scottish Government recognises the central importance of directly engaging people placed in care as children, in particular people who have experienced abuse, in the consultation process. To that end, a number of survivors of abuse in care agreed to take part in a group specifically to ensure that the voice of survivors was heard in the consultation process. The Survivor Stakeholder Group was convened and facilitated by a person independent of the Scottish Government. Several meetings of the Group were held and all of the consultation questions were discussed in some depth, with views submitted to the Scottish Government.

29. In addition, the opportunity for one to one and small group meetings was offered by the Scottish Government to individuals and organisations to ensure a range and depth of participation in the consultation. A member of the Survivor Scotland Team met with five people individually to go through the consultation document and to support them to submit a response. Meetings with those persons were held in Dundee, Glasgow, Oban and Dunoon.

30. Stakeholder engagement in this consultation process, to be effective, has had to be informed by, and sensitive to, the needs of people who were placed in care as children. Ensuring that information is accessible and proposals and concepts explained fully has been an important consideration in the consultation process, as has been the planning of consultation events themselves. ICSSS was also present at each of the consultation events to enable people to access support, if required.

31. Feedback on the consultation events at the National Confidential Forum Reference Group was very positive, with participants appreciative of the measures put in place to support engagement and discussion in the consultation on the development of the Forum.

32. All of the published responses to this consultation can be viewed on the Scottish Government website.

## CONSULTATION RESPONSES AND APPROACH TO ANALYSIS

### Written responses

33. Annex B sets out a list of organisational respondents to the consultation document. The names of individual respondents have not been included. The consultation responses of those who gave permission for their response to be made public are available at:-

<http://www.scotland.gov.uk/Publications/2012/12/8644/downloads>

### Response rate

34. A total of 51 written responses were received in response to the consultation document. Individuals comprised the largest single respondent group, submitting 27% of all responses received, although responses from organisations comprised the majority overall. The number of individuals who provided written responses, and who participated in the consultation in other ways, reflects the great interest in the National Confidential Forum from former residents of care establishments who may be considering participation in the Forum.

**Table 1:** Number of responses by respondent group

<b>Respondent Group</b>	<b>Number</b>
<b>Individuals</b>	14
<b>Organisations:-</b>	
Support organisations	5
Organisations representing survivors and former residents of care establishments	2
Third sector bodies	6
Local authorities	10
Representative organisations - trade unions or professional groups	2
NHS Boards	2
Multi-agency partnerships	2
Academic institutions	2
Public Bodies	4
Religious Organisations	2
<b>Total</b>	<b>51</b>

### Approach to analysis

35. The Scottish Government has entered all of the response data, from every response received, into a database. A quantitative analysis of response rates to each of the ten consultation questions has been undertaken, the results of which are set out below. Responses to questions by respondents were assigned to one of three categories: agree; disagree; and missing. A qualitative analysis of comments

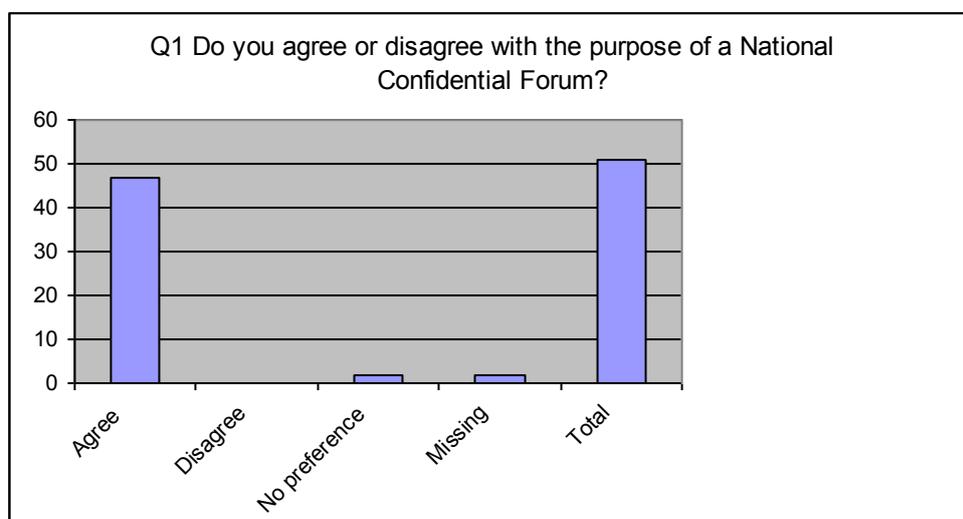
provided by respondents was also undertaken by the Scottish Government, with key themes and specific points encapsulated in the analysis and key findings.

## ANALYSIS OF RESPONSES TO THE CONSULTATION QUESTIONS

36. The consultation document sets out ten questions for respondents to consider in relation to the purpose and operation of the National Confidential Forum.

37. The following section of this report deals with each of the consultation questions in turn, including both a quantitative and qualitative analysis of responses. Questions four and six have been taken together as they deal with the same matter, namely the scope of eligibility to participate in the National Confidential Forum.

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



38. A very high proportion of respondents agreed with the proposed purpose of the National Confidential Forum, namely that it provide acknowledgement.<sup>17</sup> No respondent disagreed with the purpose proposed for the Forum. This general position was reinforced at each of the consultation events, with widespread agreement in relation to the proposed focus of the National Confidential Forum on acknowledgement.

39. Several respondents specifically expressed the view that, providing an opportunity for people who have been placed in residential care as children to be heard and acknowledged in a confidential, non-judgemental setting, would be beneficial to their health and wellbeing. This view was expressed in different ways by respondents. For example, Drew Smith MSP said he supported “the creation of a National Confidential Forum... It is my view that talking about past abuse can be helpful for many survivors.” The Care Inspectorate also said that “we agree with the purpose of a National Confidential Forum. The Pilot has clearly borne out the hypothesis that giving adults, who had been in residential care as children the chance to describe their experiences, is of benefit to them. Of particular note is the finding that taking part in the Forum led to improvements in their health and wellbeing.”

<sup>17</sup> 92% of respondents agreed (47 out of 51, with 2 respondents not providing a response and 2 not expressing a preference).

40. The view was also expressed by several respondents that the establishment of the National Confidential Forum provided an important opportunity to learn from the past experiences of children placed in residential care to make improvements for the protection of children in care currently and in the future. For example, Angus Council said that “the opportunity for adult survivors to describe their experiences and have their views listened to can only help to inform improvements; not only for the health, safety and wellbeing of children and young people who are currently in residential care but also children in the future who require this type of care.” The City of Edinburgh Council echoed this view in stating that “beyond the importance to adults who spent time in residential care as a child having an opportunity to share their experiences in a National Forum, there is an opportunity for such experiences to feed into and shape the ongoing future development of residential care... hearing about the views and experiences of former residents will provide a valuable insight into how services can meet needs.”

41. Five organisations and three individuals who responded to the consultation indicated that the National Confidential Forum should be viewed as part of a bigger picture. For example, In Care Abuse Survivors Scotland expressed the view that the Forum should be regarded “as part of a range of measures being considered by the Scottish Government and the Scottish Human Rights Commission”. The SHRC itself observed that the “Forum should operate alongside a range of other options for justice and remedies for survivors of childhood abuse”. The Convention of Scottish Local Authorities (“CoSLA”) commented that the links between the National Confidential Forum and “restorative justice mechanisms warrant further exploration” and that connections between the Forum and the “criminal justice system needed to be maintained under very carefully defined conditions”.

42. The Scottish Government recognises that the establishment of the National Confidential Forum is part of a suite of responses to people placed in care as children, including survivors of abuse. That is why the creation of the National Confidential Forum forms part of the wider SurvivorScotland Strategy which the Scottish Government launched in 2005. The Strategy has a number of different elements, including the provision of funding to organisations which provide support to survivors of abuse. The Scottish Government has also agreed to take part in the InterAction process to develop an action plan for taking forward the recommendations in the SHRC Framework.

43. The Scottish Government is committed to establishing a National Confidential Forum because of the benefits of an independent acknowledgement forum to people placed in residential care as children, including survivors of abuse. The opportunity to describe experiences of care, including of abuse, in confidence and without challenge or judgement was demonstrated to be of positive benefit to participants of TTBH.

44. The Chair and Commissioners of TTBH considered it important to have a forum with a sole focus on acknowledgement which, in particular, did not combine accountability with acknowledgement. The Chair of TTBH summed this up in evidence to the Petitions Committee:-

“..on a combination of acknowledgement and accountability in one, I would say that that is impossible if we want to have the beneficial outcomes of the confidential hearing committee. If we introduce an investigative or

accountability dimension, we instantly introduce an adversarial element into the forum, which would prevent a number of the people from whom we heard from coming forward to be heard. Those people do not want to be challenged and disbelieved again; it is sufficiently traumatic for them to come back, remember the experience and recount it to people such as us.”<sup>18</sup>

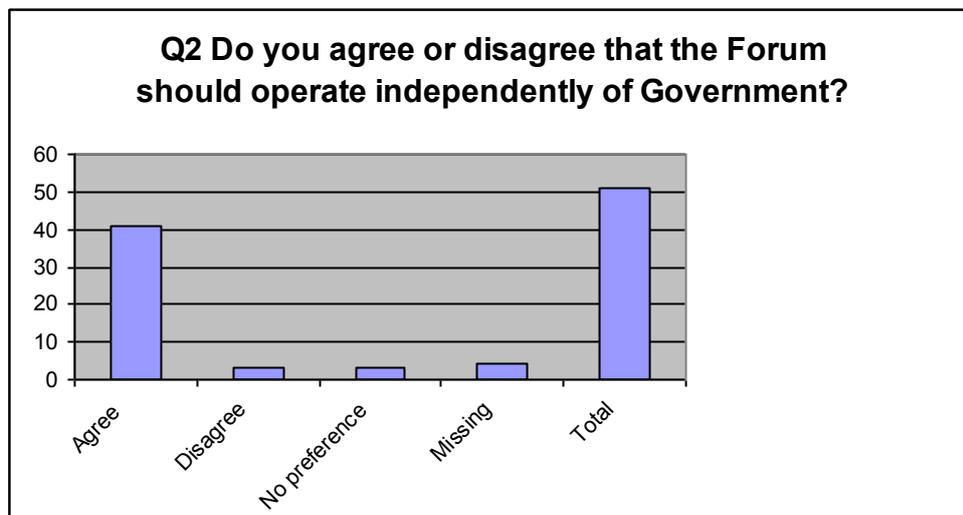
45. The Scottish Government’s response to the SHRC Framework echoes this position, recognising the importance that participants in TTBH attached to the confidential nature of the process and the supportive approach taken in what were non-legal, informal proceedings. In this response, the Scottish Government highlighted that “introducing an investigatory requirement would undoubtedly change the nature of the process in significant ways. First, the institutions would need to be given the opportunity to present their account and to be parties to the process. Second, the survivors’ accounts would have to be open to challenge, either by the institutions (drawing on an adversarial model) or by the Chair and Commissioners. Third, the proceedings themselves would need to be reframed to reflect elements of a legal, or certainly a formal, process, including legal representation and some form of adjudication.”<sup>19</sup>

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<sup>18</sup> 1 March 2011, Proceedings of the Public Petitions Committee, paragraphs 3457-8.

<sup>19</sup> <http://www.survivorscotland.org.uk/time-to-be-heard/scottish-human-rights-commission/>

**Q2: Do you agree or disagree that the National Confidential Forum should operate independently of Government?**



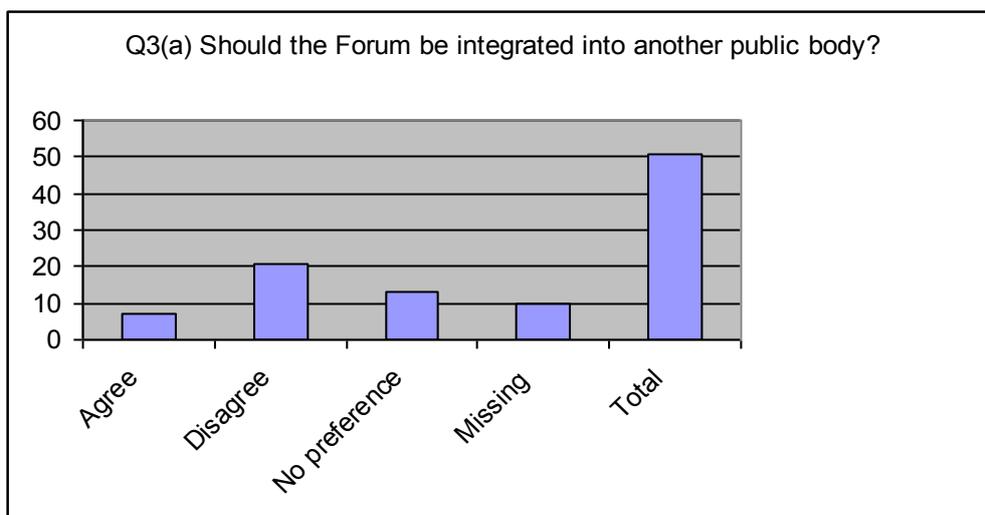
46. A very high proportion of respondents agreed that the National Confidential Forum should operate independently of Government.<sup>20</sup>

47. Three quarters of these respondents expressed the view that to ensure the confidence and trust of potential participants, the National Confidential Forum should be independent of Government. For example, Dumfries and Galloway Council said that it “is imperative that the Forum should operate independently from Government to ensure that ex-residents feel that the process is independent and transparent. If the Forum is not independent from Government there is a risk that ex residents may view this negatively as an organisation being overseen by the state that made the original care placements”. In contrast, however, another local authority respondent expressed the view that the Forum should be “owned” by the Scottish Government, because it would be “within the sight of the Scottish Ministers”.

48. A significant number of attendees at the consultation events also expressed the view that the Forum should operate independently of the Scottish Government. However, several also indicated that the Forum should be answerable to the Scottish Government, for example, by means of annual reporting to the Scottish Ministers.

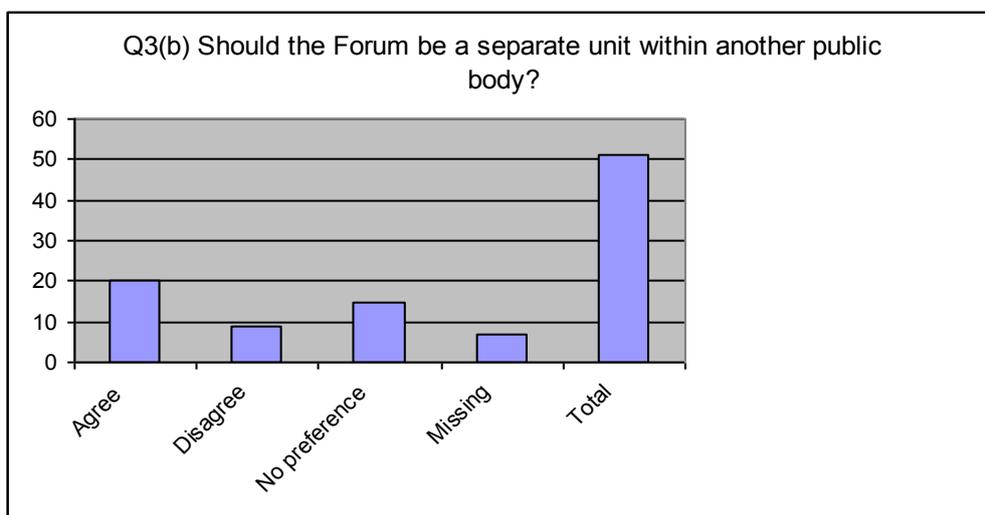
<sup>20</sup> 80% of respondents agreed (41 out of 51, with 3 respondents disagreeing; 3 expressing no preference; and 4 not providing a response).

**Q3: Should the National Confidential Forum be (a) integrated into another public body or (b) be a separate unit with another public body?**



49. A small minority of respondents agreed that the National Confidential Forum should be integrated into another public body.<sup>21</sup> The benefits of this approach were identified by those respondents as relating to the cost savings involved in sharing administrative and organisational functions.

50. Of the respondents who did not agree with this approach, several emphasised the importance of the National Confidential Forum having its own identity and independence to ensure that there were no conflicts of interest and that the needs of participants were the priority.



51. Two fifths of respondents agreed that the National Confidential Forum should be a separate unit within another public body.<sup>22</sup>

<sup>21</sup> 7 of the 51 respondents agreed with option (a), with 21 respondents disagreeing; 13 respondents expressing no preference and 10 not providing a response.

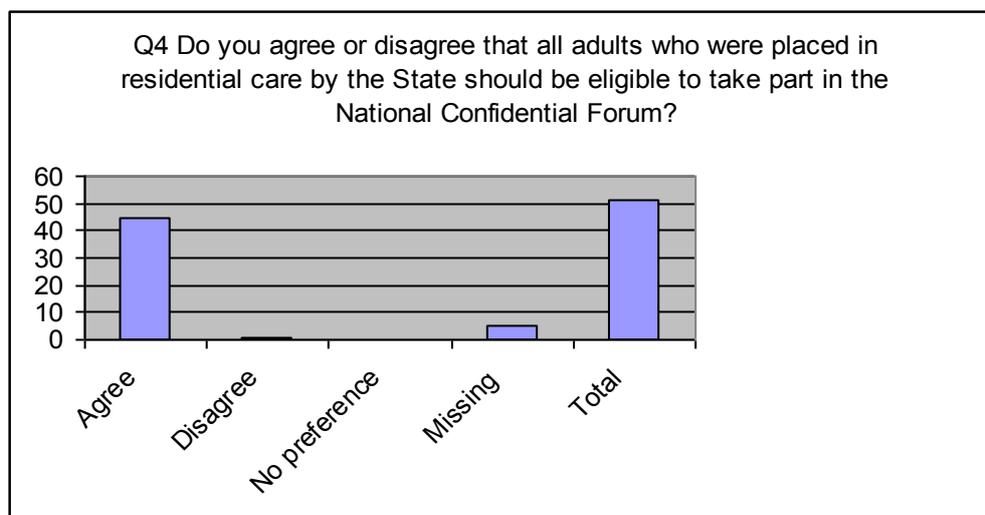
<sup>22</sup> 20 out of the 51 respondents agreed with option (b), with 9 respondents disagreeing; 15 expressing no preference; and 7 not providing a response.

52. Several respondents stressed the need for independence for the National Confidential Forum, both from the Scottish Government and from existing public bodies. For example, in its response, CoSLA said that “without wanting to prejudge any best value process, it would be sensible to develop the NCF as a separate unit within an existing public body, thereby securing the requisite resource and support but retaining independent governance arrangements.” The Centre for Excellence for Looked After Children said that “if the Forum needs to be linked to another public body, it is important that its independence is recognised by it being a separate unit. It will also be important that clear and transparent governance arrangements are in place to underline the Forum’s independence.”

53. Four respondents specifically identified a public body within which the National Confidential Forum could operate as a separate unit. Two respondents proposed the Scottish Human Rights Commission; one respondent proposed the Mental Welfare Commission for Scotland; and another respondent, proposed the Centre for Excellence for Looked After Children in Scotland.

54. In line with the Scottish Government’s commitment not to create any new public bodies, and feedback from respondents as to how the National Confidential Forum should operate, it is proposed that the Forum be established as a separate unit within an existing public body.

**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?**



55. A very high proportion of respondents agreed that all adults who were placed in residential care by the state should be eligible to take part in the National Confidential Forum<sup>23</sup>.

56. Several respondents to the consultation asked whether it was necessary for people to have been placed in residential care *by the state* to participate in the National Confidential Forum, as there are many cases of children having been placed in care under private arrangements with no state involvement.

57. The Scottish Government has considered this point in the context of the proposed role and functions of the National Confidential Forum. For the purposes of participation in a confidential committee, it is not necessary to make a distinction on the basis of the source of the placement of a child in residential care. The Scottish Government also considers it important that the opportunity of acknowledgement be extended to all persons placed in residential care, irrespective of whether they were placed there by the state or their family. This is particularly important given the significant changes to the law, policy and practice relating to the care of children over the time period during which participants in the Forum will have been placed in care.

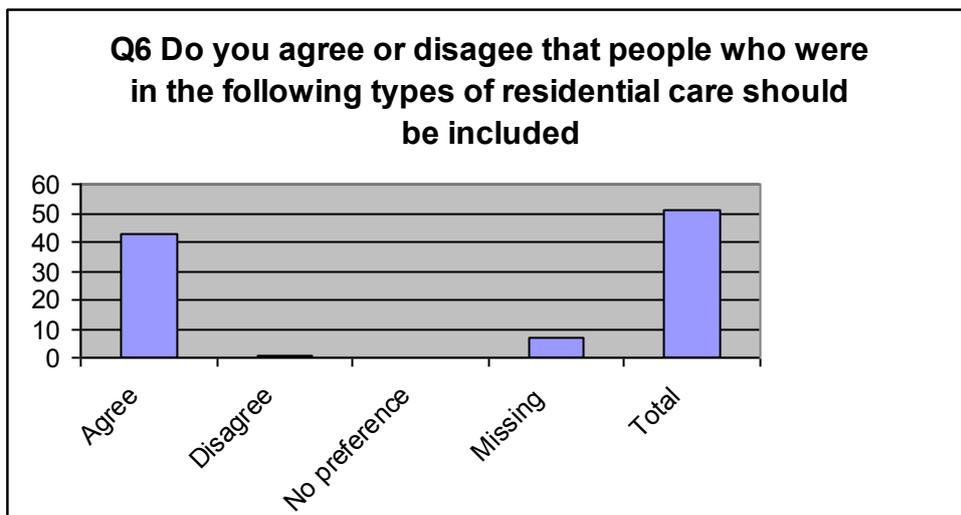
58. The Scottish Government, therefore, proposes that the National Confidential Forum be open to people placed in care by the state and people placed in care under private arrangements.

**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; and

<sup>23</sup> 88% of respondents agreed (45 out of 51, with 1 respondent disagreeing and 5 not providing a response).

- **secure accommodation.**



59. A very high proportion of respondents agreed that the types of residential care listed in question six should be included within the scope of the National Confidential Forum.<sup>24</sup>

60. In addition to agreeing that the National Confidential Forum should be open to the types of care listed in question six, a minority of respondents (nine) proposed that the scope of the Forum encompass all categories of care. Two of these responses came from individual survivors. This view was articulated by respondents in different ways, for example, that “all survivors of the care system” be included; that adults “looked after away from home” be included; that “all looked after children [be] included” and that “all children placed in the care of others for whatever reason” be included. Some of these responses do, however, include some form of restriction. For example, that placements should have been “arranged and managed by the local authority” or with “social work involvement” or that persons be “survivors” of abuse within care.

61. In addition to agreeing that the National Confidential Forum should be open to the types of care listed in question six, a further minority of respondents (ten) made a specific reference to foster care being included within the scope of the Forum. None of these responses came from individual survivors. Half of these respondents simply indicated that foster care be considered in defining the scope of the Forum, with one respondent suggesting that foster care “may have to be considered” and another suggesting that there may be a “second phase” which encompasses foster care.

62. Where a reason was given by respondents for proposing that foster care be considered for inclusion within the scope of the National Confidential Forum, this was based on the view that there is abuse within foster care and, as such, people placed in foster care and who have experienced abuse should be able to participate in the Forum.

<sup>24</sup> 84% of respondents agreed (43 out of 51, with 1 disagreeing and 7 not providing a response).

63. The Scottish Government has considered in depth the matter of eligibility to participate in the National Confidential Forum and has fully taken into account the views expressed in the consultation process.

64. The Scottish Government proposes that the principal criteria for participating in the National Confidential Forum will be the experience of having been placed in institutional care as a child, which may include abuse and neglect. It will be that experience which will be the starting point for determining eligibility to participate in the Forum.

65. It is intended that the scope of the National Confidential Forum will include all forms of institutional care into which children can be placed, including long stay hospitals and secure units. It is not intended that this will include foster care, kinship care or supervision at home. In doing so, the National Confidential Forum will follow the approach of confidential committee models in other jurisdictions, including the proposed scope of the Acknowledgement Forum in Northern Ireland.

66. The scope of the National Confidential Forum is intended to be wider than that of TTBH (which was open to residents of only one institution), but also to be a natural progression from the Pilot Forum based on learning from that experience. The definition of the scope of the National Confidential Forum is, therefore, based on positive evidence that the confidential committee model works for people placed in institutional forms of care as children. As such, the opportunity of acknowledgement offered by TTBH will be extended to all adults placed in institutional care as children.

67. The rationale for the focus of the National Confidential Forum on institutional care is also based on the distinct development and characteristics of institutional forms of care, particularly care provided on an historical basis. The historical development and particular characteristics of institutional care have significant implications for the establishment, scope and participation of people in the National Confidential Forum. In particular, there are specific implications for people seeking to recount experiences of abuse when that abuse has been perpetrated in the context of institutional care.

68. In the UK there has been an historical division between the development of residential and institutional forms of child care, on one hand, and the development of foster care, on the other. It is considered that this historical distinction has significant ramifications which continue to today, to the extent that they “provide the compass bearings or coordinates for current assumptions, worldviews, policies and practice” and that whatever these “alternative” forms of child care “have in common - seen from the child’s, or family’s, perspective - they are seen as opposites”.<sup>25</sup>

69. The distinct history and characteristics of institutional care were evident throughout the range of testimonies given by people who participated in TTBH. These testimonies starkly illustrate the often long term implications of institutionalisation, both for people who had experienced abuse and those who have not. The TTBH Report notes, for example, that “many of the residents from Quarriers did not have a sense of their own personal identity. There was a sense that when they went into Quarriers

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<sup>25</sup> “*The Ideology of Residential Care and Fostering*” first appeared on pp. 231-242 in *Re-framing Children’s Services, NCVCCO Annual Review Journal No. 3, 2002.*

they stopped having their own families; some would not know what they had siblings within the same care system and sadly relationships with parents or extended family, where appropriate, were often absent if not actively discouraged. Many of the participants described never feeling that they had any sense of being comforted or cared for by the house parents.”<sup>26</sup> The Report goes on to state that the location and self-sufficient nature of Quarrier’s Village made transition difficult. Leaving Quarriers was described by participants in TTBH as “like coming out of jail”; “like coming off the moon”; and “the most frightening experience”. As such, it was found that “leaving the ‘cocoon’ of Quarriers was difficult both for those who had good and bad experiences.”<sup>27</sup>

70. The experiences and effects of institutionalised child care would appear to compound the harm caused by abuse. A literature review on resilience and institutional abuse, commissioned by the Scottish Government and published in 2012, found that there are circumstantial aspects of institutional child abuse which can “instil a universal distrust of institutions and those in authority”<sup>28</sup>. The “Uncertain Legacies” Report highlights the implications of the distinctive public dimension to the disclosure of institutional child abuse, including the increased challenge of maintaining privacy. This has implications both for those who disclose abuse and fellow residents, leading to what might be perceived as forced disclosure; claims of abuse being more closely evaluated by public bodies and institutions; and resultant investigations and court cases being given prominent media coverage.

71. In particular, the Uncertain Legacies Report highlights the “specific dangers in revealing institutional child abuse if the abuse occurred in a respected institution or was inflicted by highly regarded individuals”, where disclosure may spark accusations of fabrication or explicit community hostility, reinforced by institutional re-traumatisation if claims are met with disbelief by public bodies such as the police or criminal justice services. It is not surprising that the Report found that the circumstantial aspects of institutional child abuse might complicate recovery trajectories and hamper the development of resilience in adult survivors.

72. The TTBH Commissioners had expertise in, and a focus on, the particular history and nature of institutional child care. This enabled an informed and sensitive approach to hearings and the analysis of what was heard, including but not limited to abuse. In order to fulfil its purpose and function effectively, the Scottish Government considers it important that the National Confidential Forum similarly has the expertise and focus to respond effectively to the particular experiences, and the particular implications of those experiences, of people placed in institutional forms of care as children.

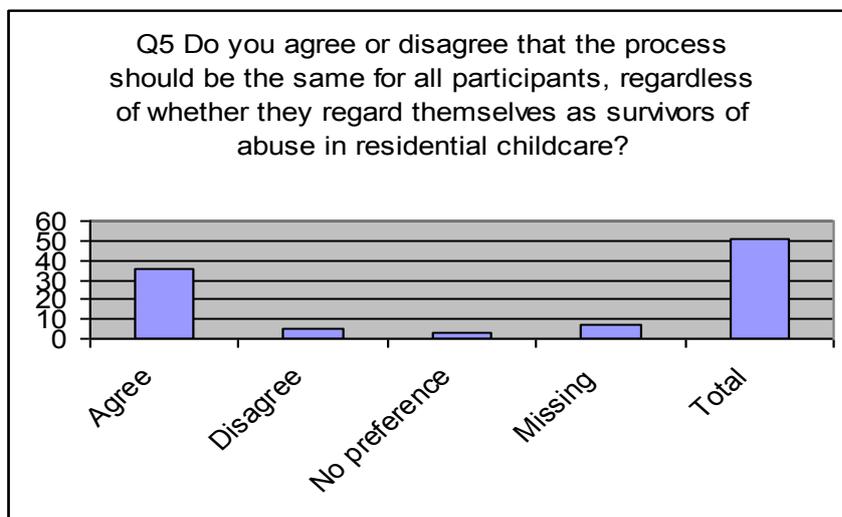
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<sup>26</sup> TTBH Report, page 71

<sup>27</sup> TTBH Report, page 63

<sup>28</sup> <http://www.scotland.gov.uk/Publications/2012/06/5914>

**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 care?**



73. A high proportion of respondents agreed that the process in the National Confidential Forum should be the same for all participants, regardless of whether they consider themselves to be survivors of abuse or whether they intend to disclose abuse<sup>29</sup>.

74. In its response to the consultation, CELCIS agreed with the purpose of the National Confidential Forum and, as such, does not think that there is any justification for taking a different approach to persons who have positive experiences of care. CELCIS response highlights feedback from some participants in TTBH who considered that there was too much of an emphasis on historic abuse and that they had come forward precisely so that they could counter this and report their positive experience of the placement in Quarriers. CELCIS, therefore, considers that "it is important that the National Confidential Forum should hear a balanced range of testimony from adults who have experienced care as children".

75. Two respondents expressed the view that the National Confidential Forum should be as flexible as possible in offering all participants the opportunity to recount their experiences. Renfrewshire Council expressed the view that it would "not be helpful to have separate processes dependent on whether [participants] regard themselves as survivors or indeed champions of care. For many, their experiences may have been mixed. We believe that as much flexibility as possible should be provided to all who wish to participate in relation to facilitating their statement. This should take account of trauma, literacy levels, disability etc." The City of Edinburgh Council in its response suggested that "consideration should be given to creating a flexible process focused upon enabling contributions from individuals and not a process which discourages participation".

76. Four respondents did, however, express the view that people who wished to recount wholly positive experiences of being in care as children could provide an oral

<sup>29</sup> 71% of respondents agreed (36 out of 51, with 5 disagreeing; 3 having no preference; and 7 not providing a response).

or written statement to the National Confidential Forum, rather than participating in a full hearing. Further, three respondents expressed the view that those who had suffered childhood abuse should be given priority in terms of participation in the National Confidential Forum. In its response, Open Secret commented that “survivors of abuse in care will require additional intensive support to go through the process. Priority should be given to those abused in care.” South Lanarkshire Council also observed that “the needs of survivors may need to take priority in terms of time and resources. It would not be helpful to divert or dilute opportunities for the survivors to be heard. Some prioritisation would possibly be required.”

77. The Scottish Government proposes that the experiences which the National Confidential Forum will hear will be all those of being placed in institutional care as a child, both positive and negative. It is considered that restricting the Forum solely to hearing about experiences of abuse would not give a balanced view of institutional child care and could inadvertently affirm inaccurate portrayals of institutional care. The National Confidential Forum will have an important role in presenting a balanced picture of institutional care, a picture which has changed significantly over the last century. As one public sector respondent to the consultation noted: “While recognising the current strategic emphasis upon methods of earlier intervention and community based family support, there will continue to be a need for residential services.... A report from the National Confidential Forum may consider whether it wishes to stimulate a public debate as to the nature of public care and what it should look like in the 21<sup>st</sup> century.”

78. In addition, not all people who have experienced abuse in care necessarily identify themselves as either ‘victims’ or ‘survivors’ and may be deterred from considering participation in the National Confidential Forum if it held out as being, or even perceived to be, only open to people who consider themselves to be a victim or a survivor. As the Scottish Government’s response<sup>30</sup> to the SHRC Framework states:-

“Identity is a key issue for many survivors of abuse in care and also for former residents generally. Some people who were in care as children do not identify themselves as ‘survivors’ in spite of the fact that they describe harsh treatment that others would consider abusive. The TTBH Report confirms this and considers the fact that the Pilot Forum was open to any former resident to describe their experiences, regardless of whether they saw themselves as having experienced abuse. We, therefore note, Recommendation 9 in the TTBH Report that an ‘open approach’ be adopted in a nation-wide programme of confidential hearings.”

79. The Scottish Government recognises that many participants in the National Confidential Forum will wish to recount experiences of abuse. The Scottish Government also recognises that the Forum will hear instances of good practice and high standards of care, including from survivors. It is, therefore, proposed that the Forum be open to all persons, irrespective of whether they consider themselves to be survivors of abuse or not, and that the process followed in hearings be the same for all participants.

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<sup>30</sup> <http://www.survivorscotland.org.uk/time-to-be-heard/scottish-human-rights-commission/>

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

80. The general view expressed in consultation responses was that support was required for participants and their carers and family members before, during and after participation in the National Confidential Forum. Forty five respondents (88%) made suggestions as to the range and types of support they considered would be helpful to participants in the Forum.

81. Four respondents specifically mentioned using the model of support provided during TTBH. Two respondents indicated that In Care Survivors Service Scotland or a similar specialist agency should provide support to participants in the National Confidential Forum. A small number of attendees at the consultation events also suggested that support should be provided by In Care Survivors Service Scotland, although it was suggested there be signposting to other agencies also. At one of the consultation events, one attendee suggested that an information briefing be sent to all support providers once the Forum was established.

82. Responses to the consultation, and views expressed at consultation events, suggest that there should be personal choice in accessing support. One organisation, for example, commented that in line with the principles of person-centred care and self directed support, it would be inappropriate to restrict support options to those of a single organisation.

83. More specifically, responses to the consultation, and from the consultation events, highlighted that support should be provided incorporating the following elements:-

- appropriately qualified, trauma trained counsellors;
- clear ethical boundaries, using evidence-based interventions, to foster long term recovery and increase resilience and well being;
- clear governance and accountability arrangements in place including an ethical framework; and
- a good understanding of the Forum and its purpose.

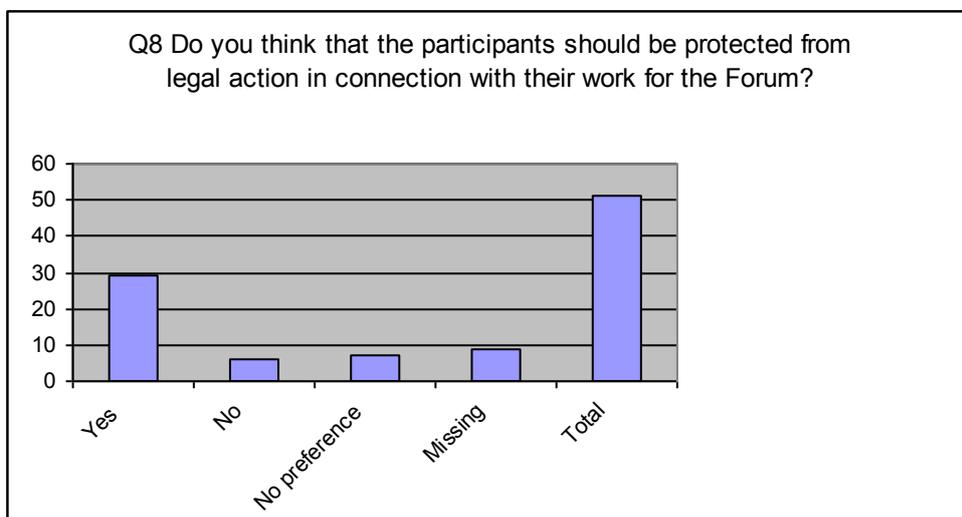
84. In terms of understanding the process in advance of participation in the National Confidential Forum, several respondents suggested that a comprehensive information pack be given to all people considering participation. It was suggested that this could cover the Forum process and purpose; support available; sources of legal advice; the rights and responsibilities of all persons involved in the Forum; a query/complaints system and named contacts rather than a generic telephone number or e-mail address. An attendee at one of the consultation events suggested that a DVD explaining the process involved in participation in the Forum would be helpful.

85. In terms of support during and after participation in the National Confidential Forum, several respondents indicated that this should include counselling, advocacy, mental health services, and support from clinical psychologists. It was also suggested that there be access to therapeutic services, practical support and legal advice. Specifically, it was suggested by one respondent that interpretation services should be made available for deaf and deaf blind participants and for people for whom English is not their first language.

86. Several respondents to the consultation, and attendees at the consultation events, expressed the view that support should be available to participants to access their records. One respondent suggested that a member of staff from the Forum team (not the panel) should be available specifically to provide support in this regard. Two responses to the consultation suggested that there should be access to restorative justice, but one organisation advised against the use of restorative justice.

87. An important point raised at consultation events, was the issue of vicarious trauma and the need for particular support for the National Confidential Forum panel members and staff employed to support the work of the Forum.

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



88. Over half of respondents to the consultation agreed that people engaged with the National Confidential Forum should be protected from any form of legal action.<sup>31</sup>

89. Several respondents expressed the view that, in order for participants in the National Confidential Forum to feel comfortable and willing to recount their experiences, they should be protected and feel able to do so without fear of legal action, for example, action for defamation as a result of making claims of abuse. Several respondents also expressed the view that members and staff of the National Confidential Forum should also be protected from possible legal action in undertaking the work of the Forum.

90. The protection from legal action of participants in, and members and staff of, the National Confidential Forum was discussed at the consultation events. Many attendees agreed that there should be protections put in place for participants in particular, but also members of the Forum and staff. It was considered that this would enable participation, particularly if people were able to be assured in advance of

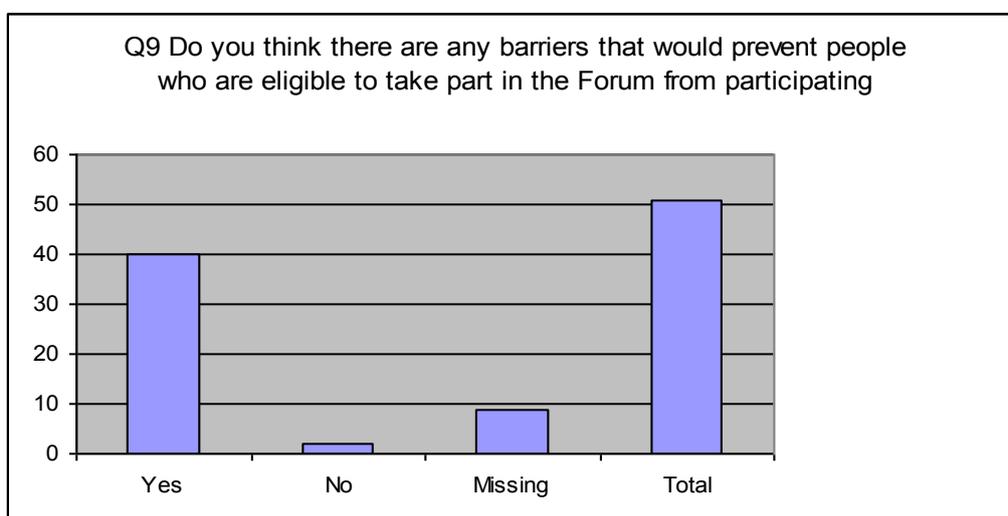
<sup>31</sup> 57% of respondents agreed (29 out of 51, with 6 disagreeing; 7 having no preference; and 9 not providing a response).

participation that what they said during hearings would remain confidential and not be the subject of any legal action.

91. Several respondents expressed the view that there had to be clarity with participants as to the parameters of confidentiality, in particular how allegations of criminal acts made during hearings would be treated.

92. The Scottish Government intends to respond to the concerns of stakeholders, in particular survivors of abuse, and offer a high level of protection against action for defamation to participants in the National Confidential Forum. Protection against action for defamation will also be extended to Forum members and staff in order that they can carry out the work of the Forum in good faith without fear of legal action. The establishment of the Forum in primary legislation will enable such protections to be put in place.

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



93. A high proportion of respondents to the consultation agreed that there were barriers which could prevent people from taking part in the National Confidential Forum.<sup>32</sup>

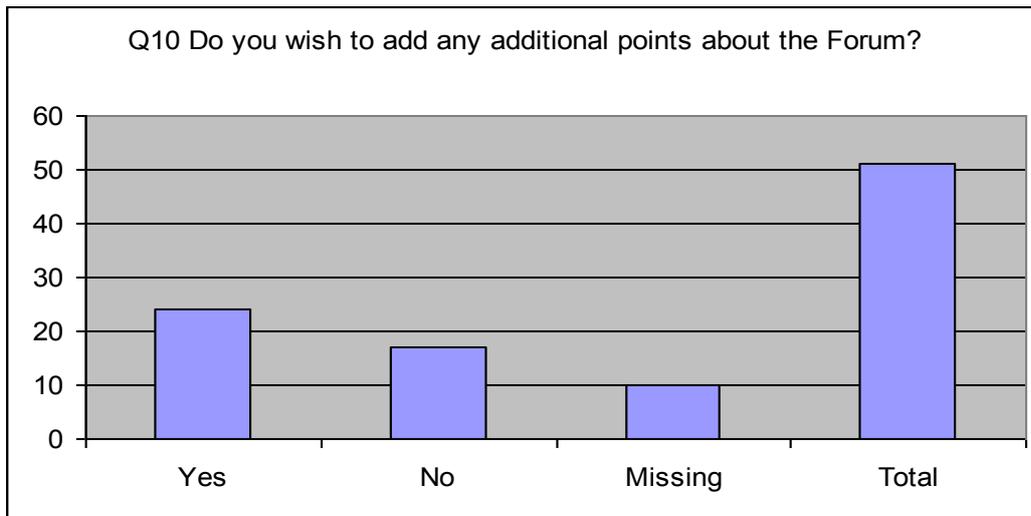
94. Respondents provided a range of different comments as to the barriers which they considered might inhibit or even prevent participation in the Forum. This included: concerns over confidentiality; potential re-traumatisation; risks to the mental health of participants; and accessing appropriate support. Other respondents said that feelings of mistrust; a lack of awareness that the Forum exists; a fear of not being believed; and not knowing what will happen with their testimony could also dissuade potential participants from coming forward.

95. The Scottish Government is concerned that all persons eligible to participate in the National Confidential Forum should be able to do so, fully and without facing barriers to that participation. It is considered important that participation in the Forum be a matter of free, informed choice. As such, the Scottish Government will be

<sup>32</sup> 78% of respondents agreed (40 out of 51, with 2 disagreeing; and 9 not providing a response).

working with all stakeholders to ensure that any barriers which may prevent access to, and participation in, the Forum are identified and dismantled and that information is available to ensure that the choice to participate is supported and informed.

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



96. A range of different additional points were made by almost half of respondents to the consultation. These points included:-

- The importance of the continued engagement of the Scottish Government in the human rights InterAction.
- The need for specialist counselling services to be in place for people, particularly after participation in the National Confidential Forum.
- A suggestion that the National Confidential Forum should hold hearings in different geographic locations to facilitate access.
- That the relationship between the National Confidential Forum and the state to investigate and prosecute be clarified during the passage of the Bill to establish the Forum.
- A suggestion that any public documents produced by the National Confidential Forum with participants' input be anonymised so that participants cannot be identified. A related suggestion made by an attendee at the Glasgow consultation event was that participants might be identified by a unique reference code which only they would know.
- That, while there may be barriers that would prevent people from taking part in the Forum, there would also be many positives for them if they do participate.

## NEXT STEPS

97. The Scottish Government has considered fully the views expressed by stakeholders in written consultation responses and at the consultation events. In particular, the views of survivors' of abuse in care have been given careful consideration.

98. The responses to the consultation on the National Confidential Forum has contributed significantly to the development of Scottish Government policy in shaping the proposed purpose, role and scope of the Forum.

99. The Scottish Government accepted all six recommendations in the TTBH Report concerned with the establishment and operation of a National Confidential Forum, including that legislation should be introduced to underpin it. The experience of TTBH highlights the implications of an acknowledgment forum not having a legislative underpinning, including that important protections could not be offered to participants. The TTBH Report concludes that "it is essential that any future forum be established on a statutory basis... thus providing necessary protections for both the participants and staff of the forum."

100. In light of the experience of TTBH, the Scottish Government intends to bring forward legislation in the Scottish Parliament in the early part of 2013 to establish the National Confidential Forum. Primary legislation will enable:-

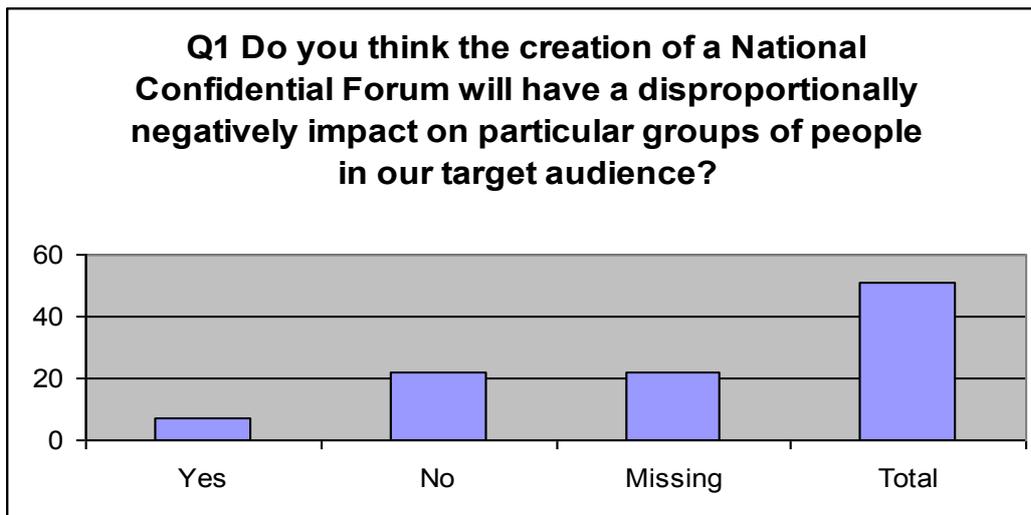
- The functions of the National Confidential Forum to be set out in a clear and distinct way, the main function being to offer adults placed in institutional care as children the opportunity of acknowledgement of their experiences of that care, including experiences of abuse.
- The scope of the National Confidential Forum to be defined to enable all adults placed in institutional care as children the opportunity to participate in hearings of the Forum.
- The testimony of persons who participate in hearings of the National Confidential Forum to be protected from disclosure and those persons to be protected from the threat of action of defamation as a result of the testimony they give to the Forum.
- The arrangements by which the NCF is to be hosted by an existing public body to be clearly set out, including the mechanisms to safeguard the operational autonomy of the Forum.

101. In taking forward primary legislation to establish the National Confidential Forum, the Scottish Government will continue to draw on the experience and expertise of members of the Reference Group. In order to ensure that the voice of survivors is intrinsic to this process, the Scottish Government will work with members of the Survivor Stakeholder Group and survivor organisations to ensure their full participation.

## ANNEX A: EQUALITY IMPACT ASSESSMENT

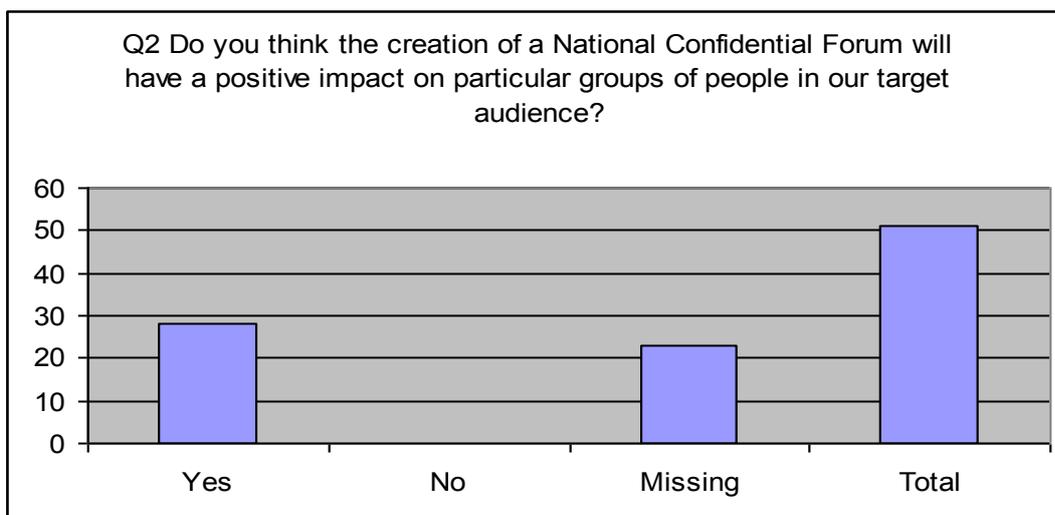
The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Seven equality impact assessment questions were also included as part of the consultation document. Summaries of the responses to each of these questions are detailed below.

**Q1: Do you think the creation of a National Confidential Forum will have a disproportionately negative impact on particular groups of people in our target audience?**



A small minority of respondents answered yes to this question.<sup>33</sup> The principal concern expressed by respondents related to the perceived adverse effects on participants' mental health of participating in the Forum.

**Q2: Do you think the creation of a National Confidential Forum will have a positive impact on particular groups of people in our target audience?**



<sup>33</sup> 14% of respondents (7 out of 51 respondents, with 22 answering no and 22 not providing a response).

A majority of respondents agreed that the creation of the National Confidential Forum will have a positive impact, with no respondents disagreeing.<sup>34</sup>

Respondents commented that the main benefit would be in terms of improving the health and wellbeing of participants including increasing self-esteem and giving survivors and other former residents of care the opportunity to be heard. Other benefits included raising awareness of institutional abuse against children, offering the opportunity for participants to disclose abuse allegations to the police and reviewing current arrangements for vulnerable groups. The importance of support was noted by a number of these respondents. One respondent stressed the need to include all forms of institutional childcare, including boarding schools for deaf children.

**Q3: What negative impacts do you think the National Confidential Forum will have on a particular group?**

Twenty two respondents provided comments in reply to this question. The importance of support was highlighted in many of these responses. Respondents commented that all kinds of institutional care should be included within the scope of the National Confidential Forum as otherwise people with disabilities might be missed out. The importance of an accessible Forum able to deal with communication support needs was noted. The difficulties associated with abuse in a religious context were raised and reference made to “cultural issues” that might make it difficult to disclose such abuse. Two respondents referred to the negative impact on groups that were not included, such as those who were in foster care. One respondent noted the need to consider the particular needs of both the old and the young in operating the Forum and also possible sensitivities around participants who were gay, lesbian or bi-sexual.

**Q4: What positive impacts do you think the National Confidential Forum will have on a particular group?**

Twenty seven respondents provided comments in reply to this question. Most of them concerned the benefits to former residents and survivors of abuse in residential care as children and repeated what had already been said at Questions 1-3 in the main part of the consultation document. One respondent felt that people with learning disabilities might benefit particularly from being given the chance to describe their experiences in residential settings.

**Q5: What changes would you suggest to reduce any negative impact you have identified?**

Eighteen respondents provided comments in reply to this question. The main suggestions were about the importance of support and accessible information for people interested in taking part. Two participants referred to the potential stigma for children and young people in care now and the need for sensitive national publicity about the Forum. One respondent considered that the Forum should include all children looked after away from home and another commented that it should be part of the remedies proposed for survivors by the Scottish Human Rights Commission in its Framework.

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<sup>34</sup> 55% of respondents (28 out of 51 respondents, with no respondents answering no and 23 not providing a response.

**Q6: What changes would you suggest to enhance any positive impacts you have identified?**

Seventeen respondents provided comments in reply to this question. The major focus of these comments was on ensuring that support was in place throughout the process. Some respondents also noted the importance of positive, sensitive media reporting about what the Forum was designed to do and widespread distribution of the findings. Two respondents considered that other opportunities to “access justice” needed to be available to survivors.

**Q7: Are there any significant issues we need to consider in relation to: Age, Disability, Gender, Sexual Orientation, Race, Religion and Belief?**

**Age**

Several respondents noted that older people were less likely to disclose abuse and could be particularly fearful about this. Other respondents considered that people who had been in care more recently might feel stigmatised and therefore the Forum needed to adopt a positive approach to publicity about its operations.

**Disability**

Several respondents commented that large numbers of survivors of abuse in institutional childcare had mental health problems. Others noted that children who have disabilities might be particularly vulnerable to abuse in care. Suggestions were made by some respondents about what could be done to make the Forum accessible to those with disabilities, including a strong focus on communication support needs and a sensitive understanding approach to each participant.

**Gender**

Some respondents commented that men were less likely to disclose than women and that the experience of abuse was not the same for men and women.

**Sexual Orientation**

One respondent noted this as a “highly sensitive issue” and stressed the importance of confidentiality for lesbian, gay or bi-sexual participants. A stakeholder who contributed to one of the consultation events felt that young males could be particularly badly affected by ‘same sex’ abuse.

**Gender Identity**

There were no issues raised in relation to gender identity or transgender people.

**Race**

One respondent and an attendee at one of the consultation events noted that there could be particular issues for the Scottish Gypsy Traveller community who had experienced abuse in residential care. Other respondents referred to the sense of

shame over abuse that they thought was associated with particular cultures (but without specifying particular communities) and the stigma that might arise where abuse in such settings was disclosed.

### **Religion and Belief**

Five participants noted the adverse impact on spiritual wellbeing that might result from abuse which took place in a religious setting. Several also expressed concern about the potentially negative impact on religious organisations that revelations from the Forum might cause. One respondent considered that survivors who had been abused in a religious context might experience a strong sense of shame.

### **Impact on Other Groups**

Other groups that might be particularly affected by the Forum were identified as people currently in hospital and in care homes, homeless people and prisoners who were survivors of abuse in institutional childcare. One respondent also identified people experiencing multiple oppression, such as the impact of historical abuse and poverty.

## **ANNEX B: LIST OF ORGANISATIONAL RESPONDENTS**

### **Support Organisations**

British Association for Counselling & Psychotherapy  
Kingdom Abuse Survivors Project  
Open Secret  
Trauma Services, Health In Mind  
Victim Support Scotland

### **Organisations representing survivors and former residents of care establishments**

Former Boys and Girls Abused in Quarriers Homes (FBGA)  
In Care Abuse Survivors (INCAS)

### **Third Sector Bodies**

Children in Scotland  
Quarriers  
SACRO  
Scottish Council on Deafness  
Scottish Independent Advocacy Alliance  
Who Cares? Scotland

### **Local Authorities**

Angus Council  
Dumfries and Galloway Council  
City of Edinburgh Council  
East Dunbartonshire Council  
Fife Council  
Glasgow City Council  
Renfrewshire Council  
Stirling Council  
South Ayrshire Council  
South Lanarkshire Council

### **Representative organisations**

Association of Chief Police Officers in Scotland  
COSLA

### **NHS Boards**

NHS Ayrshire and Arran  
NHS Highland

### **Multi-agency partnerships**

East Renfrewshire Child Protection Committee  
Inverclyde CHCP

### **Academic Institutions**

Centre for Excellence for Looked After Children in Scotland (CELCIS)  
With Scotland

### **Public Bodies**

Care Inspectorate  
Information Commissioner's Office  
Mental Welfare Commission for Scotland  
Scottish Human Rights Commission

### **Religious Organisations**

The Church of Scotland  
Daughters of Charity of St Vincent de Paul



**The Scottish  
Government**  
Riaghaltas na h-Alba

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