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Survivor Forum constitution as per: Redress Scotland Bill 2021 enacted

93A The Survivor Forum

The Scottish Ministers must establish and maintain a forum, known as the Survivor Forum, consisting of—

- (a) Survivors of historical child abuse in care in Scotland,
- (b) Such other persons as Ministers consider appropriate.
- (2) The purpose of the Forum is to provide feedback to the Scottish Ministers and Redress Scotland on the exercise of the functions conferred on them or on it under or by virtue of this Act. 10
- (3) But the Forum may not provide feedback on the determinations made in relation to redress payments in individual cases.
- (4) The Scottish Ministers may pay Forum members such allowances and expenses as they consider appropriate.
- (5) The Scottish Ministers may by regulations— 15
 - (a) Make further provision about or in connection with the Forum,
 - (b) Make provision for the dissolution of the Forum in connection with or following the dissolution of Redress Scotland under section 95

Former Boys and Girls Abuse in Quarriers (FBGA) Survivor Forum proposed Model (pages 1-9)

1. Purpose

a. The main purpose of the Survivor Forum is to oversee the implementation of the Redress Scotland Bill 2021 and the continuous improvement of the delivery of the Redress Scotland Scheme.

Its implementation, design, structures, processes, operations and functions of the overall Redress Scotland Scheme and Redress Scotland Panel in order that these will deliver an approach which is trauma informed and a victim-survivor centred trauma informed Redress Scheme.

Ensure that all Redress Scotland applicants and those supporting them are treated with dignity, respect and compassion by all those they come into contact with involved in the Redress Scotland Scheme. **(Propose a participants charter with approved kite marks by Victim Support Scotland and other reputable victims organisations- for further discussion)**

b. The Survivors Forum will engage the wider Victims-Survivor community to ensure that the Survivor Forum Plan is truly representative of the aspirations and ambitions of wider survivor community.

The Survivor Forum will maximize the engagement and support for the approach taken in the objectives by ensuring high levels of wider survivor community engagement throughout the lifetime of the Redress Scotland Survivor Form process.

c. Acting as a sounding board on specific themes relevant to the Redress Scotland procedures and structures, functions and reviews and reporting including any reports as stipulated by the Scottish Parliament and in particular in the early years, as determined by the Scottish Parliament (within the 1st 18 months) the operational effects of the Waiver and Contributions from 3rd parties.

d. While submitting any recommendations to help improve the Redress Scotland Scheme and The Panel functions during its operational lifetime;

2. Status of the Survivor Forum

The Survivor Forum is not an agent of the Crown nor of the Scottish Government or any other 3rd party. It is an independent and impartial Survivor Forum whose funding derives from the Scottish Government by virtue of the said Act.

3. Terms of Reference & Objectives of the Survivor Forum. Interaction Review Group Values and The Nolan 7 Principles of Public life.

a. The terms of reference for the Survivor Forum, Redress Scotland should state that, in particular, the Survivor Forum will provide feedback and advice on: the governing principles and functions that underpin the Redress scheme and Redress Panel.

b. Elements of the Redress Scotland scheme's design and operational functions that may include the following: This list is not exhaustive and should be viewed as guidance.

- Eligibility as per the Redress Scotland 2021 act.
- The principles around the processes of application
- Provide feedback on the Assessment criteria, the survivor centered trauma informed approach and engagement processes
- Provide feedback on Survivors psychological counselling and direct personal responses
- Engage and consult with Solicitors and others who engage with the Redress Scheme and carry-out any of its functions.
- Provide feedback on, other redress support mechanisms, organizations non redress reports and engagement
- Review Survivor Redress Outcomes independently and impartially evaluated
- Review Contributions non redress evaluated annually by organisation
- Review Redress Scotland Panel independent and impartial interim and reports.
- Review Redress Scotland Scottish Government component reports. Overall on its governance, operations and functions and its independent and impartial reporting mechanisms
- Review any Parliamentary commissioned reports submitted to the Scottish Parliament and provide feedback from the Survivor Forum on the said reports
- Any other Business

c. That the Survivor Forum will undertake the process in a democratic, transparent and fair fashion, encouraging widespread participation and giving equal consideration to opinions and ideas from all members of the Survivor Forum and the wider survivor community.

d. All Survivor Forum Members regardless should abide by the Interaction Review Group Values (which we recommend are reviewed and updated). As the Survivor Forum is publically funded we are of the view that The Survivor Forum Group as a whole should abide and adhere to the following: Nolan Principles.

The 7 Nolan Principles of public life which are selflessness, integrity, objectivity, accountability, openness, honesty, leadership.

e. All Redress Scotland and Panel decisions made shall be available for public scrutiny and fully evidenced and supported through consultation with the Survivor Form and the wider survivor community to ensure integrity openness and transparency in Panel and Redress Scotland's decision making processes and functions.

d. Ensure that any and ALL engagement with survivors and consultations going forward, collating, compiling, reports and disseminating the outcomes regardless are impartial and independently externally compiled and validated. To help ensure Survivor confidence and Trust in the Redress Scotland processes its operation, and its functions and reporting procedures.

4. Accountability- Oversight of the Survivors Forum

The Survivor Forum is wholly independent and impartial from the main Redress Scotland Scheme and does not and nor will it carry out any responsibilities on behalf of the Redress Scotland Panel, nor any Scottish Government Redress department nor any 3rd party.

The Survivors Forum will also operate wholly open and transparent at all times and the group and its members be available at all times for external public scrutiny of its functions, responsibilities and role.

It will publish publicly its response to the call for input and information, its minutes and its Terms of Reference, Functions and Purpose will be presented publicly to ensure Trust and confidence in its duties, functions, responsibilities in the wider survivor community and elsewhere.

We propose suggest that oversight and responsibility is overseen by the SHRC as the holders of the Interaction Plan or and a highly respected independent and impartial mediation organisation.

Whoever the independent and impartial organisation is or the individuals are as Chair and Co-Chair elected they must command the trust, confidence and the respect of all the parties but in particular the victims-survivors as the primary stakeholders in all of this.

5. Roles, Responsibilities and Functions

In order to achieve this, the Survivor Forum may carry out the following roles/tasks.

- Be accountable to the wider Survivor Community for overseeing the Redress Scotland Scheme and Panel (Principles and Objectives in Point 2)

- Introduce Survivors Forum members Induction Pack, and group Terms of Reference, Code of Conduct for members. Group and individual members engagement and working Principles and Values of the Survivor Forum and members
- Providing strategic over view and input to the Redress Scotland Scheme
- Produce, feedback, monitor and update reports to the Scottish Ministers and others
- A Survivor Forum project timetable
- Produce a Survivor Forum consultation and engagement strategy, detailing and showing how the wider survivor community will be involved throughout the process;
- Regularly report back to the Scottish Ministers regarding Redress Scotland Scheme and the Redress Scotland Panel and its Chair for consideration of issues raised and reported
- Please note the Survivor Forum is not a complaints process for the Redress Scotland Scheme nor for the Redress Scotland Panel nor Scottish Government or any in care institution or in care residential establishment affected by these issues.
- To undertake independent analysis and evidence gathering in support of the Survivor Community
- Actively support Redress Scotland Scheme and Redress Scotland Panel and promote the implementation and preparation of the Redress Scotland Development Plan throughout the duration of the project, providing honest constructive feedback whether that be positive or negative feedback
- Identify and confirm the Scottish Government financial funding for the Survivor Forum, its members allowances and expenses, functions and operations throughout its lifetime
- Liaise with relevant individual, authorities and organisations affected by historical in-care abuse and the Scottish Human Rights Commission and the Scottish Government to make the Survivor Forum and outcomes as effective and positive as possible
- Gather impartial and independent data/research from a wide range of sources to ensure that the conclusions reached are fully evidenced and that the aspirations, outcomes and issues of all are understood within the wider survivor community
- Must, consult as widely and thoroughly as is possible to ensure that the Survivor Forum is fully representative of the views of victims-survivors, next of kin, institutions affected by these issues, legal representatives and any others deemed appropriate.
- Must, agree, subject to ratification the Status of the Survivor Forum, Survivor Forum terms of reference, Code of Conduct, Principles and Role, functions , membership and a yearly work and development schedule plan.

6. Membership, Induction, Training and Numbers of the Survivor Forum

a. A Recruitment of Survivor Forum diversity member's process must be accessible to all and is open and transparent and is impartial and independent to build confidence and trust in the wider survivor community. It must be Trauma informed and enabling.

The Survivor Forum should be made up of a majority at all times of a diversity group of a cross-section of victims-survivors of historical child abuse in care in Scotland.

Consideration should be given as to the lived experience of Survivor Forum members and those who have processed their own trauma and are proactive and capable of coping with the rigours of such meetings.

The Survivors Forum has a duty of care to those who serve on it and should ensure that all members can engage and cope with the rigours, duties and responsibilities of the Survivors Forum. A cross range of diversity volunteers from the wider survivor community, including Victim-Survivor Groups and their representatives.

Such other persons as Scottish Ministers consider appropriate and with lived experience and acceptable to the Victims-Survivor Forum survivor membership.

b. We suggest a 60% survivor representation - 40% other representation. With the Chair and Co-Chair being independent and impartial appointments - out with the 40%. We suggest some members from professionals from mediation backgrounds and Trauma Informed professionals with lived experience and others.

Every effort must be made to seek representation from under-represented and those excluded sections of the wider survivor community.

All members regardless should be provided with a comprehensive induction which covers roles and responsibilities and the Code of Conduct, Values and Principles of the Survivor Forum group working as a whole and with others individually.

Members Induction should also cover all the Survivors Forum policies and learning and understanding of the Redress Scotland Bill. Trauma informed training and continuous training identified should be facilitated for members throughout the lifetime of the Survivors Forum.

b. Membership of the Survivor Forum we would suggest up to a maximum of 15 members (10 victims-survivors and 5 others. The others members we suggest would and must include trauma informed professionals and others involved in mediation with lived experience.

Experience of historical in care abuse is essential. Giving it's a collaborative approach we see key organisations, institutions and others directly affected contributing and playing a vital role too.

7. Survivor Forums member's terms of Office

We would suggest that in accordance with the Code of Conduct. That All Forum members initially serve for a period of 2 years and then stand for re-election if they wish of 1 additional year then stand down.

This will enable other victim-survivors in the wider survivor community who may wish to be members to apply but have not previously had an opportunity.

This recruitment approach will also help the Survivor Forum to continually review and reinvigorate the Survivor Forum while operating on a continuous improvement basis.

8. Decision Making

- a. The Survivor Forum has full delegated authority from the Redress Scotland Act 2021 section **“93A The Survivor Forum”** to deliver its plan making functions to provide feedback and advice to the Scottish Ministers and Redress Scotland on the exercise of the functions conferred on them or on it under or by virtue of this Act.

The Survivor Forum will report annually to the Scottish Human Rights Commission as the holders of the Interaction Plan, The Scottish Government, Redress Scotland and The Scottish Parliament setting out progress on its work and its reviews of the Redress Scotland operations and functions as conferred to them by virtue of the Redress Scotland Act 2021.

The Survivor Forum members will approve any draft submission report prior to publication for consultation and independent examination.

- b. The Survivor Forum plan-making process remains the responsibility of the Survivor Forum by virtue of the Act.

All publications, consultation and community engagement exercises will be undertaken by or on behalf of the Survivors Forum independently and impartially with appropriate recognition of the Scottish Government and Redress Scotland's position working in a co-operating and collaborative way in all functions and communications associated with the Redress Scotland and Panel overall Redress project.

9. Survivor Venue, Survivor Forum Meetings and the Secretariat

- a. Survivor Forum meetings will take place at a minimum 6 times a year with a review built in. (The number of meetings to be agreed by the Forum at its 1st meeting). We recommend 6 annually to begin with at a minimum and increase this if required.

Where possible, all meetings should be held within a designated venue accessible for all. A venue where survivors have privacy, and feel comfortable and safe.

The Survivor Forum should discuss openly and transparently all relevant matters in a free flowing, encouraging atmosphere, facilitated by the Chair and Co-Chair involving and encouraging all members in all the discussions and work programs who wish to fully engage and participate;

They must demonstrate the adherence to trauma informed principles and practice and survivors should not be stifled by undue command and control practices while building trust and confidence.

The dates of future meetings will be made publicly available via the [SHRC or another independent impartial organisation such a mediation organisation] website.

The Survivor Forum will have its own independent secretariat, separate from that of the Scottish Government or any Scottish Government department, Redress Scotland and any 3rd party.

Members of the Survivors Forum may invite other individuals/organisations externally or engaging or carrying out any functions relating to Victims-Survivors engaging with the Redress Scotland Scheme that they determine to provide reports and regular progress updates/reports to the Survivors Forum.

c. In a process prior to the Survivor Forum being operational an independent and impartial Chair and Co-Chair will be elected, a process for claiming members allowances, fees and expenses will be put in place.

If the Chair and Co-Chair positions should become vacant within the lifetime of the Survivors Forum. The Survivor Forum members will elect an independent and impartial alternative Chair and Co-Chair. With the Victims-Survivors having the deciding decision making with regards such Chair and Co-Chair appointments

d. The Secretariat shall keep a record and minute of meetings and circulate draft minutes for approval at the next meeting. The Chair or Co-Chair in conjunction with the Secretariat will also circulate agenda items for consideration while consulting members to put forward any agenda items they wish to be discussed and considered prior to the actual Survivor Forum meetings

Notes, minutes and reports or any other matters to be circulated to Survivor Forum members in a timely fashion and at least 1 week minimum prior to any actual meeting. To enable Survivor Forum members to Review and feedback any points these may wish

Minutes shall always be made publicly once approved and available on the independent mediation organisations website on a dedicated space. FBGA propose that space on the SHRC website as the holders and originators of the Interaction Plan.

There must be a secure repository and secure location for Survivor Forum minutes and reports and any other information they wish to disseminate to the wide survivor community and the general public.

e. At least 14 clear days' notice of meetings shall be sent to members via email [or an alternative agreed communication method].

f. Decisions made by the Survivors Forum should normally be by consensus at Survivor Forum meetings. Where there is no consensus then the majority survivor's position will be considered sufficient.

The Forum Survivors members may wish to consider introducing a voting system into its functions

A minimum of 12 members shall be present where matters are presented for decisions to be taken. A simple majority vote will be required to support any motion. One member one vote. The Chair and Co Chair person shall have one casting vote.

10. Working Groups

a. The Survivors Forum may if required establish small working groups, made up of volunteers and others from the wider survivor community to aid them in any plan related work.

b. Each working group should have a lead person from the Survivor Forum Group.

c. Members of the wider survivor community will be encouraged to participate in the processes at all stages.

11. Finance for the Survivor Forum and its members

a. Funding will be from the Scottish Government and should be held by the SHRC or the mediation group/organisation, who will ring-fence the annual funds for the Survivor Forum group and Development Plan work. Appropriate fees, allowances and expenses for individual members to be determined by the Survivor Forum members in conjunction with the Scottish Government.

FBGA would recommend that The Scottish Ministers pay Forum members such allowances (including earnings) and expenses as this would be entirely considered appropriate.

b. The Survivor Forum will notify the Scottish Human Rights Commission and the Scottish Government, advising them of any likely planned estimated yearly expenditure.

c. Survivor Forum Group members and volunteers from any working groups may claim back any previously agreed allowances, expenditure and expenses incurred during any Survivor Forum related work.

12. Conduct, Co-operating and Collaborative working with all the parties and others

The Survivor Forum, Scottish Ministers and Redress Scotland must co-operate with one another in exercising the functions in relation to the functions conferred on them or on it under or by virtue of this Redress Scotland 2021 Act.

a. It is expected that all Survivor Forum members work in a collaborative way including with the all the parties including Institutions affected by the issues, Scottish Human Rights Commission, Redress Scotland bodies and Panel. The Scottish Government Ministers, Civil Servants and others.

b. Survivor Forum members must abide by the principles and practice of the Survivor Forum and adhere to the Survivor Forum Code of Conduct (to be agreed by the Survivors Forum Members at the 1st meeting) including declarations of interest and any additional survivor forum policies and procedures.

c. Complaints by individual Forum members relating to the Forum, its proceedings and policies should be channeled through The Chair and Co-Chair. The complaints process must be impartial and independent working towards a mediation resolution where possible and acceptable to the complainant and the other parties.

d. Whilst Forum Members as individuals will be accountable to their parent organisations, the Survivor Forum Group as a whole is accountable to the public, and in particular the wider Victim-Survivor community for ensuring that the Survivor Forum acts in the best interests of Survivors Next of Kin, survivor and their families and the survivor community as a whole reflecting their collective expectations.

12. The Survivor Forum Group will achieve this through applying the following Nolan the 7 principles of public life:

All Survivor Forum Members regardless should abide by the 7 Nolan Principles of public life which are

i. Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership.

ii. Be clear, open and transparent when their individual roles or interests are in conflict. Treat everyone with dignity, courtesy and respect regardless of their role, age, gender, sexual orientation, ethnicity, or religion and belief.

iii. Actively promote equality of access and opportunity. Survivor Forum Members must attend meetings in person or as arranged remotely.

iii. Forum Members who do not attend a specified number of meetings annually and in person for no valid reason should in our view forfeit the right to be members (refer to Code of Conduct for members)

13. Changes to the Terms of Reference - Constitution

This Survivor Forum, Terms of Reference- Constitution may be amended with the support of at least (two-thirds) of the current Survivor Forum membership at a Survivor Forum Group Meeting and with the agreement of majority of the survivors and in consultation with Scottish Human Rights Commission.

14. Dispute Resolution

An independent and impartial mediation process should be established to help and support any dispute with the Survivor Forum and with Redress Scotland and The Redress Scotland Panel.

Dissolution of the Survivor Forum

a. The Survivor Forum Group will be dissolved once its objectives and aims have been attained and/or at the closure of the Redress Scotland Scheme. At least (two-thirds) of its members shall be consulted and in agreement prior to its dissolution.

The Scottish Human Rights Commission and the Scottish Government will undertake a consultation which will be an independent and impartial consultation with the wider survivor community at least 1 year prior to the closure of the Redress Scotland Scheme, consider its services are no longer required.

c. The Survivor Forum Group will then conclude its business in a final meeting and convey any decision making by the parties publicly to the public and the wider survivor community. All remaining funds to be returned to the Scottish Government. **END**

Note:

This proposed Survivor Forum model was arrived at following FBGA's previous positive and negative experiences of working in other survivor centered groups such as the NRG Subgroup 2007-8, National Reference Group (NRG) 2012-2014, Interaction Review Group 2010-2021, feedback in 2021 re: Future Pathways previous advisory group, FBGA were not members of this advisory group.

FBGA campaigned and engaged with MSPs to have the Survivor Forum on the face of the Redress Scotland Bill 2021.

FBGA have also engaged former residents in FBGA and out-with, professionals with lived experiences and others out-with FBGA and in the wider survivor community, to arrive at this Survivor Forum model. FBGA believe this model approach will be inclusive, while representing the best interests of the wider survivor community. It supports fully the aspirations of the wider survivor community to have meaningful participation in the Redress Scotland processes (Survivor Forum) and a voice going forward as defined by the Redress Scotland Bill 2021 and as the primary stakeholders.