

Victims and Witnesses (Scotland) Bill

West Lothian Community Health and Care Partnerships

Background

The Health and Sport Committee is launching a call for written evidence in order to inform its Stage 1 consideration of the Victims and Witnesses (Scotland) Bill.

The Justice Committee is leading on consideration of the Bill as a whole but the Health and Sport Committee has been designated as a secondary committee to scrutinise the part of the Bill relating to the establishment of a National Confidential Forum (“NCF”), which is to be set up under the auspices of the Mental Welfare Commission. The Health and Sport Committee will report to the Justice Committee, which will in turn report to the Parliament on the general principles of the Bill.

The Policy Memorandum accompanying the Bill states: “The principal policy objective of this part of the Bill is to offer adults placed in institutional care as children acknowledgement of their experience, including abuse and neglect, through the creation of the **National Confidential Forum (NCF)**. The value of such recognition, in terms of improved health and wellbeing, was evident in the experience of the Pilot Forum, ‘Time to be Heard’ on which the NCF is firmly based.”

As set out in the Memorandum, the NCF’s functions are:

- To receive and listen, in confidence, to adults who were in care and to offer acknowledgement of their experiences;
- To contribute to the prevention of the future abuse of children in institutional care, via proposals to inform policy and practice;
- To contribute to a permanent record of life in care, enhancing public understanding;
- To signpost support, advocacy, advice and information services to participants and their families.

The key proposals in the Bill relating to the NCF are:

- The functions of the NCF;
- Its scope;
- How information held by the NCF will be treated by a general duty of confidentiality;
- The arrangements for the NCF to be hosted by the Mental Welfare Commission and safeguarding of its “operational autonomy”.

Nick Clater (Lead Officer – Adult Protection (Multi-agency Liaison)) and Jane Ridgway (Lead Officer Child Protection) have collated this paper for consideration.

The functions and powers of the NCF (as set out in the Bill)

The proposed functions and powers of the NCF appear to be entirely proportionate and reasonable. It is noted that the preservation of the anonymity of participants, establishments and other persons should be maintained. We believe that this is entirely appropriate.

Status of the NCF – housed as a sub-committee of the Mental Welfare Commission – and its independence

It is acknowledged that the housing of the NCF under the auspices of the Mental Welfare Commission is more suitable than any possible alternatives. For example, we do not believe that the NCF could be housed as a sub-committee of the Care Inspectorate due to the possible conflicts of interest that could arise as well as the negative perceptions some participants will have of residential care.

Support for participants before, during and after their input

We had some concerns that the Bill does not set out clearly or in sufficient detail what support would be available for participants either before, during or after their input. We would like to have seen some reference made to counselling or de-briefing support for participants as well as some mention of advocacy. The absence of this is a concern and, in our view, requires to be addressed.

Any other aspects of the NCF

We did have some discussion regarding the definition in the Bill of a child being 16 and 17 years old. However, it was not clear what implications, if any, this would have for the operation of the NCF.

**Nick Clater & Jane Ridgway
Lead Officers for Adult and Child Protection
West Lothian Community Health and Care Partnerships
West Lothian Council**

2 April 2013