

Consultation Questionnaire

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

Agree Disagree No preference

Comments

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

Agree Disagree No preference

Comments

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

Comments

Independence from vested interests needs to be assured to both people participating in the forum and all who will read the resulting report.

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

Comments

There are a couple of important points to be made here.

If one purpose of the forum is to enable us to learn lessons about residential childcare, this should include examples of positive practice. The alternative is that we will build provision based on what not to do, rather than on what works.

Secondly, if the forum privileges the accounts of abuse, there is a danger that the

public's perspective of residential care (for children and adults) becomes even more negative than it currently is, adding to the trauma of those who will need this kind of provision in the future. A generation ago, older adults had memories of the poorhouse from their childhood, and this influenced their feelings about and ability to accept residential care in their later years.

There is also a risk to those who did not experience abuse in care, i.e. a potential for undermining their positive memories and confidence in the care they did experience.

Also, an exclusive focus on abusive experiences may further stigmatise residential care as a career/employment option for the past, present and future workforce.

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

Comments

But see question 9.

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

Comments

It is important to include people who had additional support needs as children, and may continue to be affected by disability as adults, since research and experience suggest that these populations will have been isolated by communication and social barriers, and more likely to have been affected by abuse which was and continues to be hidden.

Children placed in secure accommodation are more likely to be stigmatised and dehumanised than other accommodated children – cf recent Rochdale case – and therefore not only more likely to be targeted, but less likely to be believed and protected. It will be essential to hear from people who were in this position as

children.

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

Comments

Reports from the CICA indicate that it will be important to manage people's expectations about what the Forum can achieve at all phases of the process.

Individual choice should determine if support is provided and what form it takes. Support needs to be flexible to suit the individual involved – i.e. a range of means should be available, including telephone, texting, social media, face to face and group.

The individual should be able to choose who supports them. Some people may already be receiving support or involved in groups, and wish to continue with these arrangements. Such agencies or groups should be thoroughly briefed.

Privacy concerns could affect everyday sources of support, e.g. families/partners could be left in ignorance of the possible impact of giving testimony such as self-harm and attempted suicide. A separate means of "supporting the supporters" should be considered.

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

It is difficult to respond to this question without a clearer definition of "participants". CICA heard from priests/laybrothers/etc as well as the people who had been in care as children, but this is not proposed for the Forum. Aside from the comments made in the consultation document about limits on confidentiality, can complete confidentiality be promised to participants – e.g. where the individual discloses information about their involvement in an ongoing risk to a child or adult at risk of harm - or immunity from prosecution e.g. where the individual admits to participating in abusive acts themselves? The parameters need to be carefully spelled out for participating individuals.

There is another important issue here – Time to be Heard made very specific recommendations about applying the "Irish Model" which included safeguards within the legislation to ensure ongoing confidentiality of information and protection of the individual's data.

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

Comments

Inviting people who did not experience abuse to contribute by way of a written submission pre-supposes literacy, and equally not inviting people who did experience abuse to make a written submission may dissuade some from participating.

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

Yes No

Comments

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

Comments

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

Comments

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

Comments

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