

**PE1717/A**

Deputy First Minister and Cabinet Secretary for Education and Skills submission of 29 May 2019

Thank you for the opportunity to respond to the above petition following consideration at the Public Petitions Committee meeting on Thursday 25 April 2019. I would like to respond on behalf of the Scottish Government, addressing a number of policy-related issues that have been raised.

The Committee has asked the Scottish Government to respond to a number of points. I have provided an update on each of these points below:

1. On the issue of corroboration – the Committee would welcome clarification of the anticipated timescales for any work or research (for example, jury research) the Scottish Government is taking forward in light of the recommendations of the Bonomy Review

Lord Bonomy's independent Post-Corroboration safeguards review recommended a wide range of substantive and constructive criminal justice reforms. Some of the reforms have already been taken forward, including requiring that the prosecutorial test be published and abolition of legal aid contributions at police stations. Lord Bonomy's review also recommended that research be undertaken to better understand the dynamics of jury decision-making in Scotland's jury system.

Ipsos Mori, working in collaboration with Professors James Chalmers and Fiona Leverick (University of Glasgow) and Professor Vanessa Munro (University of Warwick), were appointed by the Scottish Government to carry out this research project. The research is not specifically looking at corroboration but will consider jury size, decision making processes, majorities needed and the three verdict system (including not proven), and will gather evidence to inform future reform of the criminal justice system in Scotland.

Any future consideration of corroboration reform or changes to the jury system should be made on a fully informed basis, so needs to await the findings of the jury research which we expect to be complete by autumn 2019.

2. An overview of the protections that are in place now for pupils at non-in-care state schools; how are young people protected now?

The health and safety of all pupils whilst at school in Scotland is of paramount importance to the Scottish Government. All children have the right to be cared for and protected from harm, and to grow up in a safe environment in which their rights and needs are respected. We expect everyone working with children, not just core professionals, to identify and act on any concerns to ensure the safety and wellbeing of the child concerned.

Children and young people should feel happy, safe, respected and included in the learning environment and all staff should be proactive in promoting an ethos of positive relationships and behaviour in the classroom, playground, and wider

learning community. They should also know where to go if they have worries or concerns, which is why all staff in schools share a responsibility for identifying the care and wellbeing needs of children and young people. Schools should establish open, positive, supporting relationships across the whole school community, where children and young people will feel they are listened to, and where they feel secure in their ability to discuss sensitive aspects of their lives.

In addition, Curriculum for Excellence (CfE) is the national approach to learning and teaching for young people aged 3 to 18 in Scotland. It provides significant flexibility, within broad national guidelines, for teachers to develop lessons which best meet the needs of individual learners. Teachers, head teachers and other professional educational practitioners are best placed to decide what is taught in Scotland's schools. CfE contains a social wellbeing experience and outcome that explores children's rights so children and young people may exercise their rights appropriately, responsibly and respectfully. It says "As I explore the rights to which I and others are entitled, I am able to exercise these rights appropriately and accept the responsibilities that go with them. I show respect for the rights of others."

We have a distinctive approach to safeguarding in Scotland linked to Getting It Right for Every Child (GIRFEC) which promotes a range of actions to improve the wellbeing of every child and young person. Safeguarding children and young people in schools also involves consultation and teamwork with parents and carers.

Safeguarding is a key thread that runs throughout the curriculum. The aim is to support the development of learner's knowledge, skills and resilience to keep themselves safe and protect themselves and to develop an understanding of the world so that they can respond to a range of issues and potential risky situations arising throughout their lives. As such, it permeates many features of the education experience including leadership, values, vision, the curriculum, learning and teaching, positive relationships and building learner resilience.

All Scottish teachers have a commitment to protect children as part of the Standard for Registration of the General Teaching Council Standards (GTCS). This is referred to in the GTCS Standard for Full Registration. The Professional Values and Personal Commitment that are core to being a teacher include a section on Trust and Respect that further explains "Providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing.

Teachers in Scotland are employees of local authorities and therefore any issues about their professional conduct are for the Council to deal with in line with their locally agreed policies and procedures in this regard. Teachers working in local authorities must be PVG Scheme members and must be registered with the GTCS. The GTCS has statutory duties to maintain the standards of teaching and investigate the fitness to teach of individuals who are seeking to become a teacher.

The Scottish Government is continuing to work with the GTCS to ensure that Scotland's high level of teacher professional standards are maintained, while enabling suitably qualified individuals to make a positive contribution in our schools.

Teachers in Scotland are employees of the local authority and therefore any issues about their professional conduct are for the Council to deal with in line with their locally agreed policies and procedures in this regard. The Director of Education at the Council has overall responsibility for this.

The Scottish Government established the Child Protection Improvement Programme (CPIP) to ensure effective protection is in place for all children and young people at risk from abuse and neglect. The implementation of the recommendations within CPIP and the Child Protection Systems Review is overseen by the National Child Protection Leadership Group to ensure we strengthen and improve a functioning child protection system and do better for vulnerable children and young people.

3. What support is provided to individuals who do not meet the terms of the current Scottish Child Abuse Inquiry?

The provision of support services for all survivors of childhood abuse (not only in care survivors) is primarily the responsibility of local Health and Social Care Partnerships and other statutory agencies, working with third sector partners. The Scottish Government works alongside statutory and third sector organisations to build greater capacity and capability to address the needs of all survivors. Several dedicated Scottish Government funding streams exist to assist sustainability, encourage innovation and strengthen local projects or frontline services. These include the Equally Safe Violence Against Women Fund, which awarded £5.8 million to a range of local projects and services, and the Survivor Support Innovation and Development Fund, which awarded almost £2 million in 2019/20 to reduce the impact of inequalities and disadvantage experienced as a result of childhood abuse.

4. What pathways are available to individuals who don't meet the terms of the Scottish Child Abuse Inquiry

In terms of civil justice, the Limitation (Childhood Abuse) (Scotland) Act came into force 4 October 2017. This means 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'.

In terms of healthcare pathways, the Chief Medical Officer (CMO) chairs a Taskforce for the improvement of healthcare and forensic medical services for those who have experienced rape, sexual assault or child sexual abuse. The Taskforce consists of senior officials across health, justice, child protection and the third sector. Underpinning the Taskforce are a number of subgroups including a Children and Young People Expert Group which is chaired by Dr Edward Doyle.

Working in partnership with the Children and Young People Expert Group, the Clinical Pathways Subgroup recently launched a consultation on the first national clinical pathway for children and young people who have disclosed sexual abuse. A clinical pathway sets out the journey a person should take through healthcare services and the high standard of service people should expect to receive. The

pathway aims to ensure that the needs of the child or young person as well as those who care for them, are always put first. It also aims to ensure they are given the healthcare, information and support they need at every step and are given a choice on what happens next. The consultation will run for 12 weeks and will close on Monday 29 July 2019.

There is a responsibility for all services to recognise and respond effectively to the variety of needs of people who have experienced childhood abuse. In order to raise understanding and improve the workforce's response, a three-year Trauma Training Programme was launched last year, led by NHS Education for Scotland and co-produced by key services, third sector partners and experts by lived experience. Almost 3,000 people have received training within the first year and three regional pilots were announced in May 2019 to develop and deliver local training in Glasgow, Midlothian and Argyll and Bute. I chaired the first National Steering Group of Trauma Training which met on 15 May 2019, bringing together statutory and third sector organisations and experts by lived experience to discuss national priorities. A draft Trauma Training Plan is under revision, to take account of identified priorities, and this will be published before summer recess.

#### 5. Clarification of the Scottish Government's position on the suggestion of a Victims Commissioner for Scotland.

The Victims Taskforce met for the first time in December 2018. It is co-chaired by the Cabinet Secretary for Justice and the Lord Advocate to improve support, advice and information for victims of crime. The Taskforce is considering a range of different options to make these improvements. This will include exploring the case for a Victims Commissioner, which was last considered by Parliament during the passage of the Victims and Witnesses (Scotland) Act 2014. Taskforce papers including the draft workplan can be found at: <https://www.gov.scot/groups/victims-taskforce/>

In addition to the points raised above, I am conscious that there have been some questions about whether the remit of the Scottish Child Abuse Inquiry (SCAI) could be extended to also include all state schools. I have previously considered whether the SCAI's remit should be widened to include abuse in other non-residential settings, and concluded in November 2016 that doing so would result in the Inquiry taking many more years to carry out its work. In conclusion I do not consider that a separate inquiry should be considered for those that were abused in state schools.

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