

**SCRA Consultation Response
FULL VERSION
April 2021**

National Child Abuse Survey SCRA Response

Questions for decision or policy makers



The Scottish Children’s Reporter Administration (SCRA) welcomes the opportunity to respond to this consultation.

The Children’s Hearing is Scotland’s distinct statutory approach, 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 approach 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:

1. Receiving referrals for children/young people who may be at risk.
2. Ensuring that other public agencies carry out enquiries and assessments into children/ young people’s circumstances so we can make informed decisions about children/young people referred to us.
3. Making decisions on whether to refer a child/young person to a Children’s Hearing if they need compulsory measures of supervision.
4. Drafting the grounds for the Hearing.
5. Arranging for Children’s Hearings to take place when we decide that compulsory measures of supervision are warranted and where there is sufficient evidence to prove the grounds.
6. Ensuring fair process takes place within the Hearing, including the rights of those in attendance being met.
7. Having a key role in establishing grounds of referral in court, where these are contested, and in defending decisions of Children’s Hearings which are subject to appeal.

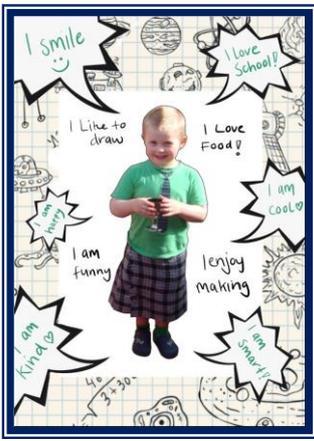
Our Vision: Children and young people will be listened to, protected and supported to realise a positive future where they are safe, valued and respected.

Our Mission: We protect and support Scotland’s children and young people, by making high quality decisions, upholding their rights and working collaboratively as compassionate, inclusive corporate parents to enable the most positive and personalised experience of the Children’s Hearing.

Our Values: Our values are the shared motivations, beliefs and behaviours that underpin all that we do.

- S**upportive We work with kindness to support children, young people and families, our Partners and each other.
- C**hild Centred Children and young people are at the heart of everything we do.
- R**espectful Everyone is respected and treated fairly, inclusively and lawfully.
- A**ccountable We are responsible for our decisions, our ethics and our learning.

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- **On a scale of 1 to 5, where 1 is very unhappy and 5 is very happy, how happy or unhappy are you with the concept of a survey as a way to measure the current prevalence of child abuse?**

1-2

We are not sure that such a prevalence survey is required. We are not convinced that we need to 'uncover' the 'true' extent of abuse in such a manner. We think that there are ongoing national inquiries into child abuse¹ which are revealing the extent of abuse in different areas of society over considerable periods of time and there are also online platforms partly inspired by growing awareness emanating from the #me too and other social change movements². Each of the four UK nations also collates and reports on data about children, including data about child protection and Police Scotland and Police Forces across England, Wales and Northern Ireland record crime statistics in relation to specific offences.

Some mapping work based on the wealth of existing data (which is growing all the time) might be a less challenging basis than this proposed survey and could form a solid platform for future improvements in our responses to abuse. Once any 'prevalence' baseline is determined we would then need to think about how to address any abuse that is occurring. This could mean that children who require support right now do not get that support, which we think is unacceptable. Those experiencing abuse now will not benefit from any change over time. Our preference would be that we think about the best ways to address all forms of child abuse now.

We think that we need to recognise the hard fact that abuse is often hidden whilst it occurs and we should focus on the development of strategies and approaches to make it easier for children to tell their often difficult and very personal truths.

We then need to make sure that we put in place consistent and effective therapeutic services which support children to recover.

- **On a scale of 1 to 5, where 1 is very unhappy and 5 is very happy, how happy or unhappy are you with the proposed survey as a way to measure the current prevalence of child abuse?**

1-2

We think that the proposed survey would access a significant number of children across all four devolved nations. This is a strength. It is also a real strength that there would be a way to capture self-reported information on abuse for the first time.

However, we think that the described approach is one which needs further thought. The Scottish Parliament recently passed legislation to incorporate the United Nations Convention on the Rights of the Child (UNCRC) into Scots Domestic Legislation³ and the proposed covert approach of this survey would entirely cut against the ethos of Scotland's rights respecting approach. Children and families need to know *why* they are being asked questions so that they can decide whether they are able to respond. We think this is particularly important in relation to abuse –

¹ [The Scottish Child Abuse Inquiry](#) and the [Independent Inquiry into Child Sexual Abuse](#).

² ['Everyone's Invited'](#); [Me Too](#); abuse in football inquiries – [The Sheldon Report](#) and the [sa:sf](#) the report of the independent review of abuse in Scottish Football.

³ [The UNCRC \(Incorporation\) \(Scotland\) Bill as passed](#)

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as any abuse suffered by any child may require a swift child protection response. We therefore do not agree with the proposal to package the survey as a 'child safety survey'. Following on from this we have some questions about the survey approach which do not seem to be fully answered or considered by the proposal as outlined in the consultation document:

- Will the pupils surveyed be 'self-selecting' or will participating schools survey all their children?
- How will privacy for children completing the questionnaire be offered in school?
- How will schools be equipped to support children who may be re-traumatised by recounting difficult events in their survey responses?
- How will 'informed consent' be given by the children?
- How will 'informed consent' be given by parents?
- Will the survey be anonymous?
- How can a flagging procedure and an anonymised survey co-exist?
- What will the flagging procedure lead to – all four areas of the UK have different approaches to child protection and different child protection responses. In Scotland any allegation of abuse is likely to invoke a child protection response in the form of an interagency referral discussion which will decide an appropriate course of action.
- In such a large sample size how will children who tell of abuse be appropriately supported?
- What happens if a child reports abuse in this survey that they have not previously disclosed and services don't know about?
- What happens if a child discloses something only because they don't think anything will happen / they feel they are in a 'safe' space?
- Would a child disclosing abuse through this survey have any expectation that something will happen/they'll get help?
- How are children to be supported in completing this survey when they may be bringing up traumatic memories?
- What happens to perpetrators of abuse disclosed by a child in this survey?

• To what extent do you feel the proposed survey would meet your needs?

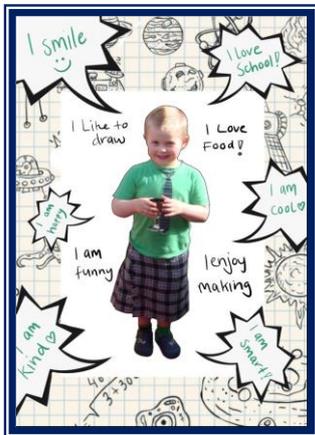
(completely, to some extent or not at all)

To some extent.

Whilst it would be of some limited use to have a baseline indicator of the prevalence of abuse in Scotland it would not affect the way we approach the investigation of referrals we receive or the children's hearing.

A significant and meaningful capital investment in resources to support children who tell of the abuse they have experienced would enable the robust gathering of evidence about abuse and would enable statutory protections for affected children to work to the fullest extent.

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• In what ways does the proposed survey meet or not meet your needs?

We would take interest in the results of the survey but the 'day job' would be unaltered.

• On a scale of 1 to 5, where 1 is not at all important and 5 is very important, how important is it that survey data on the current prevalence of child abuse is collected?

2

As indicated already we think a different approach to the assessment of prevalence could be considered, which would focus on the available data without the practical and ethical difficulties inherent in the proposed survey approach.

• If a survey was not implemented, what would the impact of this be to you, and more generally?

There would be no impact in our work if the survey was not carried out.

• What additional information about a prevalence survey would you need to increase your support for it?

We would need a clear pathway of meaningful support for children who have been the victims of abuse. We would also need the survey to be open and honest in order for this meaningful support to be available.

Even then we may be of the view that an alternative approach would be better.

• The proposed survey would cover six types of abuse; neglect, physical, emotional, sexual, child exploitation and exposure to domestic violence or abuse. What specific types of abuse within these do you think should be included?

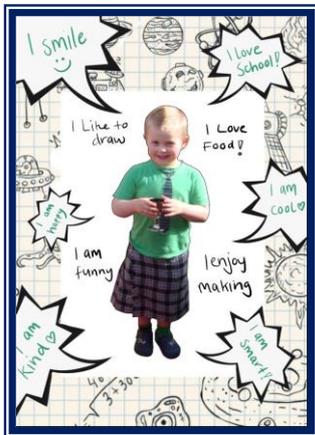
Our view is that this is a very big ask – and one which is likely to be very difficult for children who have experienced abuse, as they are likely to have experienced more than one form of abusive behaviour. We also think that for children who are speaking about their experiences of abuse for the first time this could be overwhelming and is not a trauma informed or trauma aware approach to take.

• The proposed survey would focus on capturing lifetime and past year experiences of abuse, which may result in less scope for collecting detailed information on the nature of abuse. To what extent would this meet your needs? (completely, to some extent, not at all)

Not at all.

Children's reflective capacity is very different to the reflective capacity of adults and is likely to vary extensively across the age range being sampled. A year of abuse is a lot for a child to talk about, let alone write about. A lifetime of abuse is perhaps inconceivable.

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• **On a scale of 1 to 5, where 1 is not at all important and 5 is very important, how important is it to you that a prevalence survey includes children aged 16 and 17?**

If a survey is to be done we would ask that it must include 16 and 17 year olds. Recent consultation in Scotland on a plan to increase the age of referral to the Principal Reporter to include 16 and 17 year olds⁴ has received widespread support and Scotland's incorporation of UNCRC means we will move to consider all under 18's as children in future legislative change.

• **On a scale of 1 to 5, where 1 is not at all important and 5 is very important, how important is it to you that a prevalence survey includes young adults (from age 18)?**

For a prevalence survey asking for a lifetime retrospective it might even be older adults who would be better placed to provide a prevalence baseline through a survey response.

• **What are your views on the proposed lower age limit of 11 and upper age limit of 25?**

We think children aged 11 – 16 would require significant supports in order to complete this survey. We think that children up to 25 who have not previously spoken of abuse could likewise require significant support. We are struggling to see how this support would be available given the proposed sample size and the sampling of children in all the four UK nations.

• **On a scale of 1 to 5, 1 is not at all important and 5 is very important, how important is it to you that a prevalence survey covers the whole of the UK?**

3

The four nations take different approaches to child protection and youth justice. One benefit from a prevalence survey would be comparison between the nations and the experience children have had of relevant services / interventions.

• **Do you have any other comments on the proposed survey's coverage?**

No additional comment.

• **Do you have any other comments on the proposed survey's methodology?**

Please see our comments above.

• **Do you have any other comments on the proposed survey's ethical procedures?**

We think that the proposed approach of the survey needs to be re-considered. We are not convinced it meets the highest ethical standards and we have significant concerns about the covert approach, about informed consent and about the possible re-trauma of abused children. We cannot see how appropriate therapeutic support will be put in place for each child who requires it.

⁴ The consultation can be read [here](#).

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• How often should a prevalence survey be carried out to meet your needs?

We have not considered frequency of this approach as we are not convinced it is the right approach to take.

• Do you have any other comments?

No

• The proposed survey would be completed by children under 16 in a school environment, what additional considerations should be taken into account or researched around how a survey should be conducted in schools?

- Socio-Economic data
- Privacy
- Support for children
- Support for staff
- Links to other relevant agencies
- The survey may trigger difficult emotions in a place which has previously been 'safe' for some children.

• What additional evidence or further research should be considered around whether schools would be willing to participate in a prevalence survey?

If this approach were to be taken there would need to be an 'ideal' sample of schools taking into account a range of variables and should mirror wider UK social composition. This would be difficult to determine. The willingness of schools to participate could skew the survey findings and it may be that some schools are unwilling to engage in any work which could potentially raise additional concerns about the safety of children in the school's care.

• We need to conduct further research into whether children and young people would be willing to participate in the proposed survey, and whether they would be able to recall, or willing to report, instances of abuse. What additional evidence or considerations should we take into account when exploring this?

The reality of recounting abusive experience is quite different to a theoretical question and any abuse has dynamic and unpredictable effects.

• We need to conduct further research into whether parents or guardians would give permission for their child to take part in the proposed survey, what additional evidence or considerations should we take into account when exploring this?

We are exercised by this. We are struggling to see the circumstances where an abusive parent would allow their child to speak about experiences which may have significant consequences and require interventions.

• The proposed survey would be framed as a child safety survey, what do you think about this?

We can see why this approach is being considered. We do not agree with it.

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- **The proposed survey would not be completely anonymous, what do you think about this?**

We think that the survey could not be an anonymous survey. However, we cannot see how children or adults will be able to give informed consent to a survey which is covert. We are of the view that fully informed consent would be required for involvement in a survey which could lead to statutory child protection interventions.

- **The proposed survey would implement a flagging safeguarding procedure which would be used to assess the level of risk a child is in and apply different levels of safeguarding depending on the circumstances of the abuse disclosed. What additional factors should be considered in the design of a flagging procedure?**

We would need to see a full explanation of this and how this would work. We are concerned that children who report abuse in the survey could be left in a situation which becomes increasingly dangerous and untenable for them after they have made the report. Responses to significant abuse often need to be swift and decisive.

- **Which key referral services do you think should be included within our opt-in support option and safeguarding flagging procedure?**

We would need to see a fuller proposal for this support option and for the safeguarding procedure as outlined above. A full support and safeguarding document would be required.

- **On a scale of 1 to 5, where 1 is very unhappy and 5 is very happy, how happy or unhappy are you with older children and young adults completing a prevalence survey online?**

1-2

If this meant completing the survey from home, with potentially no support then unhappy.

However, if the survey were fully transparent and anonymous and a child could complete it without potential recourse then we would possibly be more supportive. Our fundamental concern about the need for a child in abusive circumstances to be able to speak about the circumstances and get help would remain.

- **What factors should be considered in determining the survey mode for older children (aged 16 and 17) and young adults who would not complete the survey in a school environment?**

The same factors that are considered for children aged 11-16 should be considered. The trauma of abuse will not be any different.

- **What additional research questions should be investigated, or further research should be carried out before making a conclusion on whether a prevalence survey would be feasible?**

Further exploration of alternative ways of gathering the data – including the methods already mentioned and possibly using national helpline information and data captured by the large third sector children's organisations as well.

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• **If the conclusion to phase one of the study supports the feasibility of a child abuse survey, there are several other areas which would require further investigation before a pilot survey could begin (see 'More Information' for details). What other areas should be considered in phase two?**

- decision or policy makers
- people who work with or represent children, or have experience of working with those who have experience abuse as a child
- researchers with an interest or expertise in using data and statistics to research children and young people

All of the above.

plus the additional question:

• **Findings on whether a representative sample of children aged 16 and 17 and young adults aged 18 to 25 can be achieved are so far inconclusive. What additional sampling frame options could be explored in the next steps?**

Approaches to colleges and University could be made. A nationwide promotion of the work similar to the census promotion could also occur.

• **Have you any personal experience of abuse as a child?**

We completely fail to see the relevance of this question here. We are not sure why it has been asked, we are unsure about how responses to the question will be stored and we are not sure what repercussions there could be for any answer we give.

• **Do you know some one personally who has experience of abuse as a child?**

We completely fail to see the relevance of this question here. We are not sure why it has been asked, we are unsure about how responses to the question will be stored and we are not sure what repercussions there could be for any answer we give.

• **Is there anything else you want to tell us that you think would be helpful for us to consider**

Yes.

We have covered all our key concerns already but we think it is helpful to reiterate them in concluding our response.

First and foremost we do not think the proposal as highlighted in the consultation document addresses the real child protection and safeguarding concerns we have but very close behind we want to stress again the ethical concerns we have in relation to the approach.

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We would ask that the ethics pertaining to the research are reviewed in light of the British Psychological Society's ethics re:

- covert research
- informed consent
- issues around confidentiality if completing in classroom setting
- what if child wishes to withdraw their testimony
- what if any testimony is identifiable

We also think that contact with the Information Commissioner around the potential issues related to data storage and confidentiality within a school or classroom setting and GDPR could be helpful as well as extensive consultation with Education about what is and is not possible / helpful.

Legislation in relation to domestic violence / domestic abuse is different across all four UK nations and will result in a different understanding in each nation. Concepts of coercive control are too difficult and nuanced for children to appreciate / recognise or understand in many cases.

We would finally want to say that children may not see or identify themselves as victims of abuse and particularly in relation to CSE our recent [joint research](#) with Barnardo's strongly demonstrated this. [Iona's Story](#) is a composite case study developed from our research which illustrates the complex, layered and fractured experiences of children.

Iona didn't recognise what was happening to her as sexual exploitation and abuse. If she was to complete this survey, it is unlikely that she would report being such a victim.

If Iona were to use this survey as currently outlined to try to explain her history we would be very worried about her.

Melissa Hunt
Policy & Public Affairs Manager
SCRA Practice & Policy March 2021