

Consultation Questionnaire

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

Agree Disagree No preference

Comments

I agree with the rationale behind a National Confidential Forum, but much of what is proposed leaves me feeling angry, unheard and misunderstood. Foremost amongst the reasons why is the fact that nowhere in the proposals, the list of consulting and participating is there any acknowledgement or recognition of the fact that I was placed for adoption as a baby with a family who abused me. I cannot be alone in this experience. Regardless of the presumed legal status of an adopted child, to an adoptee their adoptive family is very much a care setting as was the process - such as it was - which preceded my placement. I would also add that from the list of reference group members and list of consulting bodies, I can identify several who have knowingly caused me direct harm as a child or adult, responded harmfully or negligently to disclosure around abuse and failed to address either my experience of abuse, their role in it and the damage caused. I fundamentally disagree with any NCF operating over a fixed term period until the scale of disclosure required across all forms of institutional abuse - not just in care settings - can be fully established.

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

Agree Disagree No preference

Comments

I agree that the NCF should operate independently from Government - if such a thing is possible - but also independently from any current service providers to abuse victims or organisations who may be implicated in any disclosure from abuse victims and survivors. I feel the NCF should be organised and facilitated by those with no avested interest in its outcome other than openness, truth, accountability, enablement, reconciliation, reparation and justice.

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

I do not think the NCF should be integrated into another public body, nor be a separate unit within another public body. Given these public bodies are not even named in this questionnaire, how can anyone make that judgment on an informed basis? I think the NCF should be totally independent, free from avested interests, with ready and urgent access to Government, justice and long-overdue legislative reform.

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

Yes of course they should. Again there is no mention of adult children who were placed for adoption and too little emphasis on those in foster care and detention. I also feel very strongly that children who are currently in care settings should be simultaneously supported and assessed for past and indeed current experiences of abuse.

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

My gut feeling is the process should be the same for anyone who experienced childhood abuse, regardless of the setting - not least because many people experienced abuse in their care setting and outside of it simultaneously - myself included. I think there should be choice built into that process of disclosure as not everyone will be able to attend and oral hearing, make a written submission - or both. Expenses for attendance at oral hearings or associated with making written submissions should be provided to all those who participate regardless of income. Being called to an oral hearing has connotations of making a court witness testimony, which in the absence of the justice many of us have tried doggedly to secure, yet failed in which the wider system and Government are complicit, simply feels like yet more disclosure in exchange for no closure through justice or public accountability. I think it should be glaringly obvious that the first priority of any NCF is to address bad experiences - victims and survivors are sick to the back teeth of hearing that "not everyone had the bad experiences you did" and "lessons have been learned" - neither being an accurate reflection of the truth.

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

Yes, I agree they must be included but given the proposed NCF is to be time-limited and that individuals are being rated and prioritised according to arbitrary and subjective criteria based on their care setting - the NCF seems more like a means of micro-managing the national scandal of endemic historic abuse than addressing the the long overdue and complex needs of victims and survivors across society. It seems in fact like a recipe for most people not to be heard, and will create division and resentment amongst victims and survivors and those who support them unless a broader approach is taken. Most importantly for me, there is no mention whatsoever of children like myself who were placed for adoption and abused. At the age of 44, my voice certainly hasn't been heard, my health protected, nor my experience valued in a way that helps me to be all the person I could be, had I not experienced childhood abuse.

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

Comments

There should be a formalised and unambiguous support system for participants before, during and for a long period after any participation by victims and survivors. I also think that the NCF should not be seen as a substitute for justice and very urgent steps need to be taken to address the problems in bringing historical abuse cases to court, legal aid, trained legal staff, claiming compensation and practical support to help people move on from their experiences in other ways such as access to benefits, priority housing and employment support.

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

If the truthful disclosure of childhood abuse is considered defamatory "in the estimation of right-thinking people" then there is something far wrong with both this country and current legislation and Scots Law and thus require urgent revision. Why should anyone disclosing abuse of any kind fear the law - it should be there to protect them! Why should any victims of crime be silenced by the threat of claims of defamation in 2012? I also believe very strongly that all participants should be allowed to waive their right to confidentiality if they so choose and that no limitations are placed upon their disclosure. I have seen much more harm done in the name of the law and confidentiality as a victim of abuse, than outside those confines. Anything less than full disclosure, a choice regarding confidentiality and freedom to name names - free from punitive consequences to the victims and survivors is simply another form of concealment reinforcing the guilt and shame victims are already made to feel by the perpetrators, society and the system which has already failed them, over and over and over again.

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

I think the principal barrier is trust. In my own experience, the system was and remains wholly complicit in failing to address and helping to perpetuate a secondary, adult cycle of abuse at every level and in every sector of society. Is the development of the NCF to micro-manage a national scandal, or simply another means by which the system can be seen to be acting whilst those directly or indirectly involved in the abuse of children and adult victims and survivors can continue to escape full accountability in the absence of justice and any effective compensatory process?

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

Yes No

Comments

I do not like the name - it sounds loaded with shame. To me the way to address past abuse and prevent it in the future is to enable all victims and survivors to speak freely about their experiences. I find the terms of the NCF profoundly restrictive and as I have pointed out, my own primary experience of abuse in a care setting is not even mentioned, nor is there a single organisation relating to the issue of adoption, named in the list of consulting bodies. I find it deeply troubling that the NCF, justice and compensation appear to be mutually exclusive. In my own regard, I want accountability, closure and practical and therapeutic means of moving on from the past - and not to be trapped in a secondary cycle of abuse as an adult victim who has to battle the system on every conceivable level whilst simultaneously fighting become a survivor of child abuse. There seems to be little real acknowledgement in this process that in order for children to be abused, many bodies need to fail us to allow that to happen - including the NHS, social services, the police, the education system and ultimately - local and national Government.

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

yes, I think it will be extremely traumatic for those people who do not fall within its remit or those both within and outwith its remit who have been denied justice, accountability or access to what they need to make the successful transition from victim to survivor.

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

Yes, I think it could also have a very positive impact if the terms of reference were widened, the was less restrictive and there was access to justice and a compensatory process as a result.

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

Comments

I think it will impact very nageatively on those outside its remit and terms of reference, who will feel marginalised and their experiences of lesser value or importance than those who experienced abuse in care settings.

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

Comments

If it is not micro-managed within an inch of its life, it stands a chance of educating the public about the impact and scale of child abuse - both within and outside care setting - and also its impact on adult victims and survivors. Done well, it should establish care settings as a place where the risk of children being abused is unthinkable.

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

Comments

Broaden the remit and terms of reference and provide access to justice, accountability and a compensatory process.

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

Comments

I think people should be able to waive confidentiality and I think any NCF should essentially be a permanently established open forum to address past, present and future abuse in all its forms in society. We urgently need a supported culture of whistleblowing in this country, before it is too late to repair the damage that has already been done.

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

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

Comments

I think there should be specialist support teams available for gay, lesbian, bisexual and transgender participants, abuse victims and survivors. I also think anyone who lives alone, or with no family or social support should receive priority care and support.