

# Supporting victims and survivors of abuse

Scotland

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## 1

### Introduction

If senior leaders are asked to identify the things that may keep them awake at night, or that they dread most, one will surely be receiving a phone call detailing current or past child abuse. For the person making that phone call, perhaps detailing for the very first time the abuse that he or she has suffered, the experience may be simultaneously nerve-wracking, painful and will require great courage.

Senior leaders and safeguarding leads / Child Protection Co-ordinators in boarding schools are well trained and the policies and procedures for dealing with abuse are closely regulated, reviewed and inspected. However, there is little guidance on how the school can support victims when an allegation is made. It may be the case that the voice of the victim or survivor of abuse is lost amidst the policies and procedures.

The purpose of this briefing paper is to help schools:

- ensure that victims and survivors do not lose their voice;
- to provide some context for Heads, governing bodies and safeguarding leads / Child Protection Co-ordinators in boarding schools to think through in advance how they might respond to a victim or survivor of abuse;
- to provide guidance and training for staff on the occasion they receive a disclosure of current or recent abuse;
- to be clear in our understanding that for *all* concerned an allegation of abuse is likely be an emotionally stressful experience, which requires support and sensitivity.

We are extremely grateful to those survivors who have helped the BSA to put together this paper, and to contributing senior leaders and to David Smellie and Katie Lancaster (AGBIS representative on the BSA Executive Committee) from Farrer and Co.

**\*This paper is for guidance and training purposes only. It is not statutory and, in all instances, you should share what you intend to do with the relevant authorities and Police Scotland.**

## 2

## First steps following receipt of an allegation of abuse – reporting obligations

On receipt of an allegation or evidence of any form of abuse, the school's first response is always to follow the Safeguarding / Child Protection policies and procedures required under Education Scotland's Child Protection and Safeguarding Policy, 2018 and the Scottish Government's National Guidance for Child Protection in Scotland, working in close partnership with the Local Authority Duty Child Protection Team and Police Scotland. A notification must be sent to the Care Inspectorate. The Duty of Candour legislation and all appropriate local guidance must be followed.

BSA member schools are required by the BSA Commitment to Care Charter to advise BSA's Head of Safeguarding and Standards, Dale Wilkins, that an allegation has been made. Further information is available on the BSA website.

## 3

## Next steps an informed response and appropriate support

### Listening to the Voice of Victims and Survivors:

One of the lessons from the Australian Royal Commission report into child abuse was to listen to the voice of the victim first. In the United Kingdom, two excerpts from *Victim and Survivor Voices from The Truth Project* (June 2016- June 2017, Independent Inquiry into Child Sex Abuse, October 2018) are poignant and challenging:

*'You know grooming, you didn't hear about grooming but...he was a nice man. He treated me nice when I was a little boy. And that is more hurtful than anything when somebody treats you nicely but then takes advantage of your real sort of vulnerability...I know it's odd to say it but when you have abuse especially you liked that person, right? You like that person. They give you whatever, grooming, you can call it what you want.'*

(Participant 19, male, Chapter 4.2.2:  
*Experiences of Child Abuse*)

*The immediate response of a school to receiving a letter like that is to contact lawyers, where Institutions, especially boarding schools are supposed to be acting as parents not as legal entities, and to immediately go to the legal perspective...it's mediated through lawyers. 'We can't apologise, because apologising would admit culpability', which means that it's not a human process. That to me is as much a failure not of the school but the institution of boarding schools.'*

(Participant 6, male, Chapter 7.2  
*Later disclosure and institutional responses*)

For many who disclose, they may be doing so for the first time. Some will have suffered abuse in the past and a recent trigger has raised to the surface an abuse held dormant for many years; others will have lived with the consequences of abuse for many years but not felt able or ready to disclose; for others, it may have happened very recently. Whatever, the situation the act of disclosure can be immensely difficult and painful and therefore the way the school responds to the survivor is crucial.

Survivors may be incredibly nervous that they will not be believed. One survivor who has been helping the BSA stated that if the person making the allegation is not listened to or taken seriously *'it can feel like they are being abused all over again.'*

In the words of Participant 6, schools have to ensure that responses are *'a human process.'* It is therefore vital that schools train staff how to respond to an allegation so that anyone making an allegation is looked after with empathy and respect.

Responses to receiving an allegation can be very complex. There are of course different levels of responsibility within the school and in approaching the school to report their experience of abuse, the victim may come into contact with several people at different levels of seniority in the course of retelling their story. Each person who receives details of the allegation will have their own level of responsibility and their own reaction and perspective. However, what is key is that in receiving the information, the victim is not required to repeat their story over and over again, as this in itself may be distressing and may compound their trauma.

Examples that we have gathered suggest that often it will be a school receptionist who receives the call and is the first person to whom a survivor tells their story. The receptionist may be hearing something for which she or he is not prepared, and perhaps in detail which can be traumatic for them. The initial response and way in which the victim's disclosure is handled can be very significant, ensuring that receptionists are trained to react in an appropriately considerate and kind way, ensuring that the person phoning feels that they have been heard and that the correct person will contact with them promptly.

Upon receipt of an allegation, Designated Safeguarding Leads / Child Protection Co-ordinators and Heads will immediately turn to their policies and procedures and reach for the telephone to the MASH / MASG team and Police Scotland. They are perhaps so well trained that they switch into auto pilot in order to ensure that the correct procedures are followed. Of course, it is important that those correct procedures are followed promptly. However, many of us will acknowledge that emotionally it can be a safer place personally to focus on the procedure to follow, so that the vagaries of emotion do not obstruct doing what they hope to be the 'right' thing.

The Local Authority Duty Child Protection Team and Police Scotland will be following their own set of policies too, which can also appear impersonal for good reasons, especially if an investigation is to follow.

Heads are simultaneously responsible for the person who has been abused and the person against whom an allegation has been made and have to act in the best interests of both, following correct safeguarding and employment procedures. They are also acutely aware of their responsibilities for the safeguarding of every pupil in their care, and their parents. This requirement to take a balanced stance may in itself impact upon how the Head deals with the allegation.

Senior leadership at the school may also have concerns about the impact that the allegations will have on the school community once they come into the public domain. Whether they admit to the instinct or not, most cannot help but be concerned for the impact of any serious allegations on the reputation of the school and all they have worked for.

The timing of the alleged incident and knowledge of the individuals concerned may in itself impact upon the response to the allegation. Sometimes the Head will know the victim personally making an allegation painful with all the sense of betrayal and doubt that accompanies it; at other times it will be a former pupil who left perhaps decades ago whom the Head has never met.

In responding to an allegation of abuse, Heads and Governors will wish to ensure they are fulfilling all their responsibilities and lawyers will be advising too. Heads who have received allegations testify to how challenging it is to 'do the right thing' and to have confidence that they are doing so at each turn, especially as the situation moves forward.

Whilst every situation will be different, forward planning, training, the availability of counselling services all mitigate some of the risks, give confidence and most importantly ensure that the voice of the victim is not lost amongst the complexity of procedure and that staff are also supported. With all of the competing emotions, responsibility and obligations detailed above, it is perhaps unsurprising that sometimes the victim may feel that they have difficulty being heard.

### The legal perspective: busting the apology myth

First and foremost survivors say that they want to be believed. Even if there is going to be an ongoing investigation, the first instinct must be to believe what is being disclosed. As part of a 'human process,' we will want to say 'sorry.' Even if the abuse had nothing to do with those in post at the time, the word 'sorry' demonstrates belief and empathy.

It is sometimes assumed that schools cannot apologise as to do so would be an admission of culpability leaving the school liable to future damaging claims and a negation of insurance.

Some insurers continue to say that a school cannot apologise and will try to stop the school from doing so because they are not aware of the legal situation.

The legal situation is clear. **Saying 'sorry' is not an admission of culpability. Saying 'sorry' does not compromise an investigation.**

For example, a simple, but effective way of responding to a new allegation may be to say:

- "I am so sorry to hear about your experience here at the School. Our responsibility as a school is to ensure the safety and security of our pupils and I am very sorry that this was not your experience.
- "Thank you for contacting me to tell me about this. I can appreciate that it was not easy for you and I am grateful that you brought this to my attention.
- "As a school we take our responsibility to safeguarding very seriously and therefore it is important that we ensure that this matter is reported to the appropriate authorities so that it can be dealt with in the proper way."

### Insurance and insurers

Checking back through the insurance records for a school is very important, as historical abuse allegations may go back many years. Even if an allegation has not been received it is worth checking in advance with your lawyers and insurers, including previous insurers, what they think the position is so there is clarity before an allegation is made.

Under the guidance of lawyers, schools may decide to change insurers according to their stance on this issue. It is important that the school and its insurer deal with any allegation appropriately, i.e. with compassion and consideration. That is not to say that there will not be investigation, but an overly defensive response will be inappropriate.

### What about false allegations?

Safeguarding / Child Protection Policies and Procedures include a section on how to deal with false allegations. Sadly, there are instances when false allegations are made, although the statistics show that only a very small proportion do so and that the vast majority are truthful.

It is not the responsibility of those receiving an allegation to make a judgement as to the truth of what is heard. This remains the responsibility of the police and any judicial process. Until an allegation is proven false, any allegation should be believed, taken seriously and treated with sensitivity and empathy.

### Unproven allegations

*Sometimes the situation is less cut and dried, and an allegation may be unproven.* Some allegations will involve abusers who are deceased or very elderly. The process of investigation can be an extremely lengthy process, especially if Police Scotland and the Local Authority Child Protection Team make a prioritizing resource judgement that the person accused poses no current danger to children. It is often the case that an investigation cannot gain corroborating evidence from others who may have been abused or witnesses; not all may be ready or willing to disclose. This can lead to an unproven allegation.

An unproven allegation does not mean that the allegation is false. Whilst it might mean that the person accused is treated as innocent, extreme care should be taken to support the victim so that they do not feel as if they are no longer believed.

## 4

**Advanced planning be proactive not reactive****Review your current procedures for receiving allegations**

The following section is by no means exhaustive and is intended to act as a starting point for your own discussion and training.

- 4.1 Check with insurers and lawyers what they understand the school's position is with regards apology so that all staff know what they are able to say when a phone call, letter or email comes through and agree an acceptable form of words in advance.
- 4.2 Identify all key staff who are most likely to receive an allegation, including reception staff and alumni officers.
- 4.3 Include victim response training for key staff.
- 4.4 Consider the different scenarios in which you are likely to find out about an allegation:
  - 4.41 Police inform you;
  - 4.42 Local Authority Child Protection Team informs you;
  - 4.43 Social media informs you;
  - 4.44 Press or other media inform you;
  - 4.45 Alumni informs you – be prepared for when a former or current member of staff dies and may have a memorial service as this could be a trigger. Expect anniversaries and events to be potential triggers, and triggers that will of course re-occur for the survivor;
  - 4.46 Direct contact with school.
- 4.5 Consider with Governing Body the range of options open to you to support victims and therefore those you are prepared to offer from the start, for example counselling services.
- 4.6 If offering counselling is decided as a potential way to support, identify potential counsellors – see section on counselling below.
- 4.7 Consider what the counselling options will be for staff dealing with allegations and situations of abuse.
- 4.8 Consider appropriate media responses as part of the School's Crisis response plan.

**Have guidance in place to respond to allegations**

Put in place training to ensure that there is an agreed school protocol setting out how you will support a victim when an allegation is made/a phone call comes through.

Remember that a phone call is the end of a long process and may be the first time a victim has disclosed. It may even be that he or she has only recently started believing it themselves, a sudden moment of dawning. The victim is therefore very vulnerable at this point.

Equally, it is very important that schools manage expectations very carefully as schools cannot be all things to all people. Throughout the process schools should not promise what they cannot deliver. Do not promise that counselling will be provided if you cannot. Schools should be up front and truthful: if you do not have information or detail requested, say that you do not.

Draw up a check list for what you could say to a victim in order to train staff in advance. An example could be:

- Say that you are very sorry to hear what they have to say. The School takes any such allegations very seriously. (As a school you can have a set form of words – this should have been checked with lawyers previously).
- Show belief: (*I don't know what to say but I believe you and I care; if you want to talk, we are here* – and be specific as to who they can talk to).
- Ask whether he or she has passed it on to the authorities or are thinking of doing so.
- Ask whether they would like you to pass on the details on their behalf and if they would like you to give their personal details or not.
- Let them know you have to inform the appropriate authorities (e.g. police/children's services) and the school must follow its obligations procedures and policies – however, you can provide details of the allegation without disclosing the victim's name. Alternatively, you can report the matter and then provide the individual with the contact details of the police or appropriate authority should they wish to think about making contact personally.

- (If decided in advance) Do they know a counsellor? Do they want help finding one?
- What type of support do you need?
- **Do not get drawn in on the detail, as the disclosure might lead to a police and / or Child Protection investigation and it is important that the relevant authorities are able to investigate the matter first.**
- Manage expectations.

**Manage Expectations**

In the circumstances envisaged in this briefing paper, the person making the disclosure will be an adult. If a child (any person under the age of 18) makes a disclosure, then all relevant Child Protection procedures must be followed immediately.

Expect the survivor to be unfamiliar with the process and help them understand it, the need for investigation, the need for confidentiality, the need to protect others from harm etc.

- Let the survivor know that you will have to contact the Police Scotland to ask them about how and when communication is to take place.
- Say that you will need to await instructions from Police Scotland before you can let the survivor know any more; let them know that communication is then likely to come first through Police Scotland.

**Acceptable language**

Schools need to be very sensitive about the language they use, especially as it does change over time and for each person, hence the use of both victim and survivor in this paper.

For example, 'historic' abuse has moved to 'non-recent' abuse and sometimes 'past abuse.'

Schools are advised to avoid using the word 'closure' as victims and survivors say they do not have closure: it tends to be associated with institutions who consider that a case is closed.

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## Check list for questions for the Local Authority Child Protection Duty Officer and Police Scotland

Initial Referral Discussions (IRDs) are multi-agency and very strategic with clear priorities and procedures to ensure other children are safeguarded from harm. There are very strict boundaries around confidentiality, especially if an investigation is ongoing which could be compromised, and clear procedures to protect the victim and the person against whom an allegation is made.

It is very important that voice of the victim is not lost in this process and that schools are absolutely clear about what can and cannot be said by whom and to whom, and who is going to communicate with the victim. This will necessarily develop, if the process becomes lengthy and complex and is especially the case if the victim is not a current pupil.

Sample questions for an IRD meeting are:

- How can we best support the victim?
- How can we look after the family?
- What are we allowed to tell them about the safeguarding processes?
- Can we recommend a counsellor?
- What are we allowed to say to the victim and family?
- Please may we have clarity about the process and the communications protocols – and who will share this with the victim?
- What is appropriate engagement with the family and wider network and what does that look like?
- What avenues are open to the victim and the family to communicate with the school?
- Can we appoint someone from the school who can be the point of contact? Can the victim give consent for a person in the institution?

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## The longer term

At certain points in the process, there may well be involvement from victim support or family liaison officers. Once this support has concluded, victims may look to the school for ongoing engagement. Consideration, in conjunction with the victim, family, and social services may need to be made to identify a point of contact at the school, if appropriate.

If the victim is a current pupil, constant and unobtrusive vigilance, and usually with a single point of contact, is required. Similar to children who have been bereaved, be aware of triggers such as events and anniversaries.

### Supporting the wider community

Depending on the situation and how much becomes known publically, at some point there will need to be an understanding that there are indirect victims of abuse, the immediate family and the wider community, especially if the abuser or the abused is well known.

Teachers may need counselling or support; other children will need support and clarity, and senior leaders often carry the burden or become overwhelmed with managing the crisis alongside their other responsibilities. What options can be put in place in advance?

### Counselling

Governors and Heads will need to decide what they are prepared to offer, bearing in mind the advice from victims about the desire for transparency and not being promised what cannot be delivered.

Every person will be different and will have different ways of managing their emotional needs at particular times in their lives, although they will be very vulnerable at the time when an allegation is made and therefore counselling will not be appropriate for all.

Schools will also need to consider if they are going to offer support to the indirect victims of abuse, such as family members, teachers etc.

Some counsellors are better trained to support those who have suffered abuse than others. When identifying

counsellors, it is essential to consider whether they have the necessary training in this area. **Please inform the BSA if you discover counsellors who have relevant training so that the BSA can keep a central list to help members.**

Governors need to be made aware that Child Protection Co-ordinators / DSLs, Heads and Senior leaders may carry significant emotional burdens and may also require support.

The BSA has a good and developing relationship with NAPAC, The National Association for People Abused in Childhood, and will continue to work with them to identify means of support. NAPAC is always a good place to direct a victim for support: <https://napac.org.uk>

'The National Confidential Forum' is a key source of information and support for survivors of abuse in Scotland <http://www.nationalconfidentialforum.org.uk>

NSPCC also has a helpline [help@nspcc.org.uk](mailto:help@nspcc.org.uk) and a help page for survivors: <https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/non-recent-abuse/>

Schools should be aware that the Scottish Government has announced that there will be a system of financial redress for victims of abuse, Further details can be found on the Scottish Government website <https://www.gov.scot/publications/financial-redress-for-survivors-of-child-abuse-in-care-advance-payment-scheme/>

Other sources of support include:

- Speak out Scotland - [www.speakoutscotland.org](http://www.speakoutscotland.org)
- Scottish childhood abuse: support - [www.mygov.scot/childhood-abuse](http://www.mygov.scot/childhood-abuse)
- The Samaritans - [www.samaritans.org](http://www.samaritans.org)
- Citizens Advice - [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)
- HAVOCA Help for Victims of Child Abuse – [www.havoca.org](http://www.havoca.org)
- Victim Support – [www.victimsupport.org.uk](http://www.victimsupport.org.uk)
- Survivors Trust – <http://thesurvivorstrust.org>

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