

**Barnardo's Scotland Briefing:  
Stage 1 Debate: Victims and Witnesses (Scotland) Bill**

Barnardo's Scotland supports the Victims and Witnesses Bill and urges MSPs to support it at Stage One.

Barnardo's would like to draw particular attention to the proposals for the National Confidential Forum (NCF) set out in the Bill and would like MSPs to consider the following key points, which we believe would improve the proposals and ensure that there is justice and a fair deal for historic victims of child abuse.

1. Barnardo's Scotland supports the establishment of the NCF.
2. Barnardo's Scotland wants to see justice and a fair deal for the victims of historic child abuse.
3. We agree with the outcomes of the first InterAction meeting held in February 2013, which has started to develop a plan to deliver justice for victims/survivors of historical abuse. We are fully supportive of that process, which we participated in.
4. We are concerned that the mandate and remit of the NCF does not go far enough.
5. The Forum should have the power for remedies, redress, effective investigations and inquiries, as well as the power to recommend compensation.
6. The NCF should include those who have been cared for in foster care.
7. There should be a fair and robust model of compensation established for victims, such as the model used by Dumfries and Galloway Council.

**National Confidential Forum (NCF)**

Barnardo's Scotland wants to see justice and a fair deal for the victims of historic abuse.

Barnardo's Scotland supports the establishment of the NCF and we agree with the functions that have been listed on the face of the

Bill. We believe that for some survivors the Forum as established will be helpful and therapeutic.

### **More Powers**

However, we are concerned that the mandate and remit of the Forum does not go far enough. There have been calls from the Scottish Human Rights Commission (SHRC) and survivor groups for the Forum to look at and have power for remedies, redress, effective investigations and inquiries, as well as the power to recommend compensation. Barnardo's Scotland supports these views and agrees with these organisations that the element of accountability is missing from the proposals.

We agree with the outcomes of the first InterAction meeting held in February 2013, which has started to develop a plan to deliver justice for victims/survivors of historical abuse. We are fully supportive of that process, which we participated in. The second InterAction is due to take place on Thursday 20<sup>th</sup> June 2013.

Barnardo's Scotland supports the SHRC framework and all its recommendations and believes that the Scottish Government needs to consider an approach that satisfies all those recommendations.

The Scottish Government needs to consider how it will balance the therapeutic model of the NCF with the need for justice by many survivors.

### **Foster carers**

There should be no restriction on the types of institution in which people were placed, with regards to those who can speak to the forum and agree with the extension of the cope of the NCF from the Time To Be Heard (TTBH) pilot. However, we also believe that the NCF should include those who have been cared for in foster care. There has been historical abuse within foster care and as such those that have experienced such abuse should be able to participate in the NCF.

We support the position of the SHRC that as well as survivors that some consideration should be given to opening the NCF to others who were indirectly affected, based on proximity and proportionality and to others whose rights may be affected such as former staff.

## **Mental Welfare Commission**

Barnardo's Scotland agrees with the proposals for the NCF to be housed as a sub-committee of the MWC and for it to be as operationally independent as possible.

## **Support for Survivors**

Barnardo's Scotland believes that there needs to be comprehensive support to enable survivors to participate in the forum – whether that is psychological support, alternative means of testifying e.g. video links, welfare, advocacy support or other necessary support. There is a need to protect the wellbeing of those participating in the forum many of whom may still be very vulnerable people. Any support that is offered should also be made available for the long term and not just the short term.

At present there is no accounting for this in the proposed legislation and nothing set out in the accompanying policy memorandum to suggest that such support will be available.

## **Compensation**

As part of any process for compensation we would want to work with survivors groups to come up with a formula that is effective and that can allow a line to be drawn under it, so that we can all move on. We don't want this to be drawn out by lengthy and costly legal proceedings, which would ultimately diminish any compensation to the victims.

Barnardo's Scotland has been impressed by the example set by Dumfries and Galloway, where they have made an effective apology to the people who were affected and set a fair and acceptable compensation figure (£20,000) for all. We believe that this has struck a fair balance and is a good model that should be looked at.

### **Contact:**

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