

08 viewpoint

Learning lessons from the past

Following the Scottish Government's announcement of a public inquiry into historic child abuse, CELCIS director **Jennifer Davidson** outlines what she hopes it will achieve



I have been privileged to be involved in the ground-breaking and courageous two-year InterAction process led jointly by the Scottish Human Rights Commission and CELCIS. This sought to find agreement between survivors, providers of care services, and local and national government on how to best ensure survivors of abuse in residential and foster care have access to a full range of remedies.

This InterAction has been a journey for many of us. I have come to more deeply appreciate the profound and lasting injustices experienced by some survivors, and the inadequacy of what has been available to them to date.

The process culminated in an Action Plan for Justice for Victims of Historic Abuse, which outlines a range of activities to fulfil survivors' rights to justice and offer ways to address their circumstances. It identifies areas such as civil justice and the application of a "time bar"; investigation and prosecution of offences; reparation; empowerment of survivors and access to records and record keeping.

Recognition

Within the process there is recognition that a national inquiry can be an important mechanism for providing accountability for, and understanding the nature and extent of, past abuses as well as learning lessons and preventing future abuse. There is every reason to believe a national inquiry in Scotland can be beneficial, significant and an important contribution to our collective accountability and public memory. But it will need to face up to certain realities – and how it does this will determine its overall success.

First, a national inquiry will be beneficial only if it is sharply focused and does not revisit ground which has been addressed previously. Much has been learned from past reviews and inquiries and it is important that we do not duplicate

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effort. Having said that, much of the focus of the response to historic abuse in Scotland has been on residential and institutional care.

The InterAction process addressed all forms of care, including foster care, as we know that children cared for in the full range of settings have experienced abuse. While the terms of reference and scope of the inquiry have not yet been decided, I believe it will need to be focused, and the more comprehensive it is in exploring the range of care settings, the more coherent will be our public understanding of our historic care system.

Secondly, an effective inquiry will seek to determine the facts about the historical abuse of children in care and the causes of such abuse. Examining the systemic weaknesses that failed both the victims as well as the staff will give a more holistic picture of the contexts and organisational cultures that may have permitted abuse. By offering a public record, it will raise public awareness of these important issues.

We have come a long way in our delivery of residential care services. These services are transformed with smaller homes viewed as a credible, therapeutic option within a range of care settings. There is a focus on listening to children and realising their rights; minimum qualification levels and professional registration; academically rigorous threshold concepts for care professionals; managers with clear guidance about their role and independent regulation.

One of the biggest challenges of an inquiry

will be to achieve justice for survivors while valuing the quality practice that was evident during this timeframe. This is crucial to maintaining morale and fending off further stigma of carers in the child care sector. And it is important for young people living in care and their carers today and the future. This inquiry is not about the current quality of care provided by reflective, skilled workers and carers. It is vital that professionals work collectively to ensure this is loudly and clearly spelled out.

Benefit

Finally, to establish a national inquiry effectively must build on the learning gleaned from the InterAction process itself to maximise benefit and ensure no further harm. This will allow all voices to be heard, including survivors, service providers and former service providers to shape the inquiry's terms of reference and inform the selection of members, as well as budgetary limitations and how resources are allocated to best effect.

We should analyse the strengths and challenges of recent inquiries and such mechanisms from around the world. This is all going to take some time so it will be essential to set out clear and explicit timescales. Clarifying what this inquiry will not set out to achieve – as well as what it will – will be key to keeping expectations reasonable.

In Scotland, we have approached the historic abuse of children while in care with a unique, bravely inclusive and rights-based approach. If an inquiry builds on this and takes into account the many complexities and limitations, such a mechanism has the potential to finally bring acknowledgement and accountability, and allow us to collectively move on.

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Jennifer Davidson is Director of the Centre for Excellence for Looked After Children in Scotland (CELCIS) – www.celcis.org