

BRIEFING FOR MINISTER FOR CHILDREN AND EARLY YEARS

SUPPORT FOR SURVIVORS OF IN-CARE AND INSTITUTIONAL ABUSE

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APPOINTMENT OF NEW SERVICE TO PROVIDE SUPPORT TO SURVIVORS OF IN CARE AND INSTITUTIONAL ABUSE

Quote from a survivor of in care abuse

Helen Holland said: "It was necessary to do something as a matter of urgency for in care and historical abuse survivors. Survivors through the length and breadth of the country have had no central point to go for help until now. The new in care support and advocacy service will bring them some hope for the future."

Why the service has been created

In 2005, the then Scottish Executive launched the National Strategy for Survivors of Childhood Sexual Abuse. This set out a strategic way forward to improve services for survivors, to ensure greater priority and joined-up working in national and local mainstream services, and improve the lives of all who have suffered childhood trauma. The National Reference Group meets regularly to consider progress and give guidance.

A subgroup from the National Reference Group was set up in June 2007 to review the needs of in care survivors, to evaluate what service provision was in place and identify any gaps. This sub-group concluded its work and presented its findings to the National Reference Group on the 29 February 2008 with proposals for a national service to provide advice, information and support to in care survivors.

Tom Shaw made similar recommendations in his report. In response, the Minister for Children and Early Years made a statement to Parliament on 7 February 2008 accepting the recommendations in full. Mr Ingram also informed Parliament that a service for in care abuse survivors would be core funded for the next three years.

Appointment of Open Secret

Following a competitive process, which involved survivors in the decision-making process, Falkirk-based Open Secret was appointed. KASP (Kingdom of Abuse Survivors Project) will be a main partner.

The new service will be called **In Care Survivors Service Scotland: A partnership led by Open Secret.**

The Scottish Government has committed £750,000 to the project over the next three years.

Organisation profiles

Open Secret is the lead agency in this national service. Established in 1994, Open Secret is an independent, specialist resource operating from a community development perspective.

A wide range of services are provided to survivors of childhood sexual abuse and other forms of abuse; to non-abusing parents of children who have experienced abuse and to other family members and partners of survivors. Services comprise:

- Individual/groupwork / befriending
- Training, support and supervision of volunteers
- Resource bank of information
- Website
- Raising awareness and campaigning on issues related to childhood sexual abuse
- Involvement in issue based work which tackles discrimination and disadvantage at local, national and international levels
- Contributing to research and legislative changes and developments
- Advocacy and sign posting to other services

KASP is a main partner in the national service and has a remit to provide direct support in the Fife and Dundee area. KASP will hold the contract of employment and managerial responsibility for workers who are recruited to cover the Fife and Dundee area. KASP is an independent specialist resource which aims to eliminate the debilitating effects that childhood sexual abuse can have on the lives of survivors. Support is offered to survivors of childhood sexual abuse and other forms of abuse and to their significant others.

What the new national service will provide

The main objectives for the new service will be

- To provide a national confidential telephone support line providing information support and advocacy to in care survivors and their families.
- To provide support and advocacy to in care survivors and their families.
- To provide confidential counselling to in care survivors and their families.
- To assist and facilitate appropriate contact to other appropriate health, voluntary, community and social care agencies.
- To provide an independent advocacy/signposting service on access to files and records of survivors who have been in care. To provide an independent advocacy/signposting service to in care survivors on accessing the Criminal Injuries Compensation Scheme, and other relevant legal services.
- To produce a website and series of leaflets on all aspects of in care and institutional abuse for survivors, their partners and families.
- To implement a robust evaluation process which will record quantitative and qualitative data.

Announcement

Following discussions with communications, we recommend that this service is formally launched to coincide with the Tom Shaw seminar on 25th November. By this date, the service will be ready to go live with staff and phone lines etc in place.

MacEwen vs Hendron Test Case and the use of time bar

The recent House of Lords Judgment in *Bowden v Poor Sisters of Nazareth* found against Bowden. Time bar was one factor. As a result of this, the MacEwen vs Hendron case, which was the subject of an appeal to the House of Lords and in which the Scottish Government was a defendant, was withdrawn. One consequence of this action is that the solicitor acting for reportedly hundreds of survivors has dropped their cases to the obvious disappointment of many.

DG Justice colleagues lead on time bar matters and have provided the following contribution to this briefing.

The issue of time-bar, to which the Judgement relates, is a difficult one and it is recognised that it can be perceived as an unfair barrier by individuals who wish to pursue actions relating to events that took place a number of years ago. It was against that background that the Scottish Law Commission (SLC) was asked to review the law in this area. After thorough deliberation, the SLC published its report on Personal Injury Actions: Limitation and Prescribed Claims in December 2007. The report does not make any specific recommendations for survivors of in-care and institutional abuse in relation to the limitation period. For example, it does not recommend that such cases should be excluded from the normal limitation rules. It does recommend the continuation of non-time limited judicial discretion for all cases falling outwith the limitation period which is currently three years.

We have considered the SLC report in the context of our wide strategy for survivors of historic abuse. In a statement to Parliament on 7 February 2008, Adam Ingram, Minister for Children and Early Years explained that the Scottish Government is persuaded by the SLC's reasoning and accepts its conclusion in relation to the issue of prescription. While a change in the law to exclude historic abuse cases from the limitation regime would enable survivors to take their cases to court it cannot be assumed that the court would be able to reach a conclusion. It was stated that "we believe that a move towards a Scottish truth and reconciliation forum could offer a better way forward".

In response to questions on offering compensation or financial redress, the Scottish Government response is that there are currently no such plans. Consultation on the possibility of developing a forum, will seek views on whether financial redress should be a feature of such an approach. There is also the general scheme – the Criminal Injuries Compensation Scheme – that may be relevant to some cases.

The Minister for Community Safety, Mr Fergus Ewing wrote to the Public Petitions Committee on 26 March updating them on how the Scottish Government is taking forward the issues raised in Petitions PE535 and PE888. A copy of the letter is available at:

www.scottish.parliament.uk/s3/committees/petitions/petitions/submissions/sub-07/PE535B.pdf.

Progress towards consultation on a forum which seeks to bring together survivors and representatives of institutions accused of abuse towards children in the past

The Scottish Government is committed to identifying appropriate approaches for assisting and supporting survivors of abuse. A minute and detailed advice, led by DG Health will be circulated to Ministers very soon. Depending on Ministers' approval, it is the intention to consult imminently on the possibility of developing a truth and reconciliation model, possibly to be renamed 'Acknowledgement and Accountability' following discussions with the National Reference Group set up to take forward SurvivorScotland, the National Strategy for Adult Survivors of childhood Sexual Abuse www.survivorscotland.org.uk. In progressing this work we will take due account of other countries' experience.

A national seminar provisionally titled: The Tom Shaw Historical Abuse Systemic review: Progress and Potential One Year on

In addition to the progress set out in preceding pages, there are wider recommendations made by Tom Shaw and where action is being progressed, for example the National Residential Childcare Initiative.

Given this range and the good progress made, a seminar is proposed marking the first year anniversary of the Shaw review. A provisional agenda is:

09.30	09.45	Ministerial address and welcome/introduction
09.45	10.15	Keynote address: Tom Shaw, Tom's formal title and title for presentation
10.15	10.45	Romy Langeland, Chair SIRCC – need title for presentation
10.45	11.00	Refreshments
11.00	11.30	Janine Rennie, Manager In Care Survivors Service Scotland In Care Futures
11.30	12.45	Parallel sessions: Residential Care Strategy, Public Records Review, Research, In Care Survivors Service, Multi Agency Referral Service
12.45	13.45	Lunch
13.45	14.00	Ministerial address SurvivorScotland: Progress and Potential
14.00	14.30	Survivor Voices
14.30	15.45	Parallel sessions Acknowledgement & Accountability Forum (subject to Ministerial approval)
15.45	16.00	Refreshments
16.00	16.15	Future commitment

You will note that this seminar provides a helpful opportunity to consult on a forum for survivors and institutions (subject to Ministerial approval) and also to launch the national support service.

Please let me know if any further information on any aspects of this briefing would be helpful.

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