

Deputy First Minister submission of 21 June 2022

PE1905/D: Public Inquiry into the response of religious organisations to allegations of child sexual abuse since 1950

Thank you for the opportunity to respond to the above petition following the Committee's consideration at its meeting on 18 May 2022.

Extending the scope of the Scottish Child Abuse Inquiry/establishing a separate inquiry

The Committee asks for consideration of an extension to the scope of the Scottish Child Abuse Inquiry (SCAI) to include abuse which took place in religious organisations/settings or that a separate public inquiry is established to address the issues highlighted in this petition.

As the Committee note, I have previously considered whether to widen SCAI's remit to include abuse that took place in non-residential settings such as local parishes, day schools and youth organisations. However, I concluded in November 2016 that if a wider remit was set it would in practice take many more years for the SCAI to complete its investigations and produce its findings and recommendations. It would mean the Government failing to meet its commitment to survivors of in-care abuse, our commitment to learn from their experience and, by addressing the systemic failures which existed, ensure it can never happen again.

As the Committee highlight, there is wider learning from SCAI and the Independent Inquiry into Child Sexual Abuse (IICSA) in England and Wales about cultural and organisational factors that made children less safe and allowed abuse to perpetuate, which can be applied to other settings and circumstances. Given this, and the actions set out below which we have taken, and continue to take to strengthen our child protection system, I do not consider that the scope of the SCAI should be extended or a separate inquiry should be established to consider abuse that took place in non-residential religious organisations/settings.

Alternative measures

The Committee also ask about alternative measures in place in Scotland to address the issues highlighted in this petition.

National Guidance

The [National Child Protection Guidance in Scotland 2021](#) describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It incorporates our understanding of best practice from a range of sources, including practitioner and stakeholder experience, inspections, research, inquiries and learning from Significant Case Reviews.

This guidance is a comprehensive update of the previous 2014 version and was developed through a collaborative process informed by extensive public and stakeholder engagement, including a Scottish Government consultation. Engagement with faith leaders was undertaken to consider issues and arrangements in relation to child protection in religious organisations and settings, and develop text before the public consultation. The views of experts in the prevention of sexual abuse were sought and reflected in the consultation draft and final version.

While the public consultation generated many hundreds of pages of comment and debate from individuals and organisations – there was little recommended change to the sections specific to faith, religion and relevant organisations.

Throughout the guidance there is an emphasis on listening to children, participation of, and support for families and multi-agency partnership in core elements of child protection processes. The guidance includes a strengthened and extended section on child protection in faith communities and religious organisations. This section sets out that:

The best protection is prevention. For faith communities and organisations, clear, written and well-shared child protection and vulnerable adult policies and procedures are a first step to creating awareness and safety within the organisation/community. Volunteers, employees and those in positions of authority and pastoral responsibility need support in how they can recognise abuse; how they should respond to allegations or concerns about

abuse; how they should record concerns and make appropriate referrals; and what behaviour towards children is acceptable and unacceptable within their role.

Fundamental preventative steps for faith organisations include: safe recruitment practices; safe practice in pastoral support with children and young people; online safety advice for appropriate use of digital and social media; child protection training for staff and volunteers; awareness raising within the faith community, for instance in relation to grooming processes; and the name and contact details for someone to speak to about any concerns.

Faith organisations should have designated child protection leads who have a role in passing on concerns about children to police or social work, and in developing and maintaining organisational policies and procedures. These individuals should undertake regular training and be aware of the local Child Protection Committee and procedures. Faith organisations have a role in promoting awareness of information, resources and helplines in relation to child protection and, for example, forced marriage and honour-based abuse.

The guidance notes that practitioners may need additional training in order to work with child abuse linked to faith or belief and that dialogue is required between statutory and faith-based communities in order to build trust, co-produce policy and share good practice.

The guidance also includes specific advice in relation to religious leaders, practitioners and volunteers within faith organisations. It states that:

Within these varied roles, all reasonable steps must be taken to provide a safe environment that promotes and supports the wellbeing of children and young people. This includes careful selection and appointment of those who work with children. It also means ensuring practitioners and volunteers are confident about how to respond promptly, in line with agreed protocols, when concerns arise about risk of harm to a child from abuse or neglect.

Child protection co-ordinators and safeguarding advisers should be available for consultation within faith organisations. They will work with social workers and police officers as and when required. Practitioners and volunteers with church and faith organisations

must report concerns about harm to a child to their line manager or safeguarding/child protection co-ordinator. The safety of the child or adult at risk is the priority.

The guidance signposts an extensive list of research and practice resources in relation to sexual abuse and sexual exploitation, non-recent abuse, and religious organisations and faith based communities.

A National Child Protection Guidance Implementation Group, chaired by the Deputy Chief Social Work Adviser, has been established to provide strategic oversight and offer support to local areas. Significant capacity is being devoted to support local areas to make the changes and adaptations required to align with the new national guidance. This includes a range of multi-agency activity and single agency activity to support specific sectors and groupings. Specific engagement with faith organisations will be undertaken as part of implementation planning to discuss progress in aligning policy and practice with the national guidance and to identify any support needs.

Third sector support

The Scottish Government provides funding to Stop it Now! Scotland, a child sexual abuse prevention charity that works closely with safeguarding leads in a range of faith and belief communities. The charity has developed the Upstream online resource aimed at preventing and responding to child sexual abuse. This resource has a [section](#) dedicated to safeguarding in faith and belief communities. My officials have shared the petition and the Committee's consideration with Stop it Now! who will reach out to the Jehovah's Witnesses community in Scotland.

Stop it Now! Scotland are committed to prevention work being driven by the voices and experiences of survivors. They would be keen to meet with the petitioner to learn from her experiences and ensure that this informs their training and resources aimed at those safeguarding children in faith contexts.

You may be interested to note that Stop it Now! provided a [written submission](#) to SCAI in June 2022, which covers specific issues relating to the psychology of abusers, including in religious settings, and preventative action.

Approaches of particular faith organisations

The largest two faith organisations in Scotland, the Church of Scotland and Scottish Catholic Church have appointed safeguarding leads and have published safeguarding guidance and policies on their websites. These are available through the following links: [Safeguarding Service | The Church of Scotland](#) and [Scottish Catholic Safeguarding Service \(scsafeguarding.org.uk\)](#)

Mandatory reporting

In her evidence, Ms Cousins also calls for the introduction of mandatory reporting for all religious leaders. The Scottish Government previously considered mandatory reporting as a result of petition [PE01551](#) lodged in January 2015. The Public Petitions Committee received evidence from a wide range of stakeholders, including Barnardo's Scotland, NSPCC Scotland, the Care Inspectorate, Shelter Scotland, Children 1st and academics. Stakeholder organisations called to provide evidence to the Committee were not supportive of the need to introduce mandatory reporting in Scotland, noting that it should not be considered a panacea. Their views can be summarised as follows:

- there are already provisions in law that place duties on relevant bodies to report child abuse;
- the Scottish system is already heavily weighted towards thorough investigation of concerns;
- the Children's Hearings System provides an important existing referral route in Scotland for anyone who is concerned about a child or young person (including self-referrals from children and young people themselves);
- there is limited evidence of the effectiveness of mandatory reporting in place in some international jurisdictions;
- there is a clear difference between not immediately reporting suspicions in order to allow a child to retain some control, and covering up evidence of abuse;
- applying the Getting it right for every child (GIRFEC) approach of early intervention and support is the best protection for children, and mandatory reporting could be seen as contrary to the fundamental principles of GIRFEC and The Promise;
- while there are undoubtedly cases where earlier intervention was required, there is a need for professional judgement in

- assessing risk and for a child to retain some control in the manner and timing of the disclosure of abuse;
- key issues highlighted through reviews of cases where children have not received protection relate to information sharing, professional practice and decision making – concluding that the failures were not attributable to reporting but instead to the response; and
 - in reality, it is the response of public bodies to allegations of child abuse that is likely to be at the heart of the problem, rather than an insufficiency in the law.

In responding to the call for evidence, stakeholder organisations also raised the possibility of a number of risks and unintended consequences should mandatory reporting be introduced in Scotland. It was noted that there is evidence that mandatory reporting can lead to over-reporting of concerns, which makes the identification of children at risk harder and action to protect them less swift. Children and families may be less likely to disclose abuse or seek support if they are not given the opportunity to do so at their own pace and an over focus on investigation can divert attention from preventative work.

The Scottish Government's position, having considered all of the evidence from stakeholders and from jurisdictions abroad who have implemented varying forms of mandatory reporting, and the distinct approach to child protection in Scotland, was that there was insufficient compelling evidence of the need for mandatory reporting at that time.

In October 2018, the Minister for Children and Young People informed the Public Petitions Committee that the Scottish Government would not introduce legislation making mandatory reporting a legal requirement and the Public Petitions Committee agreed at their meeting on 29 March 2019 to close the petition.

Since the 2015 petition, there have been no calls from stakeholder organisations for the introduction of mandatory reporting in Scotland. There has been general agreement that the Getting it right for every child (GIRFEC) approach and the incorporation of United Nations Convention on the Rights of the Child into Scots Law, takes a more holistic approach to joining up and coordinating multi-agency responses to the needs of children and young people and their families.

The current focus of activity in Scotland is to continue to embed GIRFEC and support implementation of the 2021 national guidance. However, the Scottish Government will keep the case for mandatory reporting under review, taking into account IICSA and SCAI evidence, findings and recommendations. Officials will also consider further actions to support faith organisations strengthen preventative steps, and identify and respond appropriately to allegations or concerns where these arise.

Civil justice and support for survivors of childhood abuse

In terms of civil justice options for those who do not meet the terms of SCAI, the Limitation (Childhood Abuse) (Scotland) Act came into force 4 October 2017. This means that, in relevant circumstances, survivors no longer face the 'time-bar' that requires personal injury actions for civil damages to be made within three years of the related incident. The 2017 Act is a significant milestone which would not have happened but for the courage of many survivors. The legislation does not restrict the removal of the limitation period to actions of childhood abuse where the abuse took place 'in care'.

The Scottish Government is committed to supporting all adult survivors of childhood abuse. Through the Survivors of Childhood Abuse Support Fund, the Scottish Government provides funding to 29 organisations across Scotland who support survivors of abuse in all settings. Further information about the funded organisations can be found [here](#).

Finally, I want to once again note that our sympathies are with all victims of abuse whenever and wherever this occurred. I would continue to encourage any survivors of historical abuse to report it to Police Scotland, who are fully committed to thoroughly investigating child abuse no matter where or when this happened: [Adult survivors of child abuse - Police Scotland](#)

I hope that the Committee and petitioner find the information above helpful.