

## **Victims and Witnesses (Scotland) Bill**

### **Aberlour Child Care Trust**

#### **Introduction:**

Aberlour is Scotland's largest Children's charity. We have been delivering high quality residential care to some of the country's most vulnerable looked after children since the establishment of the Aberlour orphanage in 1875. Since that time, our provision of care to looked after children has evolved and adapted to include a portfolio of small family unit residential care homes, fostering services and support for kinship carers. We warmly welcome the establishment of a national confidential forum and hope to play an active part in its establishment and are very happy to contribute to the work of this committee as it considers the specific details as to how the forum will operate.

We would welcome the opportunity to engage with the committee further on this matter, through further written or oral evidence as necessary. Please find our initial views on the outline proposals below.

#### **Providing a means for adults placed in institutional care as children to describe in confidence experiences of that care, including abuse;**

We broadly support this aim but suggest that it not solely be limited to adults who have left the care system. Whilst Children who are in care have means of raising concerns about their welfare in terms of the care they are currently receiving, there could be circumstances where a child has been moved between care homes and after a period of time, realises that the practice adopted in a previous home was in some way wrong or flawed. They should have the opportunity to make representations to the Forum in such a situation.

Additionally we believe scope of care settings covered by this aim is too narrow. We feel the term 'institutional care' should be expanded to include all forms of residential care experienced by children, be that secure care, respite care and hospital care. We believe that it is essential that experiences of foster care be included in the remit of the Forum.

#### **Acknowledging testimony at NCF hearings or by written or other means;**

We support this aim, but would also suggest that the committee considers the need for a meaningful feedback process whereby, once testimony is offered that the individual who provided testimony is kept informed as to how their testimony has been used and any resultant action that may have been precipitated by it. This must of course only cover relevant information to that individual and the testimony they have offered.

#### **Protecting the testimony of people who participate in the NCF from the threat of defamation and disclosure;**

We wholeheartedly support this aim.

**Setting out arrangements for the NCF to be hosted by the Mental Welfare Commission, while safeguarding the operational autonomy of both;**

We would ask if any consideration had been given to hosting the NCF in an organisation entirely independent of Government such as 'who cares?'. We don't have a significant issue with the NCF being housed by the Mental Welfare Commission, but would suggest that it be done in a way so that the nomenclature not act as a stigmatic barrier to people bringing forward testimony. It is conceivable that a person might decide against offering testimony if they thought it was going to cast doubt over their mental health/welfare. A stand-alone website and marketing materials would be required.

Full independence from government or parliament is absolutely essential in order to allow potential investigation of systemic malpractice or flaws in policy.

**Identifying any patterns and trends in the experiences of adults placed in institutional care as children, and making recommendations about policy and practice which the NCF considers will improve institutional care.**

We support this but would suggest that in order for this to have any meaning there must be a duty on parliament, Scottish Ministers or the care inspectorate to consider and act on the recommendations of the Forum.

**Alex Cole-Hamilton  
Head of Policy  
Aberlour Child Care Trust**

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