

Consultation Questionnaire

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

Agree x Disagree No preference

Comments

We are broadly supportive of the purpose of a National Confidential Forum however feel that this should be part of a range of measures rather than a concluding action. The 2011 Time To Be Heard (TTBH) report highlights that a Confidential Forum was only one component of the Irish model and that many adult survivors as well as the Scottish Human Rights Commission (SHRC) consider that more is necessary.

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

Agree x Disagree No preference

Comments

We would agree that independence would likely increase the perception of the credibility of the process.

Q3. Should the Forum

(a) be integrated into another public body ?

Agree Disagree x No preference

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

Agree x Disagree No preference

Comments

Please refer to our response to question 2 above. In order to assure full and effective participation of survivors, it should be demonstrated that the Confidential Forum is at arm's length from public bodies.

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 x Disagree No preference

Comments

We would agree with this statement and note that it is important that all adults in this position should be given an opportunity to be heard. We would however highlight that those who were cared for in fostering services may well feel marginalised. Consideration should be given as to how best to support this particular group.

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 x Disagree No preference

Comments

We would agree with this statement. People's experiences of care will vary and it is not helpful to have separate processes dependent on whether they 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.

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 x Disagree No preference

Comments

We feel that it is important that all people previously in placements where the state had a responsibility should be supported to participate.

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

Comments

In addition to the model of support provided in the TTBH pilot forum, consideration requires to be given to what supports might be necessary for the participants in the longer term. The 2012 Literature Review “Uncertain Legacies: Resilience and Institutional Child Abuse” found evidence that participating in public investigations and inquiries can be damaging for some and healing for others. Whilst the confidential nature of this Forum removes the public aspect, people are still being asked to share with strangers what for many will be very traumatic experiences. This may be cathartic, however the aftermath may also produce frustration with a process which does not offer accountability or justice. Consideration should be given to reviewing what the experiences of the participants of TTBH have been in the longer term.

There is also the concern that those who have no wish to participate in a public investigation or inquiry may find themselves doing so as a potential witness if another person previously resident within the same establishment has been enabled through this process to pursue a criminal case. Consideration needs to be given to support in these circumstances.

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

Yes x No No preference

Comments

We wish to highlight that within the consultation document this question replaces the term “work” with “participation”. We believe that in learning from the TTBH pilot and the SHRC position, it is necessary that all participants should be protected from legal action in connection with their participation in the Forum.

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

Yes x No

Comments

Potentially every participant in the Forum will have experienced trauma to some extent which may act as a barrier. Consideration of the full range of supports required, as well as an extremely flexible process as highlighted in our response to question 5, may help to mitigate this.

The credibility of the Forum will be extremely important in determining whether

adult survivors feel that it would be worthwhile participating. Who the chair is, their background in relation to human rights and their knowledge in relation to institutional abuse as well as securing the right support team will be crucial considerations

It should also be highlighted that TTHB was a different model in that it solely focussed on Quarriers- participants knew that whatever was written, it would be explicit that this was in relation to someone's experience of Quarriers. Within this current process, the final report will not identify institutions. Some participants may feel that they do not then have an opportunity to publicly name an organisation in the way that the previous residents of Quarriers did.

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

Yes No

Comments

We believe that in order to be a credible process for adult survivors, the Forum needs to be part of a range of considered measures.

We would also highlight that the work of the Forum and the publicity surrounding this may prompt people who experienced abuse in other circumstances to recall past trauma. It may be prudent therefore to ensure that those agencies likely to offer support in these cases are aware of the timescales for the Forum and the potential impact on their service. This should include specialised counselling services, local authorities and police.

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

This should not be the case if it is undertaken sensitively, with appropriate supports put in place and if it is part of a range of measures for those adult survivors who wish more to be done.

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

We would agree with this if the points in our response to question 1 above are addressed.

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

Comments

Given the nature of the issue there is an inherent risk that there could be a negative outcome for a participant. A comprehensive risk assessment should be undertaken to ensure that amongst others, issues addressed in our response to question 1 above are taken into account.

In particular, attention should focus on the potential longer term impact.

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

Comments

We believe that the process has the potential for some (with the right support) to experience healing.

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

Comments

As above, we would recommend a robust risk assessment with an emphasis on the potential longer term outcomes.

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

Comments

To maximise the potential for positive impacts it will be crucial to engage appropriate supports. Learning should be taken from the TTBH experience, as well as further consultation undertaken with survivor groups and organisations involved in providing support to adult survivors.

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

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

Comments

We would suggest that all of these issues require to be taken into consideration, as well as the resilience of the adult survivor and their adult life experiences which will have also shaped how they have responded to their experiences.

The powerful experience of shame which can be influenced by a person's culture and religious beliefs should not be underestimated.

It should also be acknowledged that the body of research around child abuse for most part refers to women's experiences. Men and women's experiences and their interpretation of their experiences may be very different.