



The Scottish Government
Riaghaltas na h-Alba

HEALTH, EDUCATION AND JUSTICE OFFICIALS' MEETING ON THE PROPOSAL TO UNDERTAKE AN ACKNOWLEDGEMENT AND ACCOUNTABILITY FORUM (AAF)

Note of meeting of 3 August 2009, Conference Room E, St Andrew's House, Regent Road, Edinburgh

Present:

Jean MacLellan (Chair)	Anne Macdonald – Adult Care & Support
Paul Allen – Civil Law Division	Olivia McLeod - Deputy Director, Care & Justice Division
Anne Hampson - Civil Law Division	Sue Moody - Adult Care & Support
Janine Kellett – Care & Justice Division	Sarah Nelson- Adult Care & Support
	Alex Tod – Adult Care & Support

1. Welcome, introductions and apologies

Jean MacLellan welcomed members to the meeting. Apologies were recorded for Jeannie Hunter, Lachlan Stuart and Heather Stevens. Members present then introduced themselves.

2. Discussion on Draft Minute

2.1 The Chair noted that, while the A and A forum was the responsibility of her Division, there was a wide range of related issues where Education, Justice and the Crown Office and Procurator Fiscal Service took the lead. These issues were of great significance to survivors of in-care abuse and work on the forum needed to be closely linked with these other developments.

2.2 She called on Olivia & Janine to share their thoughts on the draft Minute and the following points were discussed:

- The relative advantages and disadvantages of the three proposed options:
 - (1) The Confidential Committee model
 - (2) Investigation Committee Model
 - (3) Confidential and Investigation Committees
 - Survivors want to tell their stories in confidence; they want acknowledgement & understanding of an injustice done to them
 - The majority are not seeking monetary compensation
 - There was a recognition that some survivors want their day in court with the possibility of abusers facing prosecution
 - Neither options one nor two preclude prosecutions
 - The investigation committee model entails high legal costs
- Action: This should be highlighted more in the Annex on Options**

- There is a need to balance criticism of residential care providers with the acknowledgement of valuable care given to many children, presenting residential child care as a positive option for some children today
Action: Education officials to assist further with this aspect of the Minute
- It would be useful to be able to demonstrate the health and wellbeing benefits arising for survivors who become involved in any forum
Action: A and A team to investigate any research findings from forums elsewhere
- There are risks that the pilot might raise expectations too high and SG might then be unable to follow through
- Moral imperative to honour parliamentary commitment and reputational danger in doing nothing
- Issue of potential risks of secondary traumatisation, that is survivors experiencing further harm in recalling and reliving traumatic past events at the forum. Professional advisers' view is that this has to be balanced by the lifelong trauma of not being believed and heard, and that support to offset any harm can be provided
- There is a need to support survivors before, during and after such a project, and they need to feel free to disengage at any time.
Action: A and A team to work with Education colleagues to ensure that In Care Survivor Service Scotland (ICSSS) and other agencies/individuals can provide appropriate support

2.3 The Chair then called on Paul and Anne to share their thoughts and the following points emerged:

- The question of time-bar continues to be an important issue for many survivors and it is possible that the Scottish Human Rights Commission may investigate this issue separately
- There are useful dispute resolution options that need to be explored and encouraged as they could run alongside any forum
Action: Sue to discuss with Lachlan Stuart
- The first option has a major advantage because the media are not present, simplifying dealings with them

2.4 The Chair then called on Sue, Anne & Sarah to share their thoughts and the following points arose:

- The advantages of piloting a project with Quarriers lies in their good records system; that whilst they were based in the west of Scotland, they received care placements throughout Scotland and, importantly, the support of their Chief Executive and Board
- The telephone helpline line Quarriers established has not enjoyed much success as survivors preferred independent support and advice and found it difficult to trust the organisation they might be criticising
- Lawyers and insurers from Quarriers may have reservations about the pilot proposals-a meeting is being held with them next week
Action: A and A team to report back regarding any outstanding issues

- It would be important to signpost all the avenues of support and redress available to survivors and the pilot forum might result in further prosecutions, civil actions and applications to the CICA-this was to be encouraged
- The Crown Office and Procurator Fiscal Service has indicated its willingness to assist in encouraging survivors to report offences by, for example, providing guidance to supporters on the prosecution process, working with the police on arrangements for reporting by survivors giving evidence at the forum and making inputs to supporter training.
- Liaison with the CICA and specific information provision and arrangements in relation to the pilot could encourage a more streamlined approach to dealing with applications
- Jeannie is following up issues concerning educational opportunities for survivors
- **Action: Jeannie to advise on the outcome of her discussions**

3. Discussion on Annex B

There followed discussion and an update on Annex B and the following points were made:

3.1 General

It was agreed that for the purposes of the Minute this Annex should be reshaped so that the Scottish Government responses are presented as a coherent whole and can be read across to the recommendations contained in the Minute.

3.2 page 8 question 3

'identifying for current institutions additional ways of safeguarding children and young people in care'

Action: Olivia to provide information to enable the Scottish Government response to be fully recorded

3.3 page 9 question 3 'acknowledgement and apology'- there was recognition of the symbolic importance of institutions contributing to the forum in appropriate ways through forms of acknowledgement and, possibly, mediation and reconciliation. It was noted there has been no formal apology from the Catholic Church to survivors of sexual abuse in Scotland. Part of this can be attributed to the juridical distinction between diocesan clergy and religious orders who ran many homes, the latter being directly answerable to Rome and not to the Scottish hierarchy.

3.4 page 11 question 3

'enhanced access to financial compensation'

Action: redraft SG response

3.5 page 12 question 5 - it was agreed there is need for a coordinated response for survivors, highlighting all the issues, and presenting them with a variety of support and redress possibilities.

3.6 page 12 question 6 – there was discussion on the proposed pilot Advisory group detailed on page 23. There was agreement that the pilot needed a small team composed of experts, with some having direct experience of care and including a

survivor appointed by ICSSS; it was also suggested that the organisation Who Cares? might usefully be represented and that bodies representing residential childcare should be asked to nominate a suitable person. It was agreed that there also needs to be a Scottish Government advisor on the Advisory Group.

Action: A and A team to liaise with Education about residential childcare representation; A and A team to draft role and responsibility for SG advisor on the Group

3.7 page 13 question 9 – it was agreed to contact Scottish Institute for Residential Child Care (SIRCC) and Who Cares? to discuss information days for organisations and institutions that may be affected.

3.8 page 14 question 12 – the SurvivorScotland website will play a vital part in raising public awareness of the pilot project. There is a need for a "mini communication strategy" taking account of the particular sensitivities around the A and A forum and the associated risks.

4. AOB

Anne agreed to report back to the team at the next meeting, with a progress report on the Review of Public Records.

5. Date of next meeting

To be arranged-likely to be required before the Ministerial meeting in September/October.

**Adult Care and Support Division
6 August 2009**