

**ITEM No ...3.....**

**REPORT TO:** CHILDREN AND FAMILIES SERVICES COMMITTEE –  
27 FEBRUARY 2017

**REPORT ON:** THE SCOTTISH CHILD ABUSE INQUIRY

**REPORT BY:** EXECUTIVE DIRECTOR OF CHILDREN AND FAMILIES

**REPORT NO:** 74-2017

**1.0 PURPOSE OF REPORT**

1.1 This report provides information on the terms of reference of the Scottish Child Abuse Inquiry and progress to date. It outlines the potential implications for the Council and the actions taken thus far.

**2.0 RECOMMENDATIONS**

It is recommended that Committee:

- 2.1 Notes the potential implications of the Inquiry for the Council;
- 2.2 Endorses the arrangements that are in place through the Child Protection Committee to respond to these implications;
- 2.3 Instructs the Executive Director of Children and Families to report back on any emerging local issues.

**3.0 FINANCIAL IMPLICATIONS**

3.1 It is anticipated that there will be resource implications associated with locating and providing evidence, communications and support to staff. The cost of this will be contained within existing Revenue Budgets. Any increased demand for services for adult survivors, potential compensation claims and associated costs will need to be assessed as the Inquiry progresses.

**4.0 MAIN TEXT**

4.1 The Inquiry which was set up under the Inquiries Act 2005 to raise public awareness of the abuse of children in care and provide an opportunity for public acknowledgement of the suffering of children. The Inquiry covers the period which is in living memory of any person who suffered abuse to a date no later than 17 December 2014. Under the terms of the Inquiry, a child means a person under the age of 18 and children in care will include children in institutional residential care such as children's homes, secure care units including List D schools, Borstals and Young Offenders' Institutions. It also includes state, private and independent Boarding Schools, health care establishments which provided long term care and foster care. It does not include abuse in non-residential settings. The Inquiry is chaired by Lady Smith and anticipates reporting to Scottish Ministers within 4 years with recommendations to improve the law, policies and practices in Scotland.

- 4.2 The Inquiry is currently taking evidence from people who were abused particularly those where there is a priority need eg those who are receiving end of life care. This will be extended to cover all survivors through 2017. The Inquiry will not force a person who has suffered abuse to give evidence but it does have the power to require witnesses, including Elected Members, to provide evidence. Failure to comply may be considered an offence.
- 4.3 The Inquiry cannot award compensation but the Limitation (Childhood Abuse) (Scotland) Bill has recently been published by the Scottish Government and proposes removing the 3 year time-bar for actions of damages in respect of personal injuries resulting from childhood abuse.
- 4.4 The Inquiry held a preliminary hearing on 31 January 2017. During this a comprehensive update on the work of the Inquiry was provided and it was confirmed that over 50 residential care establishments are currently being investigated. To date, two establishments in Dundee have been identified as being subject to investigation, Balgowan List D School and Roseangle Orphanage (St Vincents). Both establishments closed in the early 1980s. Dundee City Council is currently reviewing what information it holds which may assist in the Inquiry.

Public hearings will proceed in phases with the first commencing on 31 May 2017.

- 4.5 Locally, it has been agreed that the Child Protection Committee is the most appropriate body to co-ordinate responses to the implications of the inquiry. A sub-group chaired by the Chief Social Work Officer has been established which includes representation from Children and Families, Legal Services, City Archivist, Neighbourhood Services, Health and Human Resources. Initial actions have included:
- Taking steps to prevent the destruction of relevant records/evidence;
  - Maintaining an overview of subject access requests and any emerging historic practice issues;
  - Collating information regarding residential care provision within Dundee over the period of the Inquiry;
  - Considering the potential financial implications of compensation claims from survivors should the Limitation (Childhood Abuse) (Scotland) Bill pass;
  - Liaison with neighbouring authorities around emerging issues and the potential for a shared approach.
- 4.6 Now that the Inquiry has held its preliminary hearing, the next steps will be to look at the broader issues around communication and support to staff.

## **5.0 POLICY IMPLICATIONS**

This report has been screened for any policy implications in relation to Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management.

An Equality Impact Assessment is attached to this report.

## **6.0 CONSULTATIONS**

The Chief Executive, Executive Director of Corporate Services and Head of Democratic and Legal Services have been consulted in preparation of this report.

**7.0 BACKGROUND PAPERS**

7.1 None.

Michael Wood  
Executive Director of Children and Families Service

February 2017



**EQUALITY IMPACT ASSESSMENT TOOL**

**Part 1: Description/Consultation**

<b>Is this a Rapid Equality Impact Assessment (RIAT)?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Is this a Full Equality Impact Assessment (EQIA)?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Date of Assessment: 8 February 2017.</b>	<b>Committee Report Number: 74-2017</b>	
<b>Title of document being assessed: The Scottish Child Abuse Inquiry</b>		
<b>1. This is a new policy, procedure, strategy or practice being assessed</b> (If yes please check box) <input checked="" type="checkbox"/>	<b>This is an existing policy, procedure, strategy or practice being assessed?</b> (If yes please check box) <input type="checkbox"/>	
<b>2. Please give a brief description of the policy, procedure, strategy or practice being assessed.</b>	The Scottish Child Abuse Inquiry has been set up under relevant legislation to raise public awareness of the impact of abuse on children in care and make recommendations to improve the law, policies and practices. The Inquiry will investigate residential care establishments and 2 in Dundee have been identified to date. A Child Protection Committee sub-group has been established to coordinate the local response. The Inquiry may lead to new survivors of abuse being identified, supports being provided for those survivors and potential compensation claims relating to personal injuries resulting from childhood abuse.	
<b>3. What is the intended outcome of this policy, procedure, strategy or practice?</b>	To raise public awareness, support survivors of abuse, promote the administration of justice relating to perpetrators of abuse and survivors and promote improvements in the protection of children and young people from harm.	
<b>4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.</b>	None.	
<b>5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.</b>	No.	
<b>6. Please give details of council officer involvement in this assessment.</b> (e.g. names of officers consulted, dates of meetings etc)	None.	
<b>7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?</b> (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	No.	

**Part 2: Protected Characteristics**

**Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?**

**NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.**

**If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.**

	<b>Positively</b>	<b>Negatively</b>	<b>No Impact</b>	<b>Not Known</b>
Ethnic Minority Communities including Gypsies and Travellers	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Part 3: Impacts/Monitoring


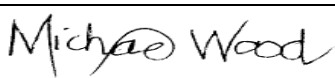
<p><b>1. Have any positive impacts been identified?</b></p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Yes, the Inquiry will encourage greater support to past and potential future survivors of abuse and the protection of children and young people from harm, regardless of their background and present personal circumstances.</p>
<p><b>2. Have any negative impacts been identified?</b></p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No.</p>
<p><b>3. What action is proposed to overcome any negative impacts?</b></p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>Not relevant</p>
<p><b>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</b></p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>Not relevant</p>
<p><b>5. Has a 'Full' Equality Impact Assessment been recommended?</b></p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>No</p>
<p><b>6. How will the policy be monitored?</b></p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>The Child Protection Committee will continue to monitor the Inquiry and its local implications.</p>

**Part 4: Contact Information**

<b>Name of Department or Partnership</b>	Children and Families Service
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<b>Type of Document</b>	
<b>Human Resource Policy</b>	<input type="checkbox"/>
<b>General Policy</b>	<input checked="" type="checkbox"/>
<b>Strategy/Service</b>	<input type="checkbox"/>
<b>Change Papers/Local Procedure</b>	<input type="checkbox"/>
<b>Guidelines and Protocols</b>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>

<b>Manager Responsible</b>	<b>Author Responsible</b>
<b>Name:</b> Jane Martin	<b>Name:</b> Michael Wood
<b>Designation:</b> Head of Integrated Children's Service and Criminal Justice/Chief Social Work Officer	<b>Designation:</b> Executive Director, Children and Families Service
<b>Base:</b> Dundee House	<b>Base:</b> Dundee House
<b>Telephone:</b> 01382 436001	<b>Telephone:</b> 01382 433088
<b>Email:</b> Jane.martin@dundeecity.gov.uk	<b>Email:</b> michael.wood@dundeecity.gov.uk

<b>Signature of author of the policy:</b>		<b>Date:</b> 8 February 2017
<b>Signature of Executive Director/Head of Service:</b>		<b>Date:</b> 8 February 2017
<b>Name of Executive Director/Head of Service:</b>	Michael Wood	