

Scottish Government Letter of 28 February 2014

The National Confidential Forum

The National Confidential Forum forms part of SurvivorScotland, the Strategy for Survivors of Childhood Abuse, www.survivorscotland.org.uk. The Strategy was launched by the Scottish Government in 2005. The National Confidential Forum (NCF) will give people who were placed as children in residential care of any kind the opportunity to share their experiences through a confidential, supportive and non-judgmental process. The Forum will help improve the health and wellbeing of people placed in institutional care as children, by offering acknowledgement of their experiences, including experiences of abuse and neglect. The main objectives of the NCF are:

- to receive and listen to testimony from adults who were in care as children with the aim of contributing positively to their current health and wellbeing
- to prevent harm to children and young people currently in care by learning lessons from the past
- to record the experiences of those who were in care as children – to enhance public knowledge and understanding of an important part of Scotland’s history
- to signpost other appropriate services to those who were in care as children – before, during, and after hearings.

The NCF is not intended to be a place for inquiry or apology – instead it offers those who choose to give testimony acknowledgement of their experiences. The NCF is based on the successful pilot forum ‘Time To Be Heard’. The Pilot demonstrated that these hearings can be of therapeutic benefit to former residents in institutional childcare, including survivors of institutional child abuse-see <http://www.scotland.gov.uk/Publications/2011/03/07122331/0>. The Forum will be open to anyone aged 16 or over who has been in institutional care in Scotland. The members of the Forum will be appointed through the Public Appointments process-see <http://www.appointed-for-scotland.org/>

The NCF will be hosted by the Mental Welfare Commission (MWC). The Commission has expertise and capacity to support the development of the NCF. This will ensure the NCF is operationally independent. Hearings of the NCF will involve at least two members, will be held in private and participants will be entitled to be accompanied by a companion of their choice.

Scottish Government officials are already working with the MWC and other stakeholders to help inform the implementation of the NCF – this includes finding appropriate premises, producing guidance, and the appointment of the Head and members of the NCF.

The NCF has been introduced as part of the Victims and Witnesses (Scotland) Bill, which was passed by the Scottish Parliament and given Royal Assent in January 2014. The NCF is expected to begin its work in the autumn of 2014.

See <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/59133.aspx>

Wider issues and remedies for survivors of child abuse in care are also being discussed as part of the “InterAction” process with the Scottish Human Rights Commission and other stakeholders-see <http://www.shrcinteraction.org/> .

Victims and Witnesses (Scotland) Bill

BACKGROUND

- The Victims and Witnesses Bill is a Programme for Government commitment and is part of the Making Justice Work programme.
- The Bill is focused on making changes which require primary legislation – other initiatives, such as ongoing efforts to improve the rate of witness attendance in court or to reduce scheduling delays, will be pursued outwith the Bill.
- The provisions in the Bill are principally a result of engagement with stakeholders; the Making Justice Work programme; and the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) (the Directive) which was finalised in late 2012.
- The provisions in the Bill for the establishment of a National Confidential Forum (NCF) build on a successful pilot (called Time to be Heard) that demonstrated the demand for and benefits of such a forum. This part of the Bill was scrutinised separately at Stage 1 by the Health and Sport Committee.

KEY PROPOSALS

- **Setting standards for criminal justice organisations**

Justice organisations will be required to have regard to certain general principles and to develop and publish standards of service for victims and witnesses, in consultation with each other and with relevant stakeholders. These organisations will also be required to publish an annual report in relation to their standards of service, which reflects on how they have met the standards during the period of the report, and how they intend to meet the standards in the future.

- **New rights to access case specific information**

Victims (and where the victim’s death has been caused by a criminal offence, prescribed relatives) and witnesses will have the right to access, on request, certain information about their case from the police, SCS and COPFS (e.g. time of trial, decision not to prosecute).

- **Improved support for vulnerable witnesses**

Including redefining “child witness” to include those up to 18; new presumption that certain individuals (victims of sexual offences/domestic abuse/stalking/trafficking) are vulnerable and entitled to special measures; new duty to assess vulnerability of all witnesses.

- **Victim surcharge and restitution orders**

To ensure that offenders contribute to the cost of meeting the immediate needs of victims and, where appropriate, prescribed relatives in the aftermath of a crime and to the cost of providing non-NHS care and rehabilitation services to police officers.

- **Representations about release of prisoners**

Victims will have new rights to make representations about the temporary release of prisoners, and to make oral representations to the Parole Board in cases involving life sentence prisoners.

- **National Confidential Forum**

Anyone aged 16 or over who was in institutional care as a child will be eligible to take part in the National Confidential Forum and to describe their experiences in the way they choose.