

SHRC Action Plan on Historic Abuse of children in care

CHILDREN 1ST response



For 130 years, as the RSSPCC and now as CHILDREN 1ST, we have campaigned for every child in Scotland to enjoy a better start in life and for no child to grow up in fear of abuse and violence. We will continue to be a strong public voice for vulnerable children and young people in Scotland, listening to them, to influence public policy and attitudes. Then, now and for another 130 years, as long as Scotland's children need us.

CHILDREN 1ST has 52 local services and four national services across Scotland, and we work closely with many local authorities as well as working in partnership with other organisations. All our services are child centred and the children, young people and families we support are key partners in all aspects of our work.

When the RSSPCC was set up, before local authority social work departments were formed, we employed inspectors to investigate child abuse and neglect reported by the public. During the 20th Century, we were also involved in running a range of children's homes and shelters in Edinburgh, Dundee, Ayrshire and Glasgow

When new legislation gave responsibility for investigating child abuse to local authority social work departments in 1968, the role of RSSPCC changed. As CHILDREN 1ST we still keep archive records, held securely at Glasgow Caledonian University and National Records of Scotland, of our work, including case records and documentation relating to our homes and shelters. We understand that when people contact us to find their records they are trying to make sense of their life history, a task which we very much wish to help them with, and which is by no means always a negative experience for them. We have never been approached by an individual who feels they were abused while in the care of RSSPCC, but we recognise that this could happen, and we welcome the opportunity that this Action Plan could offer to anyone abused in childhood.

CHILDREN 1ST responded to the consultation on the Victims and Witnesses (Scotland) Bill that legislated for a National Confidential Forum, and we are now pleased to be consulted on this action plan. We welcome the SHRC InterAction Action Plan, and see this as a step forward in the way Scotland responds to historic child abuse. CHILDREN 1ST would welcome the opportunity to contribute to its development and implementation further in such way as SHRC considers appropriate.

Given the timescales of this consultation, we have not been able to consult with survivors of abuse that we work with about the InterAction Action plan, but we hope that the SHRC will continue to involve survivors throughout its development. We currently work with adult survivors of child sexual abuse in Moray and Scottish

Borders and would be pleased to engage with them to contribute to the ongoing work of the SHRC in relation to this action plan.

We note that the SHRC InterAction Action Plan is only focused on historic abuse of those in 'institutional care' during childhood. As we indicated during the legislative process for the National Confidential Forum, we believe strongly that all survivors of childhood abuse, whatever the setting, should be given the opportunity to share what happened to them in an appropriate forum. In order to gain a realistic understanding of the scope of child abuse which has taken place historically, we need to know what has happened across the country. This includes adults who were in residential care as children, as well as those who were looked after by foster carers, kinship carers, or indeed, their own parents. We know that the vast majority of children in Scotland are cared for within their own families, and that child abuse can and does happen to anyone. In order to plan and implement changes to policy and practice in this area, we must build a complete picture of the extent and nature of child abuse across the country, both historically and currently.

Research and practice¹ also tell us that high rates of child sexual abuse are often found among groups of people who have been impacted by childhood traumatic experiences, for example homeless people, children in care, people suffering mental health issues, people in prison or those with alcohol or drug problems. The Ministry of Justice² research for England and Wales found that 53% of women in prison reported having experienced emotional, physical or sexual abuse as a child, with 27% of men in prison also experiencing abuse during childhood. This does raise important issues for services in these areas; including if they are sensitively identifying survivors and what levels of support and therapeutic help exist for these people, and what more can be done within these communities or institutions.

In addition, it is important to acknowledge that child abuse is not only a historical matter: sadly, children are still being abused in Scotland today. While we recognise the importance of a systematic approach to historic child abuse, the learning from this must be used to ensure better outcomes for children, now and in the future. There should be mechanisms for children who are being abused now to obtain support, apologies, and access to justice.

Outcome 1

We understand the need for survivors to be acknowledged and apologised to and consider that any other commitments under outcome 1 and 2 must centre on the needs of survivors. We would welcome the development of a national record, and believe it should be designed in partnership with survivors and organisations which support survivors of abuse. It is important that the purpose of a national record is clear and that it will be used to inform future policy and practice development. We don't see this simply as a documentation of historic events, because we know that child abuse is still happening. It is therefore important that unnecessarily inflexible distinctions between 'historic' and 'current' abuse are not created through the implementation of this action plan.

¹ <http://www.survivorscotland.org.uk/library/item/prevalence/>

² Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

Identifying patterns and learning from past mistakes is important, but we should not assume that there are a finite number of people who have been abused and once we have recorded their history into this national record, the record is complete. At any one time we have around 65 children waiting to access our abuse and trauma recovery services and it may well be that they also want to be part of the national record, now or in the future (once the abuse they experienced has 'become' historic).

Outcome 2

We support the commitment to a nationally consistent approach to the investigation and prosecution of offences relating to historic abuse of children in care. We would like to see this as part of a broader commitment to a consistent approach to investigation and prosecution in offences relating to the abuse of any child.

This is also an opportunity to improve the consistency of sentencing in cases of child abuse and particularly, child sexual abuse. The Scottish Government is committed to establishing a Scottish Sentencing Commission, yet, progress has been slow. The Action Plan should call for its progress as a concrete step that will help meet commitments in outcome two.

We support the action plan's commitment to empower survivors by supporting them to understand and access the range of measures in the action plan. This should include providing information for survivors through accessible means and provision of support during participation in the National Confidential Forum. However we stress that it is vital that all survivors of abuse are also provided with any appropriate therapeutic support and counselling if they require this.

The idea of a broader perspective on justice based on welfare principles, with more accountability and empowerment, is exciting and innovative. CHILDREN 1ST would welcome the opportunity to be involved in developing this. Again, we would stress that this should exist for all survivors.

CHILDREN 1ST supports the idea of a reparation fund or survivors' support fund, and would want this to be applied as widely as possible. One example of how this might be established and funded might be through some kind of compensation or restitution order applying to those convicted of online sexual offences. Online grooming, the taking, holding and sharing of indecent images of children and sexually abusing children online is still by many to be perceived as a victimless crime, because of the lack of physical contact. At the same time, we know of the funding and resource pressure on services which support children to recover from child sexual abuse – our own eight services are almost entirely funded through our own fundraised income and yet, the waiting list for these services is always one of the longest. Applying something like a restitution or generic compensation order to offenders of specific online sexual offences – many of whom often have resources available – to go towards funding abuse and trauma recovery services would enable more children and young people who have been sexually abused to receive the right support at the right time to recover. Such orders would also be suitable for funding a survivors' support fund more generally.

Any plans for a reparation fund would need to be handled sensitively, particularly around financial payment to individual victims. Many would not want to receive compensation from the perpetrator of their abuse, even many years afterwards, but the idea of people having a general fund to apply to for support might assuage such concerns.

For more information about the issues in this response, or about CHILDREN 1ST and any of our services, please contact the policy team at policy@children1st.org.uk or on 0131 446 2300