

Consultation Questionnaire

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

Agree Disagree No preference

Comments

We agree with the purpose of a National Confidential Forum for adults who have spent time in residential care as children based on the pilot model and informed by the experience of The Time to be Heard Report. The opportunity for adult survivors to describe their experiences and have their views listened to can only help to inform improvements; not only for the health, safety and wellbeing of children and young people who are currently in residential care but also children in the future who require this type of care.

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

Agree Disagree No preference

Comments

We would agree that the Forum should operate independently from the Government. Operating as a separate forum, with its functions clearly separated from the current work of public bodies will ensure transparency and instil confidence to adult survivors that the process is independent and impartial.

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

We would have no particular preference. Whether the Forum is integrated into another public body or as a separate unit is not significant. The main issue is that the forum is independent of the Scottish Government and is maintained by an existing public body that has a key role in ensuring that people receive the highest quality of care, that their rights are promoted and protected and improving services.

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

We would agree that all adults placed in residential care by the State should be eligible to take part in the National Confidential Forum. The recommendation by The Time to be Heard Report (TTBH) of adopting a different approach depending on whether the experiences were presented as good or bad would ensure that positive care was also being highlighted and thus act as a mechanism for the sharing of good practice as well as inform future policy developments or improvements where care experiences have not been good.

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

The suggestion by the TTBH Report that those who wished to present their good experiences could do so initially in written or recorded form would enable the Forum to be inclusive to all adults who were cared away from home as children. This would provide an opportunity to hear from those adults who describe their experiences in care as being positive and the qualitative aspects which contributed to this. It also ensures that those adults who may not define themselves as survivors have the same opportunities to take part in the Forum.

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

We would strongly agree that all of the above types of residential care should be included and that the Forum does not limit the types of residential care provision. Residential care covers a broad spectrum of childcare provision and should not just narrowly focus on ‘general’ residential care provision as had only been included in the TTBH Report. Those children who are residing in the above types of residential care are also just as vulnerable to institutional abuse and should therefore have the same opportunity to talk about their experiences and treatment in residential care. All adults who have been in different types of residential care, many of whom may have been abused in childhood, should have the same opportunities to make their experiences known. Limiting the types of child care provision the Forum would cover would restrict potential adult survivors of child abuse a voice to describe their experiences and may hamper any lessons that could be learned from any past failures and improve future practice.

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

Comments

The type of wrap-around-support modelled by the TTBH pilot forum before, during and after hearings should also be in place for the Forum. Such supports were seen as a prerequisite to participation. We also agree that participants should be able to bring a family member, friend or external support service along with them for support. After care support however will be extremely important. For many adult survivors who feel able to come forward and make their experiences known; it may bring back traumatic memories of the abuse. Access to counselling and support services will be vital to ensure participants are not left feeling more vulnerable.

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

We would agree that participants should be protected from legal action and support the proposals outlined in relation to other protections to bolster the confidentiality of the Forum. Whilst these proposals focus on the protection of the Head of the National Confidential Forum and those others sitting at the hearings, we would agree that protection for the participants from any legal action is also needed. As participants are engaging in this process freely and voluntarily they need to be fully informed as to the legal parameters of them disclosing information.

However it is not made explicit within the consultation as to what and the extent to which confidential information would have to be disclosed or restricted under 'other statutory requirements'.

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

Barriers which may prevent someone from participating in the Forum:

- Sufficient supports being in place before, during and after the hearing
- Boundaries around confidentiality, control and disclosure of information
- Recalling distressing memories – psychological and emotional trauma
- Cultural barriers to talking about childhood abuse

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

Yes No

Comments

Whilst there may be barriers that would prevent people taking part in the Forum from participating, there are also many positives for them to do so.

- Signposting/linking people to avenues of support and help
- Anonymity and confidentiality
- Not judged, opportunity to just talk and be in control
- Empowerment – opportunity to influence future care practices and improvements
- Safe forum to disclose

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

See comment no. 10

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

Comments

If the Forum restricts those eligible to take part in the Forum (response Q.4 and Q.5) and the type of care provision (Q.6) then those with a disability may be negatively impacted upon i.e. mental health needs, special needs.

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

Comments

The inclusion of all adults who were placed in residential care, particularly those adult survivors placed in institutions due to special needs, disability

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

Comments

Inclusion of all adult survivors who were placed in some form of institution with particular types of need and not just selecting types of care provisions

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

Comments

As above

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

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

Comments

Consideration of additional supports for people who may be impacted upon due to disability, second language etc to enable them to adequately describe their experiences. How were the needs of the above groups considered within the TTBH pilot?