

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

### **UNISON Scotland**

#### **Introduction**

UNISON is Scotland's largest trade union representing approximately 160,000 members working in the public sector. UNISON Scotland represents over 25,000 workers employed in social work services throughout Scotland, with many members employed in the residential care sector, social workers, social care staff, welfare rights workers, and others administrating and supporting the social work teams, as well as over 60,000 members in the NHS.

UNISON Scotland welcomes the opportunity to respond to the Call for Evidence on the Victims and Witnesses (Scotland) Bill, issued by the Health and Sport Committee.

#### **General Comments**

UNISON Scotland broadly welcomes the two main policy areas in the Bill, both the reforms to the justice system relating to victims and witnesses and to the establishment of a National Confidential Forum (NCF) for adults placed in institutional care as children.

We appreciate that the policy relating to reforms to the justice system for victims and witnesses is being dealt with by the Justice Committee, nevertheless, we would echo the comments in the evidence that has been submitted to that Committee by the Scottish Children's Reporters Association that the reforms should be extended to children and vulnerable witnesses involved in the Children's Hearing System proceedings.

With regard to the introduction of a National Confidential Forum, UNISON feels that this is a positive step to allow adult victims of abuse in their childhood some form of recognition of their experiences at a later date. The long term effects of abuse in childhood are well documented and recognised and a forum such as is proposed in the Bill is long overdue.

We also support the proposed functions of the NCF which aim to contribute to the prevention of future abuse of children in institutional care; enhancing public understanding of the experiences of children in care, by creating a permanent record of life in care and to signpost support, advocacy, advice and information services to participants and their families in the future.

We are supportive of the decision to house the NCF under the auspices of the Mental Welfare Commission as we believe it will have the necessary expertise to support adults coming to terms with their childhood abuse. Other establishments, such as the Care Inspectorate would not be suitable vehicles, as conflicts of interest could arise and the Care Inspectorate could induce negative aspects of the participants' previous experiences of residential care.

We are concerned, however, that the Bill does not set out in sufficient clarity or detail what kind of support would be available for participants, either before, during or after their involvement with the Forum. We believe some reference to counselling or debriefing support as well as assistance with advocacy should have been made. We would wish this to be addressed during the passage of the Bill.

**Specific Aspects of the Bill**

UNISON Scotland believes that the functions as set out in the memorandum are comprehensive and should contribute to the support and wellbeing of any participants who may contact the forum. We believe it will also help build a body of evidence to ensure recommendations can be made for the improvement of residential child care in the future. We wholeheartedly agree that the identity of any participants in the forum must be kept confidential.

As stated above, we believe that the status of the NCF, housed as a sub-Committee of the Mental Welfare Commission is suitable for its purpose. We would expect that the Forum would be independent of the other functions of the Mental Welfare Commission.

We do not feel that the Bill sets out the specific support that would be available to participants, e.g. counselling, psychiatric assessment, etc., all of which could be needed to enable the participants to fully express and acknowledge the extent of their suffering during any periods of abuse and so enable their recovery.

We are unsure how potential participants will be made aware of the services provided by the Forum to enable them to make contact and give their testimony.

In addition, we would wish clarity on how any allegations against particular establishments or members of staff in those establishments would be dealt with.

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**Mike Kirby**  
**Scottish Secretary**  
**UNISON Scotland**

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