

PE1717/B

Mary Henderson submission of 26 June 2019

Petition PE1717, which was lodged by Maryanne Pugsley, calls for a public inquiry into the abuse of children in Scottish state schools and a review of the law of corroboration when it pertains to child sexual or physical abuse.

I firmly believe that this petition flags up serious failings which relate to historic abuse and also highlights current failures, within the current reporting system in documenting the reporting of abuse in Scottish state schools. It depicts a sad tale in relation to what is currently documented as regards records of reported alleged abuse in state schools held by Scottish Local Authorities.

I have extensive knowledge of handling the reporting of childhood abuse in both Scotland and England from my role as a Cognitive Behavioural Therapist within Child and Adolescent Mental Health Services (CAMHS) and also of working with an adult population who have reported historic child abuse. I was called as a witness to the Crown Court in Wolverhampton regarding a child who reported child sexual abuse whilst working within Child and Adolescent Mental Health Services in NHS Cumbria. I have also had the enormous privilege of working with psychiatrists, clinical psychologists, family therapists and many other therapists from varying disciplines. My knowledge extends to the cases that were discussed in team meetings and in peer supervision.

In my experience of having worked with many patients across the lifespan who report abuse, is that it takes many years for them to reach a place where they feel safe enough to report abuse. By abuse, I mean physical, mental, emotional, psychological and sexual abuse. I have observed that those who have disclosed alleged abuse and who have sought justice through the legal system and who have prevailed are very much more able to deal with the past and move in wholeness into their future. I firmly believe that in enabling each individual who has suffered abuse to confront the actions of the alleged perpetrator and if appropriate, within the legal system. This is tantamount to helping victims reclaim their lives. This requires appropriate and timely recording at every stage along with a fresh look at what within the Scottish Legal System that is currently preventing justice being fully done.

I have on a few occasions been required to call and meet with the Police to investigate certain cases on which I was working in both Scotland and England which included abuse in Scottish state schools. The Police then gathered current and historical evidence to determine whether there was sufficient evidence to take these cases to Court. From my experience of working with patients who have been victims of child sexual abuse, the law

of corroboration in Scotland has made it harder to prosecute than in England, where corroboration is not required. As a result, the testimony of the child in England was heard to a greater extent, and necessary protection was able to be put in place for the child in question. In the cases in which I have given testimony in England, a range of factors - including testimonies of relevant professionals, the child's medical records and previous history of abuse of the alleged – are taken into consideration when a decision is made on whether a case can proceed to Court. My understanding is that the weight of these factors is less important in Scotland, given the law of corroboration.

The Scottish Government defines child protection as “protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect.”¹ In the Scottish Government's Child Protection and Safeguarding Policy, it is highlighted that where a potential risk is identified, then it is incumbent upon those responsible to put in place the necessary precautions to protect children effectively in schools.

I have had to apply both in Scotland and in England for disclosure documents: PVG in Scotland and a DBS in England, in order to qualify to work with children and young people. I require a DBS annually and a PVG only when I change employment. I do wonder if that in itself requires to be explored further in terms of potential risk to children and young people and requires a more robust system of vetting.

The Case of the Petitioner highlights a major concern in terms of the non-reporting of alleged abuse with an absence of records at the time of the initial reporting. It would appear that further to the second reporting, there has been no action to follow up on current protection to any vulnerable children or young people with whom the alleged perpetrator had contact. From my working knowledge, this highlights serious oversight along with a non-compliance to the Scottish Government's Child Protection and Safeguarding Policy.

It is my understanding in working with patients that in terms of historic alleged abuse by those working within state schools that most when pupils were overly concerned that the matter if addressed would work against them in terms of victimisation, classroom bullying, exam results and references and therefore chose not to disclose at the time. I do believe that many forms of abuse currently within state schools are largely silent due to these factors. This flags up a potential risk. I believe that to open a historic inquiry into abuse in

¹ The Scottish Government, Child Protection and Safeguarding Policy, <https://education.gov.scot/Documents/ESsafeguardingandchildprotectionpolicyApr18.pdf>, April 2018

Scottish state schools would open the way for identification of the extent of previous abuse and facilitate more rigorous measures being put in place to protect children and young people currently within the Scottish state school system.

The Convener invited the Petitioner to respond to an excellent question in terms of re-traumatisation. In my experience, certain court systems now do an excellent job in protecting victims from this re-traumatisation in terms of video-link and pre-recorded examinations.

An excellent example of handling allegations from pupils in schools is detailed within guidance put together by the Council of International Schools.² I understand that the Petitioner has researched how Scottish Local Authorities conduct recording of any allegations from within Scottish state schools and has highlighted that it would appear that information is scant. I do wonder if learning might be taken from other countries in terms of specific guidance on reporting of allegations and record keeping.

I wonder if this petition also highlights a need for a review within state schools for a policy review as regards child sexual exploitation within state schools. The Petitioner's case appears to highlight what I perceive as sexual exploitation by the alleged perpetrator, being in a position of power over the abused.

In the Scottish Government's National Action Plan to Prevent and Tackle Child Sexual Exploitation³ it states:

"Child sexual exploitation is a complex and evolving issue and we must continue to develop our collective response in the light of experience. We must also learn from the experience of others. We will continue to review the actions being taken forward in other parts of the UK and internationally and consider their applicability and value in Scotland in further developing our approach."

It also states: "Ensure child sexual offences committed in the rest of the UK can be prosecuted in Scotland The Scottish Government will extend the extra-territorial effect of the law concerning sexual offences committed against children to include offences committed elsewhere in the UK through the Abusive Behaviour and Sexual Offences (Scotland) Bill."

² Council of International Schools, Managing Allegations Of Child Abuse By Educators And Other Adults - Protocol for international schools, https://www.cois.org/uploaded/Documentation/About_CIS/Child_Protection/Protocol_-_Managing_Allegations_of_Child_Abuse_by_Educators_and_other_Adults.pdf, September 2018

³ Scottish Government's National Action Plan to Prevent and Tackle Child Sexual Exploitation Update published March 2016,

This document on tackling child sex exploitation also depicts a diagram highlighting the requirement to bring the perpetrator to justice and then to reform. The Petitioner's case highlights that none of these actions as advised have been acted upon.^{4 5}

Independent Inquiry Child Sexual Abuse in England and Wales has thrown open the doors inviting all cases of alleged abuse to be investigated and collated with the end result being to close the loopholes and create greater protection for children and young people from being sexually abused:

"The evidence we gather will inform our recommendations to help protect children in the future."⁶

Dame Vera Baird has been appointed the new Victims' Commissioner and has taken over the role from Baroness Newlove. Dame Vera's responsibilities will include promoting the interests of victims and witnesses, ensuring that their voices are heard and holding government to account on delivery of its commitments. I believe that the Committee have made an excellent recommendation in exploring this option for the people of Scotland.

This article in the Chicago Tribune⁷ indicates the first signs in acknowledging abuse in state schools within Chicago: "It is most important to remember the gross, indefensible number of victims: Police investigated 523 reports that children were sexually assaulted or abused inside city public schools from 2008 to 2017, or an average of one report each week. More than 500 cases, shrouded in secrecy. Without the diligence of journalists, those cases might have stayed buried. That's what City Hall hoped."

"Nearly 1,300 Canadian children have been victims of sexual offences carried out — or alleged to have been carried out — by school employees in the last two decades, according to the Canadian Centre for Child Protection. An examination of sexual assault cases involving staff at kindergarten to Grade 12 schools in Canada found 714 employees or former employees were linked to sexual offences against schoolchildren between 1997

⁴ Scottish Government's National Action Plan to Prevent and Tackle Child Sexual Exploitation Update published March 2016

⁵ xxxxxx https://www.pkc.gov.uk/media/38175/National-Action-Plan-to-Prevent-and-Tackle-Child-Sexual-Exploitation-Update-March-2016/pdf/Scottish_National_CSE_Action_Plan_Update_-_March_2016.pdf?m=636144718227770000 accessed 25th June 2019

⁶ Independent Inquiry Child Sexual Abuse

<https://www.iicsa.org.uk/> accessed 24th June 2019

⁷ Chicago Tribune : Column: CPS and sex abuse: Lessons from the Catholic Church 24th June 2019 by Kirsten McQueary <https://www.chicagotribune.com/columns/kristen-mcqueary/ct-column-kristen-mcqueary-sex-abuse-cps-catholic-20190624-ofmsjrjzifbh5jnchzstmeadwoy-story.html>

and 2017, says a report from the child protection centre, based in Manitoba. Officials believe the study is the most comprehensive inventory of child sexual abuse involving school employees in Canadian history.”⁸

In my professional experience, abuse sustained from those in positions of trust are often the most difficult to overcome and can leave victims with depression, low self-esteem and suicidal ideation along with a deep sense of self-blame and shame. I call upon this Committee to take urgent action to protect vulnerable children and young people. I personally witness the misery caused by all forms of abuse generally and also from within state schools. I have cited two recent articles in the US and in Canada to indicate what may lie beneath the surface in our own land. Prudence dictates that we act to protect our children and young people by starting this inquiry into abuse in Scottish state schools.

I would like to take this opportunity to thank the Committee for such a full and honourable response to this Petition. I await the outcome with great interest as so many lives depend upon a wholehearted response.

⁸ Ian Froese CBC News · Posted: Jun 14, 2018 10:20 AM CT | Last Updated: June 14, 2018