



**National
Confidential
Forum**

A chance to be heard

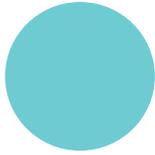
**ANNUAL REPORT
2014 - 2015**

*BE HEARD.
MAKE A DIFFERENCE.*

“

We offer anyone who was in institutional care as a child in Scotland a chance to share their experiences in a safe, confidential and non-judgemental setting.

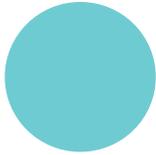
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1.

Who we are and what we do

1.1 Who we are

The National Confidential Forum (the Forum) is part of the Scottish Government's Survivor Scotland Strategy, designed to ensure support, reduce stigma and improve services for adult survivors of childhood abuse. The Forum was established through legislative provisions, in part 2 of and schedule 1A to the Mental Health (Care and Treatment) (Scotland) Act 2003 ("the 2003 Act") as amended by the Victims and Witnesses (Scotland) Act 2014 ("the 2014 Act").

Established in July 2014, the Forum is based on the successful "Time to be Heard" 2010 pilot. Participants there made it clear that they sought acknowledgement of their experiences in care.

1.2 How we are governed

The Forum is established as a committee of the Mental Welfare Commission for Scotland (The Commission) through amendments to the Mental Health (Care and Treatment) (Scotland) Act 2003 by the Victim and Witnesses (Scotland) Act 2014. The Forum is operationally independent from the Commission. The Head of the Forum is accountable to the Commission's Board through the Chair of the Commission. A Board member with experience of institutional childcare was appointed in September 2014 to give support and advice to the Board on Forum matters.

There is a memorandum of understanding¹ between the Scottish Government and the Commission on the operation of the Forum, including corporate governance arrangements.

The Scottish Government Survivor Scotland Team is the Forum's sponsor team.

¹ The memorandum of understanding can be accessed at: http://www.mwscot.org.uk/media/219064/mou_ncf_.pdf

Who we are and what we do

1.3 Staff

The Head and Members of the Forum are Scottish Government public appointees and were recruited during the summer of 2014. The Project Manager and two support staff were recruited in September 2014 to make the full complement. The Head, Members and staff were involved in a two-week induction programme.

1.4 What we do

We provide a means for people who were placed in institutional care in Scotland as children to describe in confidence (give testimony) experiences of that care. We do this by:

- Offering an opportunity to share their experiences, whatever they were, in a safe, confidential and non-judgemental setting
- Acknowledging people's experiences and creating a historical record of people's time in institutional care in Scotland
- Listening to people's experiences and treating the person and their experiences with respect
- Building a comprehensive database of the experiences we hear about in a systematic and secure manner, so that trends and patterns of care can be identified
- Reporting what we hear in a transparent yet confidential manner, so that lessons can be learned from past experiences and improvements made for those in care, now and in the future
- Providing people who contact us with information, advice or assistance on accessing additional support by directing them to networks and counselling services near where they live
- Raising awareness and understanding of what we do

The Forum is not intended to be an investigative inquiry or a means of apology – these aspects are dealt with by other parts of the Scottish Government's strategy to support survivors of childhood abuse.

Who we are and what we do

1.5 Our values and principles

- We treat everyone who comes to see us with respect and dignity, whatever their circumstances, age, disability, mental health, gender, gender identity, nationality, race, religion or belief, or sexual orientation
- We are honest about what we can and cannot do in the Forum
- We strive to ensure that the rights of those who participate, and the rights of others, are taken into account in the work of the Forum
- We do not judge participants
- We listen to participants, support them in giving their testimony to us and accept in good faith what they tell us
- Participants' identity is kept confidential before, during and after they take part in the Forum

1.6 Who can come to the Forum

Anyone who lived in a care service or a health service as a child (under 18 years old) in Scotland can tell us about their experiences. They must have been living away from home in institutional care: for example in a children's home, a residential school, a hospital ward for children or a boarding school. More information about which institutions are covered by the Forum can be found on our website: www.nationalconfidentialforum.org.uk

Participants must:

- Be over 16 now
- Have left institutional care. However it does not matter how long they were in institutional care or when they left institutional care

Who we are and what we do

1.7 What it might feel like to attend a hearing

Archie is coming for his hearing at the Forum today. That means everyone in the team is focused on getting it right for him. We can only guess how he is feeling as he makes his way in; we know it's a really important and difficult thing he's doing. We've made it a key part of our work in establishing the Forum to at least be able to anticipate some of the questions and emotions Archie may have had, and to try to make this a little easier and hopefully a worthwhile step for him.

Archie went into care aged 6. Unhappy things went on in his life before then, and some worse things after. He thinks people should know, and someone should make sure other children don't suffer like he did – still does – but he has never known what to do about it.

It wasn't an easy step to decide to attend this hearing. So, when he first phoned to say he was thinking about it, we knew it was important that our support staff were ready with all the information he might need to make the decision about whether the Forum was right for him, and whether this was the right time, and also whether he had everything he needed to help him cope before, during and after the hearing. First off, one of our support staff, Jenny, confirmed that he was indeed eligible – if he hadn't been, she would still have offered advice and tried to guide him towards other avenues or sources of support.

Who we are and what we do

Archie had a lot of important things to consider before he went ahead – he has had times when his health has been quite precarious, both mentally and physically, so Jenny checked if he would manage to attend a face-to-face hearing here or if he needed other arrangements made. She also put him in touch with our dedicated independent advice and guidance service. He spoke with a trained counsellor there, and told us he felt able to come in for a hearing, and decided who would come with him for support on the day. Money is tight, though – he has found it really difficult to hold down a steady job – so he was relieved when Jenny explained how we help with meeting the expenses of coming to a hearing, and could make his travel arrangements for him.

Today, Jenny is waiting for him in the building lobby when he arrives. The first voice he hears when he arrives is one he has heard before, and it's someone who has spent time with him on the phone and has been genuine and helpful. Because of his childhood experiences he finds it hard to trust people in authority, and formal settings make him anxious. We know that when Archie walks into the hearing room to start talking with the two members who will hear his testimony, he may also have brought with him that child who was frightened and hurt way back aged 6. In every aspect of the way we conduct the hearing, we now endeavour to ensure we provide a safe place, a safe hearing, and a level of comfort and attending to his needs, that will allow Archie – the man he is today, and the child he was then – to tell us what he needs us to hear and acknowledge.

Who we are and what we do

1.8 The last nine months

The past nine months have been extremely challenging yet productive.

We benefited from much valuable groundwork from the pilot 'Time to Heard' (TTBH). The remit of the Forum is very broad and covers the full range of residential social care, health, school and criminal justice settings across Scotland. This extends back several decades, and so we cannot reliably know at this stage all the institutions this covers. This makes it difficult to identify all those who would be eligible and ensure that they are made aware of this opportunity to be heard.

We believe our major achievement to date is that we ensure those who have been in institutional care are provided a safe and dignified experience when they come to the Forum.

Establishing a new project requires careful planning. Our first Annual Report reflects how far we have come since Summer 2014 and highlights certain key achievements to date. The Forum went live after a successful launch event in February 2015. We started conducting hearings – enough to suggest that the time and efforts invested over the past months have been worthwhile. Based on the current steady increase in enquiries, applications and scheduled hearings, early indications are that the number of hearings will continue to rise.

Our achievements would not have been possible without the advice, assistance and support of the Mental Welfare Commission for Scotland and the Scottish Government's Survivor Scotland Team (our sponsor); the Forum wishes to extend our gratitude to them. We would also like to thank all our key stakeholders. We wish to make particular mention of those who were themselves in institutional care, and whose experience and advice have been invaluable in establishing the Forum.

2.

Getting started

2.1 Developing the Forum's knowledge base

Our comprehensive induction programme began with a discussion with Tom Shaw about the Time to Be Heard pilot and the lessons to be learnt and included meeting with a range of stakeholders. Survivors were generous with their time in coming to meet us and in offering their help and assistance in getting the Forum established. The Scottish Government officials clarified the Forum's legislative framework as well as passing on information about those who could provide support to those coming to the Forum. Sessions covered child and adult protection, mental health and human rights alongside the internal processes needed to run an organisation. Over the following months sessions were provided for all Forum members and staff by specialists on Equality and Diversity, Trauma and Childhood Sexual Abuse, De-escalation and Domestic Abuse. Throughout the establishment phase, discussions were taking place with a wide range of stakeholders to both promote the Forum and to learn more about various aspects of other organisations' work and what they had to offer Forum participants.

2.2 Developing the Forum's processes

We focused particularly on the journey an individual participant makes with the Forum. We built robust processes, centred on individual needs. Having tested these in the hearings held to date, it is encouraging to note that feedback from participants continues to be positive.

Getting started

2.2.1 Enquiries

We recognise the big step that people make in contacting the Forum. We want to ensure that from first contact we are clear about what the Forum is and what it can and cannot do. We believe it is vitally important that people feel listened to, respected and given the time they need to say what they want to say. We find out whether the person is eligible to attend the Forum as soon as practicable, so that each person is clear about what to expect. In cases where people are not eligible, we discuss why they had contacted the Forum and, where appropriate, identify services that may be able to assist them. With some enquiries we agree with individuals that we will find out more information about what they are looking for and get back to them. We recognise that there is a lot of information to absorb about the Forum and we encourage people to take their time when considering whether to take part. We emphasise that individuals can contact us at any time to discuss any areas of which they are unsure.

The Forum also makes individuals aware of our independent advice and guidance phone service. We clarify that this is up to an individual as to whether they contact the service, but it is there for them, should they find it useful to have a discussion about what coming to the Forum may mean for them.

Some individuals may wish to think about whether the Forum is right for them now or if they would like to engage at a later date. We tell people that the Forum will be here until July 2017.

Information from enquiries is captured on our secure database system. This is reviewed regularly by the Forum to ensure that we have responded appropriately to individuals. It also assists us to identify if there are any particular issues that the Forum should be aware of, or to be brought to the attention of our sponsor department or others.

Getting started

2.2.2 Applications

Applying to the Forum should be as straight forward and accessible as possible. We make it clear that we can accept applications by mail, email or over the phone. The details we take allow us to find out about an individual's circumstances and how they would like to best tell the Forum about their experiences. For a number of people this will be face to face at a hearing, others may want to submit a written or recorded account. Where people indicate that they would like a face to face hearing but cannot attend the Forum, we discuss with them the reasons why. We explain that the Forum would be happy to assist with arranging or reimbursing for travel. We find out what arrangements would suit them best and explain how we will go about setting up a remote hearing. We feel it is also important to ask whether there is anything that would prevent individuals engaging with the Forum. If there is, we find out what we can do to address this.

As part of applying, we ask whether someone will accompany them to the hearing. We ask whether individuals currently have access to support. Should they disclose that they do not have access, but would like to engage with a particular form of support, our support staff will assist in identifying a suitable service and explain how best to access it.

Once an application is processed, we issue confirmation of the hearing date and time which includes information about coming to the Forum. This covers the practicalities of how things will work on the day of the hearing as well as information on our independent advice and guidance phone service. We ask participants to confirm that the proposed date and time are acceptable and invite them to contact us should they want to discuss any of the arrangements.

If required, we make the necessary travel and accommodation arrangements. We ensure that we keep in regular contact so that the arrangements are clear and their participation can go as smoothly as possible.

Getting started

We understand that people may change their mind about attending the Forum: we make it clear to anyone who decides to cancel that they are welcome to get back in touch with the Forum at some later date, should they wish.

Getting started

2.2.3 Hearing

We know that it can be difficult to make the decision to come to the Forum. Some people have never shared their experiences before.

On arrival at the Forum premises, we take care to make people feel welcome and as comfortable as we can. The hearing itself is organised to be respectful to individuals, whilst going at the pace of the participant. Opportunity to be supported in the hearing is there for participants, and we try to ensure that the conduct of the hearings is as sensitive as possible to their needs.



A typical hearing setting

Getting started

Each hearing is undertaken by two members of the Forum, and the participant may be accompanied by two supporters if they wish. Lasting up to two hours with breaks taken whenever wanted by the participant, questions are not asked: participants talk about their experiences in whatever way they feel most comfortable without interruption. Forum members provide a safe environment for experiences, good or bad, to be shared in a confidential, non-judgemental setting. The Forum accepts what it is told, and individual allegations are not investigated by the Forum. After the hearing, the notes and tape recording are downloaded onto the database and written notes shredded. The team involved in the hearing has a debrief, noting any lessons to be learned from the session.

2.2.4 Handling information

The Forum has in place a Confidentiality and Privacy policy: this ensures that all information provided – whether in person, written form or taped – is securely held. Testimony is electronically recorded and held on our database. The information will form the basis for our anonymised reports (the identities of institutions and the people involved in hearings will not be disclosed in accordance with the statutes which established the Forum).

If participants bring documents relating to their time in care, we are careful to ensure these are treated with respect and returned to them at that time. The electronic recordings are destroyed after 14 days, and the scanned written notes are destroyed at the same point. Information about individuals will only be disclosed in limited circumstances.

Getting started

2.2.5 Forum's literature and website

We developed a range of literature to try and make it as simple as possible to find out about the Forum and how to participate. This includes:

- Information leaflets and a booklet outlining the hearing process.
- Different means for applying – written and online
- Leaflets explaining our disclosure policy

All our materials are available in easy read format.

Our website was launched in January 2015 and provides detailed information on how the Forum operates and on what to expect at a hearing. We take care to ensure that our information is regularly updated and provided in a way that is clear and easy to understand.

2.2.6 Feedback on our processes

The Forum recognised that it was important to get feedback on our processes and operation so that we can continue to improve the way we operate. We contracted an experienced evaluator to develop the feedback process and tools for collecting this information. All those who come to a hearing are asked if they would like to provide feedback on their experience, from initial contact to the conclusion of the hearing and beyond. If agreeable, participants are contacted three weeks after the hearing and are given the option to answer a feedback questionnaire either online or via post. The assessment of feedback questionnaires is done independently by the evaluator, who prepares regular reports on the findings for the Forum. We will provide information on the feedback we have received in our future reports.

3.

Supporting structures and key partners

3.1 Shared Services

The Mental Welfare Commission for Scotland provides shared corporate services for the Forum. This includes finance, procurement, information governance and technology, human resources and risk management. The Forum has its own separate and distinct records management plan and complaints procedures.

3.2 Disclosure

The Forum has, at its heart, the fundamental principle that information shared by any individual with the Forum will be kept confidential and will not be disclosed. However, this duty is not absolute. Paragraph 13 of Schedule 1A of the Mental Health (Care and Treatment) (Scotland) Act 2003 as amended by the Victims and Witnesses (Scotland) Act 2014 sets out the rules the Forum must follow. Information must be disclosed to the Police if this is necessary to prevent future abuse of a child, and may be disclosed to the Police if it relates to an allegation of an offence involving the abuse of a child, and it is in the public interest. Information can only be disclosed to the Police.

Where members decide to disclose information to the Police, they will always strive to do so with the consent of the individual. Where that is not possible and the individual does not wish to engage with the Police, members will inform the individual that the information will be disclosed to the Police – unless they believe that to do so would cause harm to that person.

Opinion of senior counsel was sought to ensure that the Forum's exercise of its powers conforms to its statutory functions.

We have a protocol with Police Scotland: The National Child Abuse Investigation unit provides a single point of contact for the Forum when making a disclosure.

Supporting structures and key partners

Before any participant takes part in the Forum, they are advised about the limits of confidentiality by information given to them before they apply, and at the hearing itself before they start to give testimony. The Police gave us an undertaking that when a case is reported to them through the Forum, they will set in place clear and timely arrangements to keep the participant informed about progress and to demonstrate that appropriate priority is given to the case. Any concerns received by the Forum regarding a lack of updated information on the progress of a case will be directed to the dedicated Police single point of contact.

3.3 Raising awareness of the Forum

The Forum engaged the services of a communications agency Golley Slater to establish a communications strategy and delivery plan. We used a combination of communication channels and approaches to reach our audiences and to provide as many opportunities as possible for adults who have spent time in care as children to see and hear about our work, providing information on how and why they should get involved. This aspect of our work is crucial, as we want to ensure that the opportunity to attend hearings is made available to as many people as possible.

Our strategic approach to communications aims to deliver the following:

- Positive awareness of our work
- Clear understanding of our role
- Encourage eligible adults/survivors to come forward to give testimony
- Build an understanding of the support available to eligible adults/survivors
- Engender trust and confidence to come forward
- Inform key stakeholder networks working with eligible adults/survivors about our work
- Build engagement across key audience segments
- Support the application process and encourage participation

Supporting structures and key partners

We are trying different methods to get information out to as many people as possible.

- *Stakeholder engagement (indirect)*

This is being done by providing stakeholder groups with key messages and communication tools about the Forum. This is to raise awareness among eligible adults/survivors with whom they work or come across on a regular basis. It is important for us to target each of our identified audience segments.

- *Media communications (direct)*

Our media communications programme is helping us reach eligible adults/survivors across society. This means that we are targeting eligible adults/survivors through a cluster of stakeholder communications and media communications. For example, the audience may see a news story in their local newspaper, spot a poster in their community, hear a radio interview or advert and receive information from a nurse or social worker. Using media communications enables us to widen our reach by targeting eligible adults/survivors who do not use third sector service suppliers or support agencies. This direct approach can also pick up interest from family members and friends who pass on the information to someone they know who might want to think about participating.

- *Eligible adults/survivors (direct)*

We have also written to eligible adults/survivors, providing details of how to participate. We also wrote to a number of current and former care providers with a request to forward our letters to former residents.

Supporting structures and key partners

Our key ways to reach these audiences include: stakeholder networks, social media, PR, advertising and our website. The communication strategy is being delivered in a phased manner. By the end of our first nine months, we had successfully launched the first phase of our strategy and are now in the second phase. It is difficult to make any accurate estimate of potential numbers of eligible adults, far less of the numbers who may decide to come forward. We do however aim to process applications within an acceptable timeframe so that participants' experience of coming to the Forum is positive.

Our communications programme is continuing to build interest and we are receiving a manageable level of applications and hearings.

3.4 Advice and guidance

One of the Forum's functions is to provide information about advice and assistance available to persons giving or proposing to give testimony. We think it is important that participants have the opportunity to talk to someone who is not part of the Forum about what attending could mean. The Forum has an independent, dedicated advice and guidance line, provided by Health in Mind whose qualified advice and guidance workers have an understanding of the concerns that participants may have about attending the Forum. They are there to discuss anything that may be raised and assist participants in deciding what they would like to do. This may include signposting to organisations that can provide support that is needed. The advice and guidance workers can assist in making a decision on whether the Forum is right for the participant now, in the future or not at all. Health in Mind works very closely with the Forum to ensure that participants are supported before and after the hearing and that support is there as required. Joint training has also been undertaken.

Supporting structures and key partners

3.5 Staff support

Our staff and members will be affected by hearing about the lives of those who come to give testimony. We have in place a staff support service provided by AXA PPP and regular contact is available. At our post-hearing debrief, we check that the team is alright and take note of individual support requirements.

3.6 Database

The database was custom designed to ensure that it had the capability of storing and processing information in a confidential manner. Given the unique nature of our work, the team was fully involved in the key stages of development to ensure that the database accurately met our requirements. The database has been designed in two distinct parts – one stores information relating to the administrative aspect of our work; the other stores all testimony-related information. We now have in place a system that can:

- Record and maintain sensitive information securely, confidentially and anonymously
- Correlate trends and patterns within the data collected within each of the databases
- Integrates with other software products

The team tested the system at crucial stages of the development while being trained in using the system to ensure it was fit for purpose.

Supporting structures and key partners

3.7 Consultation

The Forum benefitted greatly from the input of many who were previously in care. We were keen to obtain the views of key stakeholders on policies and principles at the earliest stage and incorporate them. We also invited a number of people to visit our premises to ensure that the environment we were establishing was safe and secure.



4.

Looking Ahead

While much has been achieved in a short space of time, we are aware, based on the present pattern of enquiries and applications, that the coming months will be even more challenging. The team look forward to building on the work to date to ensure that all participants have a positive experience when they come to give their testimony. We will continue to build our networks, increase our outreach and attempt to hold as many hearings as possible within our resources.



