

**THE SCOTTISH PARLIAMENT
CROSS PARTY GROUP ON ADULT SURVIVORS
OF CHILDHOOD SEXUAL ABUSE**

Minutes of Meeting held on 30th January 2013

PRESENT

Kenneth Gibson, MSP; Dennis Robertson MSP; Sandra White MSP; Martin Henry, Stop It Now; Andrew Campbell, Bravemouth; Kate Wane, Scottish Parliament; Valerie Barr, Cornerstone; Nicole Kirk, Cornerstone; Sarah Nelson, University of Edinburgh; Sharon Guest, Barnardos; David Moore, Circle Scotland; Eileen Hone, Health in Mind; Paul Mullan, Quarriers; Rosina McCrae, Say Women; May Chamberlain, Relationships Scotland; Sandra Ferguson, NHS Lothian; Rebekkah Franks, Couple Counselling; Colin Howard, Harris Howard; Mark, Barnardos; Nicolas White, Quarriers, Julie Young, Rachel Happer; Eileen McBride.

APOLOGIES

Jackie Baillie, MSP; Alison McInnes, MSP; Elaine Smith MSP; Sandra Brown, MAF; Anne Macdonald Sue Maxwell, Relationships Scotland; Marnie Collin, KASP; Kate Short, Break the Silence; The Rape and Abuse Line; Janine Rennie, Open Secret; Traci Robertson, Open Secret; Eric Swanepoel.

WELCOME

Kenneth welcomed everyone to the meeting and expressed the group's sympathies for Margaret's recent bereavement. The group passed on its condolences to Margaret.

MINUTES OF THE LAST MEETING

The minutes of the last meeting were agreed. Proposed: Rosina; Seconded: Andrew.

In terms of matters arising from the previous minutes an update on the Scottish Government Physical Health. Open Secret intended to resubmit its application – hoping to produce a DVD and training pack in addition to the booklet.

CABINET SECRETARY FOR JUSTICE – CORROBORATION AND VULNERABLE WITNESSES

*In advance of the Cabinet Secretary's arrival discussion of the questions to be asked took place. It was noted that when members had been initially asked to contribute questions that there had been no explicit reference to corroboration or vulnerable witnesses. A subsequent email was sent clarifying that the Cabinet Secretary was attending the meeting to discuss these particular issues, this explained why some questions previously submitted has not been selected. Apologies were given for the short notice of this email.

Kenneth welcomed Kenny MacAskill and his officials to the meeting.

The CS answered the pre-prepared questions and covered the following:

- Forthcoming Victims and Witnesses Bill – SG aim to building on good practice from European directives. The CS commented on how unfortunate it is that witnesses now almost feel like victims themselves. CS emphasised the need for clarification and standards of service in order to make sure most vulnerable are protected.
- The CS made frequent reference to Judicial Studies Committee based at Parliament House, which as of Jan 2013 is now the Judicial Institute and which provides training for those on the bench. The CS stated that Institute and its director Sheriff Welsh are very open to expanding training, helping people to specialise and consider the use of a variety of evidence. The CS suggested that the CPG engage with Sheriff Welsh and stated that he was happy to help facilitate that meeting if needs be.

- **Kate to find out more about the Judicial Studies and Sheriff Welsh, Margaret to write to Sheriff Welsh asking him to meet with the group.**
- Removal of corroboration. Respective members of the group were in favour of the removal. Others questioned if removing corroboration for all crimes was a step too far. The CS stated that Scotland was the only place in the western world with such corroboration and questioned that if it really were the 'Gold Standard' why have other jurisdictions not adopted it? The SG is of the opinion that it is the quality and not the quantity of evidence that matters and had had clear assurances from the Crown that cases would not rely on a single source of evidence. The CS also highlighted the difficulties in removing corroboration for only certain crimes, for example if the accused was charged with assault and rape, then there would be two sets of criteria for their trial. Simply, in some cases it is impossible to separate them. Therefore the SG is seeking to remove corroboration but will ensure appropriate safeguards are in place.
- **Kate to find out more about the Corroboration/Safeguards consultation and provide information to the CPG.**
- The importance of proper training and mandatory licencing. Considered that these would be difficult to impose. Need to 'level-up' standards under the single police force. Improve data sharing between staff.
- Sentencing - CS stated that the 2009 Act has made the situation much clearer. Outlined the SG commitment to the introduction of a Sentencing Council, however, current funds are limited and therefore it cannot establish this immediately. CS hoped that it would be up and running by the end of this session.
- CS outlined the SG support for survivors, commenting on the National Strategy, funding for INCAS, establishment of the National Confidential Forum. Stated that he would like to have done more and is willing to work with the CPG.

Kenneth then opened the floor for additional and follow up questions. Topics discussed included:

- Cloud memories
- Reporting
- The right to silence
- The right to legal advice
- The need to change the culture of violence. The CS made particular reference to young men, but the need to stop all violence was highlighted by the group.
- Being advised to say 'no comment'
- The connections between CSA and other offences
- The possibility of using external solutions instead of imprisonment
- Perception of sentencing and the role of the media.
- The option for a witness have a written statement produced for them- not everyone feels able to appear in court. The CS highlighted the use of DVD in one case and considered that witness should be able to give evidence as suits them.

Kenneth thanked the CS and his officials for attending the meeting.

AOCB

Kate discussed the new regulations for CPGs following the Standards Committee's review. Main point was that minutes of meetings were now required to be published online. Given the sensitive nature of the topics discussed Kate had spoken with the Standards Clerks about the possibility of submitting redacted minutes if needs be which was accepted by the clerks. However, she asked members to be conscientious and if they wished something to be not minuted or redacted to approach Janine.

DATE OF NEXT MEETING

Wednesday 17th April at 5.30 p.m. Barnardos are to give a presentation to the group.

