

SURVIVORSCOTLAND: NATIONAL REFERENCE GROUP

UPDATE ON ACKNOWLEDGEMENT AND ACCOUNTABILITY FORUM

1. This paper sets out progress to date and plans to establish an Acknowledgement and Accountability Forum for adult survivors who experienced in-care abuse as children. It also considers the links between the work of the Reference Group and any Forum.

Background

2. Tom Shaw's Review of Historical Abuse of Children noted that:

'Many [survivors] would like to have their experiences as a child in a residential establishment heard and recorded - a means of acknowledging and believing what they need to tell.'

He recommended that:

'The process of relating to and responding to former residents needs to be respectful, empathetic and constructive; for some, the experience to date has been dismissive and abusive. Listening to them and believing them is essential - after all that's what so many of them were denied as children in residential child care.'

3. On 7 February 2008 Adam Ingram, on behalf of Scottish Ministers, announced their commitment to scoping a Scottish truth and reconciliation forum to address issues for adults who had suffered any form of childhood abuse whilst in care. Funding of £375,000 a year for three years was set aside for this purpose.

4. This commitment stands alongside other proposals to assist survivors that will be familiar to members of this Group. All these initiatives come under the umbrella of the National Strategy for Adult Survivors of Childhood Sexual Abuse. Annex A sets out the different projects that are of direct relevance to in-care survivors.

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5. Staff involved in this part of the Strategy implementation include Jeannie Hunter, Policy Officer, and Anne Macdonald and Sarah Nelson, professional advisers. They have been joined by Sue Moody, who is on secondment half time from the Crown Office and Procurator Fiscal Service to assist with the legal, procedural and planning issues arising in relation to the Forum. Jean MacLellan has overall responsibility for the Strategy, including this area of work.

Progress to date

Results from the Consultation

6. With assistance from the Reference Group, a consultation paper seeking views on a proposed forum, to be called the Acknowledgement and Accountability Forum, was circulated in October 2008. Extensive efforts were made to ensure that all the stakeholders had the opportunity to respond and particular attention was paid to reaching survivors whose voices might not otherwise be heard.

7. Respondents strongly supported a forum, although they had mixed views on what its remit should be, and they also wanted an initial pilot to test out the viability of a forum.

Human Rights Framework

8. During the consultation process, we were approached by the Scottish Human Rights Commission (SHRC) who offered their expertise in considering how the rights of both survivors and those involved in institutions where abuse had happened could best be protected in any forum. SHRC has been commissioned to provide a framework for the Forum which will ensure that the rights of all parties are represented.

Links with Similar Work in other Countries

9. Officials also visited Ireland to hear about the Irish Commission to Inquire into Child Abuse (the Ryan Commission), and have considered other international models in Canada and Australia. We have now developed good links with the Ryan Commission who have offered their help with developing IT systems and have shared with us the challenges the Commission has faced.

Setting Up a Pilot Forum

10. We are currently working towards establishing a Pilot Forum in 2010 which would provide the opportunity to test out whether the idea of a forum is helpful and feasible. We have looked at a variety of different models for a pilot, particularly the Confidential and Investigation Committees that were used by the Ryan Commission to collect evidence and give survivors the chance to

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describe their experiences. At present the Confidential Committee option seems to offer a way forward that fits with human rights requirements for survivors and alleged abusers but no decisions have been made about the pilot as yet.

Managing a Pilot Forum

11. If Ministers agree that a pilot should be established we are proposing setting up an Advisory Group which will oversee plans for the pilot, the pilot process itself and publication after the pilot of a number of reports. This group would be small and would focus solely on the pilot. It would be chaired by the Pilot Forum Chair and would include any Forum members and others with relevant experience-for example as children in care, as workers in care settings and as experts in residential child care.

Pilot Outcomes

12. These will include a record of the proceedings (with confidentiality a key issue) and an evaluation of the pilot process in terms of efficiency and effectiveness. The Scottish Human Rights Commission has also offered to consider whether, and if so to what extent, any pilot met human rights requirements.

Role of the Reference Group

13. This Group would continue to play an important role in:

- providing advice to the Advisory Group and to the Pilot Forum Chair on issues concerning the Strategy implementation
- helping to shape Forum developments generally and providing views to Ministers and to officials
- bringing any pilot and subsequent developments to the attention of survivors
- ensuring that any forum does not operate in isolation and identifying links between any forum and other strands of the Strategy.

Next Steps

14. A meeting of Ministers in Education, Justice and Health Directorates (and including the views of the Lord Advocate) will be held in September to consider the options for a pilot. It would be helpful for us to be able to give Ministers some feedback from members of this Group about the proposals for a pilot.

Annex A Diagram of Different Projects

