

Victims and Witnesses (Scotland) Bill

NSPCC Scotland

NSPCC Scotland welcomes the establishment of a National Confidential Forum to support adults placed in residential care as children, and the proposed focus on the acknowledgment of their experience including abuse and neglect. We believe that providing a confidential space for people who have been placed in residential care as children could be beneficial to their overall health and wellbeing. However, we seek assurance from the Government that the lessons learned through the Forum can and will contribute to the reduction, and eventual elimination, of child abuse in residential care settings in Scotland now and in the future.

About NSPCC Scotland

The NSPCC aims to end cruelty to children. Our vision is of a society where all children are loved, valued and able to fulfil their potential. We are working with partners to introduce new child protection services to help some of the most vulnerable and at-risk children in Scotland. We are testing the very best intervention models from around the world, alongside our universal services such as ChildLine, and the NSPCC Helpline. Based on the learning from all our services we seek to achieve cultural, social and political change – influencing legislation, policy, practice, attitudes and behaviours so that all children in Scotland have the best protection from cruelty.

NSPCC Scotland response

The functions and powers of the National Confidential Forum (as set out in the Bill)

The core work of the Forum will be with adults, therefore there are issues pertaining to functions and powers on which we have no recommendations as we do not provide direct services in this area and therefore have no first-hand experience or evidence base to draw on. However, we are keen to establish the ways in which the proposed Forum can help children who currently reside in a residential care setting in Scotland, or who have been in residential care but are now in another care setting or have left care. For example, it is not clear from the current proposals what mechanisms will be put in place to support children who have been abused and who remain within in residential care. Also, we seek clarification on the position of young people aged 16 – 18 in this process as the proposals currently dictate that survivors will only be eligible to participate in the NCF if they are aged 18 and over.

NSPCC Scotland believes that the NCF should be one strand of a range of measures to achieve remedies for childhood abuse. It is essential that existing

links between the Forum and the criminal justice system are maintained under clearly defined positions as, at present, it is not clear how the NCF will deal with new criminal allegations which come to light in the NCF. Also further detail is required to set out what mechanisms will be implemented to ensure that the NCF proceedings do not do anything to compromise any future criminal investigations. It is of paramount importance that the NCF is not seen as a substitute for criminal proceedings.

Status of the National Confidential Forum – housed as a sub-committee – and its independence

NSPCC Scotland recognises the value in the NCF having its own identity and independence as this could go some way to ensuring that there are no conflicts of interest and, therefore, that the needs of participants remain the priority of the Forum at all times. We support the view taken by the Centre for Excellence for Looked after Children in Scotland, that, if the Forum needs to be linked to another public body, then it is crucial that its independence is recognised by it being a separate unit. It will also be important that clear and transparent governance arrangements are in place to underline the Forum's independence.

Support for participants before, during and after their input

NSPCC Scotland believes that providing support for participants before, during and after their input to the NCF is of the utmost importance. A suite of therapeutic support services should be made available which can be tailored to the individual needs of participants. Access to counseling, advocacy, mental health services, and support from clinical psychologists, where required, may go some way to ameliorating any post-traumatic stressors that could potentially arise following this type of disclosure.

However, if participants are parents, or have caring responsibilities for children, it is vital that any service offered addresses, not only the adult's trauma, but also considers their client as a parent. This may require specific intervention which focuses on the parent-child relationship, supporting the parent to fulfil their parenting role and ensuring that children get the help they need.

Also, we would welcome clarification on how it is envisaged that people with learning disabilities, including those with complex communication needs, will be supported to engage with the NCF.

Any other aspects of the National Confidential Forum

NSPCC Scotland would welcome the establishment of a similar Forum to ensure that children and young people who currently reside in institutional or other care settings, or are the responsibility of corporate parents, are listened to and their views and experiences are acknowledged and acted upon. However, we have

some concern that constricting local authority budgets may impact negatively on the availability of support services for children who are part of the 'Looked After' system in Scotland today.

Recent discussions with front line practitioners suggest that accessibility to support services for looked-after children varies across care settings and localities. For example, children's rights officers, in some local authorities, have indicated that they are now prevented from promoting their service due to lack of capacity. Although able to access children in residential care relatively easily, it would appear that they have very little, if any, contact with children who are looked after at home. NSPCC Scotland believes that more could and should be done to meaningfully engage, consult with and involve children and young people who are currently looked-after in Scotland, particularly those children who are looked after out with the residential care setting.

Conclusion

NSPCC Scotland welcomes the Scottish Government's commitment to seek the views and experiences of adult survivors of childhood abuse through the establishment of a National Confidential Forum. We recognise the clear benefits to participants of acknowledgment and the potential value of the Forum in informing future policy and practice. However, it is vital that the Forum does not reduce focus, or absorb resource, which would otherwise benefit children and young people who currently reside in the looked-after system in Scotland. We believe that the learning from the Forum should be utilised by institutions, corporate parents and all other relevant stakeholders to ensure that a children's rights approach is embedded in their cultures, behaviours and budgetary priorities now and in the future.

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