

Health and Sport Committee call for written evidence -

**Forensic Medical Services (Victims of Sexual Offences)
(Scotland) Bill**



The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to submit written evidence to the Health and Sport Committee.

The Children's Hearings System is Scotland's distinct statutory system, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

In the Children's Hearings System:

- the needs of children or young people are addressed through one holistic and integrated system which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

The role and purpose of SCRA is to:

1. Make effective decisions about a need to refer a child/young person to a Children's Hearing
2. Prepare for and participate in court proceedings where statement of grounds or Hearings findings are appealed and ensure the wellbeing of children and young people – particularly vulnerable witnesses – are protected throughout the court process
3. Support Panel Members (though we are not involved in making Hearing decisions) and ensure fair process in Hearings
4. Support children, young people and families to participate in Hearings
5. Disseminate information and data to influence, inform and reassure
6. Provide premises for Hearings to take place
7. Work collaboratively with partners to support and facilitate the Getting it Right For Every Child (GIRFEC) agenda

SCRA's vision of service is that: We operate within Scotland's Children's Hearings System to protect and support the country's most vulnerable and at risk children and young people identified as requiring the full protection of the law due to difficulties, challenges and risks they face.

SCRA's response to the consultation held in advance of the Bill can be found at:

<https://www.scra.gov.uk/wp-content/uploads/2019/05/Equally-Safe-Full-Consultation-Response.pdf>

- What are the key advantages and disadvantages of placing the examination of victims of sexual offences (and harmful sexual behaviour by children under the age of 12) by health boards on a statutory basis?

No answer to give



SCRA Committee Written Evidence FULL VERSION

- What are the key benefits of providing forensic examination on a self-referral basis (whereby victims can undergo a forensic medical examination without first having reported the incident to the police)? What problems may arise from this process?

No answer to give

- Are there any issues with the proposal to restrict self-referral to people over 16 years old?

SCRA is in full support of this approach. We agree with the Policy Memorandum position at paragraph 28 that current child protection processes will apply if a child tells a professional they have experienced sexual abuse. SCRA are also glad that this does not preclude a child from seeking healthcare before they have made a report to Police Scotland, but we are assured that if a child does present to health then health, police and social work will discuss the case in an interagency referral discussion, or IRD, will implement a plan to keep the child safe, will follow child protection processes and will consider whether a referral for statutory intervention through the Children's Hearing System is required.

- Are there any issues with the health board storing and retaining evidence gathered during self-referred forensic examinations?

SCRA would ask that the guidance in relation to the storage and retention of evidence is statutory guidance and that it clearly sets out when evidence requires to be retained for use within the statutory Children's Hearing or Criminal Justice systems. We are satisfied that all partners are very clear about the need for a clear, unequivocal evidence base for statutory intervention(s) and that the approach as defined in the Bill allows for this alongside the improvements it brings in re-focussing intervention within a health rather than a criminal justice setting. SCRA agrees that this re-focus is a positive way forward to encourage more victims / survivors to seek the supports which will be of benefit to them as we develop the ways in which our systems work for victims / survivors to allow them to tell their story without experiencing further system generated trauma.

- Do you have any other comments to make on the Bill?

SCRA supports the Forensic Medical Services (Victims of Sexual Offences) Bill. We are pleased that our distinct and discreet Children's Hearings Proceedings are recognised alongside criminal justice proceedings throughout the Bill. We think that Bill shifts the emphasis to healthcare in a clear and effective way and we are optimistic that this will enable and empower more people to seek support which will benefit them, at an earlier stage. We also think that this Bill fits well within the wider Scottish movement towards a Barnahus model of forensic and oral evidence recovery at the earliest opportunity – with the focus being on recovery for victims.

This Bill feels like we are a significant step closer to that becoming a reality, but as we stated in our initial response to the pre-Bill consultation **“For SCRA the Barnahus model focuses on children and young people, not on all victims of crime who may require a forensic medical examination. The Barnahus also goes beyond sexual offending – in that it should be the place where ALL the evidence of children and young people is taken.”**

This is still a future aspiration which we should not lose.

SCRA Practice & Policy Team, 2019.

