

Cross-Party Group on Adult Survivors of Childhood Sexual Abuse

Date and Time

5th December 2023 Virtual Business Meeting
6.00pm

Minute

Present

MSPs

Fulton MacGregor MSP, Convener
Brian Whittle MSP

Invited guests

None

Non-MSP Group Members

Anne Macdonald, Health & Social Care Adviser, Co Convener, Secretariat, Stuart Allardyce, Stop It Now Scotland, Secretariat, Sandra Brown, Moira Anderson Foundation, Treasurer, Sharon Belshaw, Break the Silence, Andrew Campbell, Student, Natalie Gibb, Health in Mind, Fay Maxted, Survivors Trust, Leigh McFarlane, Thirtyone:eight, Janine Rennie, Campaigner, Dr Eric Swanepoel, Writer & Researcher, Alison Wales, NSPCC

Apologies

Whitney Barrett, Wellbeing Scotland, Emma Bryson, Speak Out Survivors, Ellie Forgan, Campaigner, Dr Sarah Nelson, Edinburgh University, Joy Patrick, KASP, Rukhsana Saleem, Moira Anderson Foundation, Collette Stevenson MSP, Philip Walker, Survivors Trust

Agenda item 1

Approval of Minutes 3rd October 2023

Approved: Sandra Brown Seconded: Janine Rennie

Agenda item 2

Matters arising

The letter to the Cabinet Secretary for Justice was sent to raise concerns about survivors who cannot access the Redress Scheme due to time bar and where they were placed in care. This is an issue that is preventing many survivors from having access to Redress.

The reply we have received does not address the concerns we raised. For example the Scottish Child Abuse Inquiry (SCAI) has widened their eligibility to private schools and Fornethy Residential Home. Solutions for survivors who are excluded cannot wait until the final recommendations of SCAI.

There are many situations and settings where children were placed ‘in loco parentis’. We discussed at some length what other options or avenues that we could pursue our concerns. The Scottish Human Rights Commission, the European Court of Human Rights, the United Nations Convention on the Rights of the Child (Article 39) was suggested. We cited the examples of Ireland, England and Wales. It was agreed we write to the Minister and request a meeting. **Action Fulton**

We wrote to the Cabinet Secretary for Health and Chief Medical Officer to raise concerns of survivors experiencing health inequalities due to their reluctance to take up screening programmes and undertaking medical interventions due to their history of abuse. We provided a full and comprehensive document to reflect these facts with evidence from survivors and substantial research globally to confirm adverse health experiences, poor clinical outcomes and life limiting conditions are a result of child abuse and child sexual abuse.

We are disappointed at the response as it does not address any of the main concerns we raised on health, but rather addresses survivor’s mental and psychological health instead. We will request a meeting. **Action Fulton**

Mandatory Reporting

The UK government recently completed a consultation on the introduction of mandatory reporting in England. This would introduce a statutory duty for professionals involved with regulated activities to report child sexual abuse. This proposed change in legislation would implement one of the recommendations from the Independent Inquiry into Child Sexual Abuse in England and Wales. There is no reference to Scotland in the consultation.

The Cross Party Group for Adult Survivors of Child Sexual Abuse believe that this legislation, although limited in scope, would help promote better safeguarding of children and young people from sexual harm. Recent media coverage of non recent sexual offences at Edinburgh Academy and Fettes College lend extra weight to why we need additional measures in Scotland to ensure that child sexual abuse is never

covered up by organisations and professionals. It was agreed that we write to the Minister for Children & Young People and ask the following. **Action Fulton**

- Has the Scottish Government done any work on the implications of this legislation for Scotland, particularly in relation to cross party matters?
- Does the Scottish Government agree with the view of the Cross Party Group that it would be anomalous to for this additional safeguard to protect children in England, but not in Scotland?
- Are there plans to introduce similar legislation in Scotland? If so, what plans and timescale are in place in relation to this.
- If there are no plans to introduce similar legislation, would the Scottish Government consider a consultation on views of relevant agencies and organisations on this subject? If this was to be considered, how could the views of stakeholders such as survivors of child sexual abuse be included?

Agenda item 3

Application for membership of the group: Jacqueline Dow, Psychotherapist

Jacqueline provided background information on her background and experience in providing support for survivors. Her membership was approved. Anne will inform Jacqueline and send her our Terms of Reference. **Action Anne**

Agenda item 4

Sibling Sexual Abuse Update

The amended paper is in its final stages with some helpful additional suggestions incorporated, including improved wording on the remit of the CPG. We will distribute the finalised paper to the membership and it will be sent to MSPs in the New Year when Fulton will lodge a Motion for a debate in the parliament. It was wholly agreed that lived experience by survivors will be central to anything we engage in. Fulton thanked Ellie for her inspiration and the sub group who have worked on this paper. **Action Fulton**

Agenda item 5

Ipscan and Childlight Conference: discussion

The ISPCAN Conference held in Edinburgh and ChildLight. There were concerns raised about the CPG not being informed about the conference as it was held in Edinburgh. Unfortunately due to time constraints we were unable to discuss this issue. It was agreed that a small group, some who had attended, will meet and feed back to the main group at our next meeting. **Action Stuart and Anne**

Agenda item 6

Groomed Play Event in 2024: Update

Sandra and Anne highlighted a play that was performed at the Edinburgh Festival called “Groomed”, written and performed by Patrick Sandford, a survivor and former Director of Pitlochry Theatre. We thought the CPG could host a performance of this play as it could be an important event that would hopefully attract MSPs and survivors to raise awareness of CSA and the CPG.

Sandra (as Treasurer) suggested we should now re-instate our £15 membership fee which had been frozen during the Pandemic to help cover such events. **Action Sandra and Anne**

Agenda item 7

AOCB

Corroboration judgement

The CPG has campaigned on this issue for many years. We thanked Emma Bryson and Speak Out Survivors for their campaigning to help overturning this law.

This judgment sets out that from now, while corroboration is still required, there is no requirement to prove the separate elements of a crime by corroborated evidence. This is a seismic change, and one we hope will improve access to justice in relation to rape and sexual abuse.

Access to social work files for application to Redress Scheme

A survivor drew our attention that the Information Commissioner’s Office (ICO) is not taking action against organisations that do not comply with the requirement to provide social work records. Most say the records don’t exist, but they are required to keep records of care experienced young people for 100 years.

Organisations are not facing any penalties for failing to provide records and perhaps that is because more don’t complain either privately or publicly. We could write to COSLA and the ICO to ask why organisations are not given penalties for failing to respond appropriately to subject access requests. In England the Advisers from ICO were unaware of Scotland’s Redress Scheme, however they have offices in Edinburgh. **Due to time constraints we will discuss at our next meeting under matters arising.**

Andrew raised the issue of disability policy, as it applies to people who have worked having to claim the contribution-based Employment Support Allowance Support Group (ESA).

The current contribution-based rules for ESA specify that a return to benefits beyond twelve weeks of restarting employment requires a twelve-week waiting period and an average of 52 weeks of employment-based class 1 national insurance contributions over two years. This means someone must work for two years to gain 52 weeks of employment-based class 1 national insurance stamps, averaged over two years. The previous rules stipulated 104 weeks linking rules rather than 12 weeks, consistent with the rules regarding the scope an employer can dismiss someone without reason in the first two years of employment.

The current rules hinder anyone wanting to return to work simultaneously as they re-adapt to their current employment environment. Therefore, this can leave married (in a relationship) people prevented from claiming ESA. If they attempt to return to the workforce and the contract ends (after twelve weeks and before 105 weeks), and if the household income is above the means-tested benefit threshold, they are barred from reclaiming the ESA contribution base at that point until they meet the above need. Survivors and people with disabilities should not be excluded from family life and peaceful enjoyment of possessions. We agreed to write to Tim Shaw, Chair of Work & Pensions Committee. **Action Fulton**

Date of next meeting

Following February Recess