

National Inquiry into Historical Child Abuse

Report by Joan Tranent, Head of Children's Services

1 Purpose of Report

This report is submitted to ensure that Elected Members are aware of the National Historical Child Abuse Inquiry which will commence in October 2015. The overall aim and purpose of this Inquiry is to raise public awareness of the historical abuse of children and young people in care and make recommendations to Scottish Government.

2 Background

2.1 The Inquiry will provide an opportunity for public acknowledgement of the suffering of those children who have been abused in care and offer a forum for validation of their experience and testimony. The Inquiry will do this by fulfilling its Terms of Reference as detailed below in 8 main points:

- To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.
- To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland from abuse, and in particular to identify any systemic failures in fulfilling that duty.
- To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.
- To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.
- The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.
- To consider the extent to which failure by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.
- To consider if further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from abuse in the future.

- Within 4 years (or such other period as Ministers may provide) of the date of its establishment, to report to the Scottish Ministers on the above matters and to make recommendations.

3 Report Implications

3.1 Resource

The Scottish Government wishes to remove the 3 year limitation period for civil actions in cases of historical childhood abuse. Should the consultation which will run until Friday 18 September 2015 agree to this, the resource implications on our organisation could increase as abuse victims will be able to raise a civil action from 26 September 1964 to date.

All requests for information would require Midlothian Council to access their historical records, read through the files and identify relevant information to share with partner agencies and victims as potential evidence for a criminal/civil investigation. This would require skilled practitioners who are competent and have a clear understanding of what information is required in order to undertake this task. The volume of requests, if indeed any, that may come to Midlothian is unknown at this stage.

3.2 Risk

Given the uncertainty around potential numbers of abuse victims who may raise an action, we need to ensure that we have a sufficient number of skilled staff around to read through files, identify appropriate information, and redact information that is not relevant. Staff will also have to contact other agencies in order to obtain permission to share third party information within historical reports. The information will then require to be photocopied and collated in a chronological file as evidence. Given the sensitive nature of this Inquiry there will have to be appropriate supervision in place to support staff.

There could be a risk of negative press and reputational damage to the Council if any young person previously cared for by an establishment within Midlothian or foster carer, or was placed in an establishment outwith Midlothian and the young person was subsequently abused.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

3.4 Impact on Performance and Outcomes

The outcome of the Inquiry could have a significant impact how children's services deliver our work in the future. Residential Care homes and Foster Care could become a focus within this Inquiry if there are reported incidents of abuse within these settings. Given that Local Authorities have difficulties in recruiting foster carers the findings from this Inquiry could have a negative impact upon future recruitment campaigns. Equally, residential staff may feel an enhanced scrutiny if historical stories of abuse within old residential establishments are reported in the press.

3.5 Adopting a Preventative Approach

The Inquiry is progressing and is fully supported by Midlothian Council. We will endeavour to reassure our service users, that our foster carers, and residential staff strive to offer a safe, nurturing and caring environment for our children and young people to live in. The level of scrutiny of these areas of practice is already extensive and this will continue as we move forward to mitigate the risk as much as possible of future incidents of abuse occurring in such settings.

3.6 Involving Communities and Other Stakeholders

The Inquiry team will meet and appropriately signpost those who make a report of historical abuse. Midlothian Council will highlight on our website relevant support agencies who can support those who have suffered abuse and their families.

3.7 Ensuring Equalities

Not applicable as this report is updating Elected Members only. However, the Historical Abuse Inquiry will, by its nature, target our previously looked after children who are now adults.

3.8 Supporting Sustainable Development

The Inquiry will consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in the future.

3.9 IT Issues

Ensuring our website is up to date with relevant support agencies to support those who may have suffered abuse and their families.

4 Recommendations

Council is recommended to note the contents of this report and be aware of the potential impact it could have upon the Council should there be reports of abuse from former looked after people within Midlothian.

20th July 2015

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Background Papers: None