

## Consultation Questionnaire

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

Agree  Disagree  No preference

#### Comments

All of Sacro's experience in providing a Restorative Justice service as part of the Time To Be Heard initiative indicates the creation of a National Confidential Forum would be a major positive initiative. In particular, survivors of abuse who worked with us frequently described feelings of 'invisibility', of not having their experience recognised, and of not having the importance of their history and experience validated.

Recording and acting as a repository for these stories, experiences and aspirations is an important validating act.

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

Agree  Disagree  No preference

#### Comments

There are two main reasons why the Forum should operate independently from Government:

- 1) Independence will assist the Forum to identify and comment on events, issues or policies in a way which is not influenced by current Government interests or opinions.
- 2) The perception of independence by those coming into contact with the Forum is crucially important, not least because many survivors hold strong views that the Government and its agencies failed to protect their interests. A clearly independent status would assist in the Forum as being perceived as having a genuine aspiration to record and reflect the experiences and

wishes of survivors.

### **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**

It is important that the Forum has a clear identity and avoids being associated too closely to another body. At the same time, it seems unlikely that the Forum's staffing levels would be such that a stand-alone body would provide good value for money. The option of a separate unit within another body seems the most practical one.

This body should, however, be chosen carefully to avoid perceptions of vested interest and to be clear of negative associations with past events. It seems unlikely that a residential care provider would be suitable.

### **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**

In principle all adults should be eligible to take part, regardless of the level of support required to assist them in doing so. There are potential logistical and resource difficulties in applying this (e.g. travel from outwith UK or specialised advocacy input), but it may be preferable to deal with these on an individual basis while striving to apply the principle of universal access.

**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**

Not everyone has the same understanding of what constitutes abuse, and the testimony of those who do not consider themselves to have been abused may sometimes be as relevant as that of those who do.

**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**

There seems to be no clear reason to discriminate between groups of people because of the nature of the residential setting.

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

Comments

1. Participants should have the opportunity to access a restorative justice process such as that offered in the 'Time To Be Heard' initiative to provide a potential opportunity to receive an apology from the responsible agency, to assist in ensuring similar abuse does not recur and to register with the agency the personal impact on their lives.
2. Participants should have the opportunity to access a support organisation that is able to provide support and counselling where appropriate. See Q9 below.
3. There should be the opportunity for survivors to tell their story in a way that would reflect their experience sensitively, vividly and in a way that impacted on the consciousness of society in general. Consideration should be given to developing an arts-based initiative to assist survivors to produce a public artwork which articulates the message they would wish to have recorded and passed on to future generations.

**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

Participants should be protected from legal action as far as possible through clear confidentiality agreements and recording/record-keeping processes which protect identity and confidentiality wherever appropriate. It would, however, be necessary that any protection does not allow for breaches of human rights of people not involved in the Forum's work but individually identified. It is also presumed that current criminal and civil law principles and procedures would be adhered to within the Forum.

**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**

Because of the traumatic experience of many survivors of abuse in a residential care setting it is likely that some people will be reluctant to revisit painful memories. The support of organisations such as In Care Survivors Service Scotland would be very useful in assisting people to decide and to provide support where necessary.

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

Yes  No

**Comments**

Sacro would be happy to be of assistance in furthering the aims of the Forum in any way appropriate.

# **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

The creation of a Forum will assist survivors of abuse in residential settings to express their feelings, views and aspirations in a safe environment.

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

Comments

None

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

Comments

See2 above

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