



## SHRC InterAction on Historic Abuse of Children in Care

### InterAction Survivors' Event

27 August 2014

### Views on Inquiry

During the InterAction process there have been three open events for survivors of historical abuse of children in care. The aim has been to both inform and seek the views of survivors.

This paper is a synthesis of the discussion at the third event convened on 27 August 2014. This was facilitated by Professor Andrew Kendrick and Ms Moyra Hawthorn, CELCLIS, University of Strathclyde, and 28 survivors attended the event. Progress on the InterAction and views on different types of inquiry were discussed, supported by a presentation on international responses to the Historic Abuse of children in care. It was the view of all survivors at the event that an inquiry into historical abuse of children in care should be convened in Scotland.

Survivor views could be grouped into the following areas:

- Why an Inquiry?
- The Form of Inquiry
- The Terms of Reference of an Inquiry

## Why an Inquiry?

It was noted that one of the calls of both Petition 535 Lodged by Chris Daly in 2002, and Petition 1351 lodged by Chris Daly and Helen Holland in 2010 was that an Inquiry be held.

### Survivors' experiences being publically heard and acknowledged

It was the survivors' view that little is known by the general public in Scotland about the historical abuse of children in public care. Survivors emphasised that the consequences of abuse in care can be long lasting and subtle in the ways in which they become apparent. Survivors often have difficulty sharing information about their in-care experiences, even with close family. It was noted by survivors that testimony presented to the National Confidential Forum will remain confidential. In their view, an inquiry in Scotland would ensure that the public, government and civil society hear the facts, providing an opportunity to understand what happened and the implications for those affected. They also believe that this would establish a public record of the experiences of children in care over the years.

### Enhancing public understanding of abuse of children in care

One survivor expressed the view that referring to children's experiences as 'child abuse' hides the details and true nature of children's experiences. Therefore, additional work needs to be done to enhance public understanding as well as to convey the lived experience of survivors more accurately. There was a suggestion from the group that this would require an outward facing public image - a 'Champion for Survivors'. This would be done with the view of increasing the visibility of survivors' experiences among the general public.

Several survivors thought that recent inquiries, such as that in Rotherham, indicate that members of the public, professionals and children, themselves, sometimes do not recognise when abuse is happening. It was noted in the Time to be Heard Pilot Forum that some care leavers do not recognise certain in-care experiences as abusive. Several held the view that rather than erode public confidence in the care system, a public inquiry would encourage those involved in children's lives to 'listen to and believe them'.

### Agencies being heard

Historical abuse of children in care challenges both current and former service providers. Many agencies have engaged in the InterAction process, including several faith-based organisations that no longer provide child-care services. One survivor felt strongly that an inquiry would also allow these agencies to be heard,

to share their experiences. Several thought that for those who have not engaged, an inquiry could facilitate engagement. Survivors also thought that an inquiry would allow systemic responsibility to be explored, for example, the role of the state, of Westminster, and the wider care and inspection and regulatory systems. Survivors thought that a carefully constructed inquiry would therefore allow all to be heard and move on.

### **Mental health of survivors**

Several survivors highlighted that the abuse in care has long-term consequences for the mental health of survivors. Some shared with the group that they or other survivors have addiction problems rooted in in-care experiences. They suggested that an inquiry would aid friends, family and professionals to recognise the link.

One survivor emphasised that several survivors have been unable to live with the consequences of their experiences and have harmed themselves or completed suicide. This survivor wanted it recognised that this is not spoken about, and links to abuse in care was not recognised. An inquiry would help explore these links. This survivor felt that, for those who have taken their lives, an inquiry would give an opportunity for families to understand relatives' experiences and to be heard. Several survivors agreed with this.

### **Quantifying the extent of historical abuse of children in care**

Survivors also suggested that while difficult to quantify, an inquiry could examine the numbers who have experienced abuse in residential, institutional and foster care settings. At present this is not known.

### **'Justice is more than apology or money'**

It was the view of all survivors present that a public inquiry is part of the justice process for survivors.

### **The form of inquiry**

Survivors want their narratives to be heard but they do not want to be involved in a process which would be harmful, leaving them feeling, to quote one survivor, 'used and abused all over again'. It was the survivors' view that a carefully structured inquiry would allow narratives to be heard without participants being re-traumatised.

It was a consensus of all present that an inquiry should be of sufficient rigour. One survivor observed that while a review by the Care Inspectorate might be appealing as it is less costly; this would be insufficiently comprehensive and has less power

to influence change. Agreement on this came from other survivors who further indicated that an effective inquiry would have to be free of political bias and independent of Scottish Government but would require their commitment.

### Terms of Reference of an inquiry

It was the survivors' view that some models of inquiry considered were impressive, clear and detailed. They were inquisitorial rather than adversarial and compelling witnesses to attend. It was also proposed that as an inquiry is not a trial, names should not be included.

### What forms of care should be included?

It was survivors' view that an inquiry should include abuse in all forms of care; foster care, boarding hostels as well as residential and institutional care. One survivor pointed out that children were often in multiple placements. An inquiry only focusing on selective settings would result in acknowledgement and accountability for only parts of survivors' experiences, fragmenting their lives. From the discussion, it became clear that survivors often spend much of their adult lives 'piecing together' childhood experiences in order to have an understanding of their lives. It was the survivors' view that inquiry should address the in-care experience rather than individual placements. There was also a view that there was a need for exploration and definition of what constitutes 'abuse' in the context of residential and foster care of children.

### Records

It was pointed out by survivors that access to records is important in order to complete their personal narrative and establish facts to access justice. One survivor pointed out that they had found information about their family of which they had previously been unaware. Survivors listed the barriers they encountered in accessing personal records which included: missing records, records which were heavily redacted, 'gagging clauses' under the guise of Data Protection, and various other barriers to gaining access to records. One survivor pointed out that such barriers should be seen as a form of abuse and the disarray of personal records should be a subject of inquiry. There was general agreement among survivors with this.

### Time

All agreed that there should be no limitation in respect of time. Examples highlighted by survivors were the *Historical Abuse Systemic Review (Shaw Report)* which considered residential care from 1950 and did not look at individual cases, and the *Kerelaw Inquiry* which considered abuse from 1996 onwards. Many survivors' experiences go back much further.

## Conclusion

There was a general concern among the group that any inquiry report would be 'placed on a shelf' once completed. The report should be open, accessible, part of the national archive and the lessons learned should influence future care of children.

It was noted by survivors that the Rotherham and Jersey Inquiries involved respected Scottish professionals, Ms Alexis Jay and Professor Sandy Cameron. It was suggested that, as a nation, we should be prepared to scrutinise historic child care practices, be more open about this aspect of Scottish history and thus allow all to move forward. When asked, all expressed the view that there should be a public inquiry.

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