

## Consultation Questionnaire

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

Agree  Disagree  No preference

Beyond the importance of adults who spent time in residential care as a child having an opportunity to share their experiences in a National Forum linked to Ministers, there is an opportunity for such experiences to feed into and shape the ongoing future development of residential care. Although health and wellbeing outcomes for children and young people are being addressed within this authority, hearing about the views and experiences of former residents will provide a valuable insight into how services can meet needs. Thus, it will be important that the national confidential forum provides a report whose contents can be shared. From the point of view of adults who spent time in residential care as a child the Time to Be Heard Report illustrates some of the benefits to such adults of having such an opportunity and it is important that such an opportunity is offered to others.

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

Agree  Disagree  No preference

The Government has set down a process which it already 'owns' by its 2004 offer of a 'sincere and full apology' to those who had suffered abuse in residential care homes. This 'ownership' is embedded by its operation of the Time To Be Heard Forum. The National Confidential Forum is a development of the process and needs to be within the same framework. Furthermore, the Forum may give participants a confidence that their views can be heard, if the Forum is seen to be within sight of Government Ministers.

**Q3. Should the Forum**

**(a) be integrated into another public body ?**

Agree  Disagree  No preference

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

Agree  Disagree  No preference

It is likely to be easier to set up with in an existing public body as that body will have a structure and framework which can support the National Confidential Forum. This includes the benefits of having associated administrative and organisational functions to hand.

However, it will be important for potential participants of the National Confidential Forum that it has its own identity and thus operates as a separate unit within such a public body.

**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  Disagree  No preference

The forum should be open to all adults who spent time in residential care as a child. One of the expressed purposes of the National Confidential Forum relates to learning from the experiences of adults with such an experience and we would risk limiting this learning if participation is restricted.

Another function of the forum is to enable participants to describe their experiences. Restricting participation signals that the Government may value some views over others. This would not reflect the intention of the National Confidential Forum

**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  Disagree  No preference

The process of participation should also consider how to meet the needs of individuals taking part. Thus it should consider hearing views by a range of methods which can include oral or written presentations, whether participants experienced abuse or not. Stating that the process should be the 'same for all participants', suggests that consideration should be given to creating a flexible process focused upon enabling contributions from individuals and not a process which discourages participation.

**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  Disagree  No preference

The National Confidential Forum needs to take this opportunity to include each type of care setting. Doing so will provide an opportunity to all to express their views. It is recognised that this may increase the length and workload of the Forum.

Residential Care has evolved over the last decade and it is useful to recognise this. The creation of a qualified and registered workforce, the development of National Care Standards and an associated cycle of Inspection alongside a number of key Government reports and recommendations have created a service which differs from past decades. Whilst recognising the current strategic emphasis upon methods of earlier intervention and community based family support, there will continue to be a need for residential services. On its conclusion, a report from the National Confidential Forum may consider whether it wishes to stimulate a public debate as to the nature of public care and what it should look like in the 21st Century.

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

Consideration needs to be given to Local Authority management of case records. A subset of that function involves replying to requests from individuals to access their care records.

For some of these people, the authority has had to inform them that there is no surviving record. The reason for this is that before the regulations supporting the Children (Scotland) Act 1995 created the 75-year retention period for looked after children's records, the only existing regulations on the retention of these records set a retention period of 3 years from the child's 18th birthday. These regulations date to the 1950s.

Thus, there should be some kind of specific support for those who have no surviving case records of their time in care. The Forum might have the resources to offer access to other potential sources of information, resources that it is outside the scope of the department or local authority alone to offer. It is important to be able to refer these former clients on somewhere, whether or not they have been the victims of abuse in residential care.

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

Yes  No  No preference

Comments

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

Yes  No

The very experience of abuse can have a lifelong traumatic impact. For many, trust is a major theme/issue. The Forum needs to be able to offer potential participants clarity of purpose and a clear understanding of what will be done with their shared experiences.

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

Yes  No

Revisiting traumatic and frightening experiences can have a significant emotional impact for some. It is important that the National Confidential Forum is able to appropriately recognise this and have relevant supports available.

Research and the experience of the Time To Be Heard Report indicate the benefits of being able to share a difficult experience in a supportive and purposeful environment.

Any public documents produced by the Forum should be anonymous.

# 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

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

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

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

Comments

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

Comments

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

Comments

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

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

Comments