

Citizen Participation and Public Petitions Committee

8th Meeting, 2021 (Session 6), 1 December
2021

PE1905: Public Inquiry into the response of
religious organisations to allegations of child
sexual abuse since 1950

Note by the Clerk

Petitioner	Angela Rosina Cousins on behalf of the UK XJW's Support
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.
Full petition	https://petitions.parliament.scot/petitions/PE1905

Introduction

1. This is a new petition that has been under consideration since 25 October 2021.
2. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 140 signatures have been received.
4. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. This response is included at **Annexe B** of this paper.
5. The petitioner has indicated that she will be providing a further submission. This will be sent to Members as soon as it is available.

Petitioner submission

6. The petitioner is a survivor of child sexual abuse who believes that she was 'failed by people within my church' when she reported her abuse.
7. The petitioner notes that she provided evidence to the Independent Inquiry into Child Sexual Abuse in England and Wales, however, it could not be used as the inquiry did not cover abuse in Scotland.
8. The petitioner is calling for an investigation into the response of religious organisations who were informed about allegations of abuse against children who were not in care. She wants this inquiry to 'investigate how many victims and how many alleged abusers there were, and what these organisations did to protect the victims.'

Background

9. The SPICe briefing accompanying this petition notes that the petitioner argues that the scope of the Scottish Child Abuse Inquiry is too narrow as it is only able to investigate the abuse of children in care.
10. In contrast, the Independent Inquiry into Child Sexual Abuse in England and Wales has powers to investigate abuse in religious organisations generally (i.e. it is not confined to abuse that took place in care settings).
11. That Inquiry recently published a ['Child Protection in religious organisations and settings Investigation Report'](#).
12. The SPICe briefing also notes that statutory public inquiries are governed by the Inquiries Act 2005, which gives Ministers (including Scottish Ministers) the power to set up an inquiry where events have caused or are capable of causing public concern, or there are public concerns that particular events may have occurred. Scottish Ministers can only set up an inquiry when it relates to a Scottish matter.
13. It notes that the terms of reference for the Scottish Child Abuse Inquiry are focused on abuse in care, looking at 'the nature and extent of abuse of children whilst in care in Scotland' and 'the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland.'
14. Whilst this remit covers residential care institutions which may have been provided by faith-based groups, it does not cover the abuse of children in religious organisations themselves.
15. By contrast, the terms of reference for the Independent Inquiry into Child Sexual Abuse in England and Wales extend beyond this to 'consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation' which allows the Inquiry to investigate abuse in religious organisations.

16. The SPICe briefing notes that whilst the terms of reference for the Scottish Child Abuse Inquiry have been amended on various occasions by the Scottish Government, the Deputy First Minister stated in November 2016 that it was not the Scottish Government's intention to cover non-care settings (more detail about the reasons for this is contained in the Scottish Government submission section below).

Scottish Government submission

17. The Scottish Government submission states that whilst there was 'extensive consultation and engagement with survivors' in relation to the Scottish Child Abuse Inquiry remit, 'there was not unanimity on the extent of the remit amongst survivors and that some wished for the remit to be broadened.'

18. However, the Scottish Government also highlights a statement made by the Deputy First Minister in November 2016 which addressed the scope of the Inquiry and in which he stated 'to set a remit which would in practice take many more years to conclude, we would be failing to respond to those survivors of in-care abuse who have taken us at our word – in government and in parliament – that we will learn from their experience and, by addressing the systematic failures that existed, ensure it can never happen again.'

19. The Scottish Government also states that it has no plans to reconsider the remit of the Scottish Child Abuse Inquiry.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

PE1905: Public Inquiry into the response of religious organisations to allegations of child sexual abuse since 1950

Petitioner

Angela Rosina Cousins on behalf of the UK XJW's Support

Date Lodged

25/10/21

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.

Previous action

I contacted my MSP about this matter, and she spoke with the relevant Scottish Minister who suggested that Mandatory Reporting Laws are already in place in Scotland. However, this is not my experience.

Background information

I am a survivor of child sexual abuse. Like many others, when I reported that I was abused, I was failed by people within my church.

I supplied my evidence to the inquiry for England and Wales however, they could not use it as that inquiry didn't pertain to Scotland. Although there is a Scottish Child Abuse Inquiry, it is focussed on investigating the abuse of children in care.

There needs to be an investigation into the response of religious organisations, who were informed about allegations of abuse against children who were not in care. I would like the inquiry to investigate how many victims and how many alleged abusers there were, and what these organisations did to protect the victims.

The Independent Inquiry into Child Sexual Abuse in England and Wales has just released its report. Scotland now needs its own inquiry.

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition PE1905: Public Inquiry into the response of religious organisations to allegations of child sexual abuse since 1950, lodged by Angela Rosina Cousins on behalf of UK XJW's Support

The petitioner calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.

The petitioner argues that the scope of the Scottish Child Abuse Inquiry is too narrow as it is only able to investigate the abuse of children in care.

The petitioner also refers to the remit of [the Independent Inquiry into Child Sexual Abuse in England and Wales](#) which has powers to investigate abuse in religious organisations generally.

Background

A public inquiry is an investigation set up by a government Minister to investigate issues of public concern. Inquiries generally aim to establish what has happened, why and how it happened and what can be done to prevent it happening again.¹

Statutory public inquiries are governed by the Inquiries Act 2005 (the 2005 Act). It gives Ministers (including Scottish Ministers) the power to set up an inquiry where events have caused or are capable of causing public concern, or there is public concern that particular events may have occurred (section 1). Scottish Ministers

¹ [Public inquiries | The Institute for Government](#)

can only set up an inquiry when it relates to a Scottish matter (see the 2005 Act, section 28).

When a public inquiry is set up, the Minister has to specify the inquiry's "terms of reference" - in other words the matters which the inquiry has the powers to investigate (for details see the 2005 Act, section 5).

[The terms of reference for the Scottish Child Abuse Inquiry](#), set up in 2015, are focused on abuse in care, i.e. "the nature and extent abuse of children whilst in care in Scotland" and, "the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland."

This covers children in residential care institutions such as children's homes (including those provided by faith-based groups), as well as children in foster care (for details see the terms of reference). However, it does not cover the abuse of children in religious organisations themselves (i.e. not in care settings as defined in the terms of reference).

This is in contrast to [the Independent Inquiry into Child Sexual Abuse](#) (the English child abuse inquiry set up in 2015) whose [terms of reference](#) go beyond children in care to cover the following:

"To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation."

The result is that the English child abuse inquiry has powers to investigate abuse in religious organisations. [It has been investigating this issue](#) and, in September 2021, it published a report: "[Child protection in religious organisations and settings Investigation Report](#)". The [press release accompanying this report](#) concluded that:

"Religious organisations play a central and even dominant role in the lives of millions of children in England and Wales. The report highlights the blatant hypocrisy and moral failing of religions purporting to teach right from wrong and yet failing to prevent or respond to child sexual abuse."

Scottish Government Action

The terms of reference for the Scottish Child Abuse Inquiry have been amended on various occasions by the Scottish Government. However, [on 17 November 2016, the then Deputy First Minister, John Swinney, indicated in a statement to Parliament that it was not the Scottish Government's intention to cover non care settings](#) noting that:

“I have to ensure a remit that is deliverable within a reasonable timescale. I have concluded that there is a clear distinction between in-care settings and non-in-care settings. In-care settings are those where institutions and bodies had legal responsibility for the long-term care of children in the place of the parent, with all the legal and moral obligations that that status carries. That is different from the position in non-in-care settings, such as day schools and youth groups, where others had a duty of care on a short-term basis but, crucially, did not replace the role of parents. In too many cases, terrible crimes were committed in those settings, too. Criminal behaviour should be referred to the police and I hope that, where the evidence exists, it will be energetically pursued through the criminal courts.”

Scottish Parliament Action

- [Limitation \(Child Abuse\) \(Scotland\) Act 2017](#) – this removed the 3 year limitation period (also known as “time bar”) that applies to personal injury cases brought by people who sustained injuries as a child.
- [The Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#) – this sets up a scheme which allows survivors of historical child abuse in care in Scotland to apply for financial redress payments (up to £100,000), as well as access to apology and support.

Angus Evans
Senior Researcher
4/10/2021

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public.

However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Scottish Government submission of 05 November 2021

PE1905/A - Public Inquiry into the response of religious organisations to allegations of child sexual abuse since 1950

I refer to your correspondence dated 1 October 2021, which seeks an update on the position in respect of petition PE1905 by Angela Rosina Cousins.

Petition 1905 calls for “a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.” The petitioner further clarifies their view that “[t]here needs to be an investigation into the response of religious organisations, who were informed about allegations of abuse against children who were not in care. I would like the inquiry to investigate how many victims and how many alleged abusers there were, and what these organisations did to protect the victims.”

The Scottish Child Abuse Inquiry (SCAI)

The Scottish Child Abuse Inquiry (SCAI) was established by the Scottish Government in October 2015 and is chaired by Lady Anne Smith. Its terms of reference explicitly state that the Inquiry was established to “investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame”.

The current remit of the Inquiry was arrived at following extensive consultation and engagement with survivors. As a result, the Scottish Government broadened the definition of in-care settings within the remit to include, for example, foster care, and ensured that the Inquiry was able to consider not only sexual abuse but physical abuse, emotional abuse and neglect.

We recognise that there was not unanimity on the extent of the remit among survivors, and that some wished for the remit to be broadened. However, in a statement to Parliament on 16 November 2016, specifically addressing the scope of the remit of the Inquiry, the Deputy

First Minister stated “[t]o set a remit which would in practice take many more years to conclude, we would be failing to respond to those survivors of in-care abuse who have taken us at our word – in government and in parliament – that we will learn from their experience and, by addressing the systematic failures that existed, ensure it can never happen again.” The Deputy First Minister also stated that he felt it was important that the Inquiry be “sufficiently focused to produce meaningful recommendations within a reasonable timescale” and that broadening the remit would lessen its ability to do so. The Scottish Government has no plans to reconsider the remit of the Scottish Child Abuse Inquiry.

The Inquiry operates independently from the Scottish Government, and it is a matter for the Chair to determine what establishments and organisations are called to give evidence to the Inquiry. A number of religious organisations have been called to give evidence already, and [interim findings](#) have been published in relation to those institutions. The Scottish Government will consider and address any future recommendations made by the Inquiry to improve legislation, policy and practice.

Mandatory Reporting

The petitioner refers to Mandatory Reporting in her submission to the Committee. Mandatory reporting of child abuse was previously considered under petition PE1551, and the Committee closed that petition in March 2019. The Scottish Government considers that there is not a compelling case for the introduction of mandatory reporting in Scotland and previous evidence has suggested that there could be some significant unintended consequences for wider child protection issues. There is general agreement in Scotland, that the Getting It Right for Every Child (GIRFEC) approach and the incorporation of United Nations Convention on the Rights of the Child (UNCRC) into Scots Law, takes a more holistic approach to joining up and coordinating multiagency responses to the needs of children, young people, their parents, and their carers. We will however continue to monitor and evaluate the effectiveness of the Scottish child protection system working closely with stakeholders.

Support for Survivors of Childhood Abuse

Through the Survivors of Childhood Abuse Support (SOCAS) Fund, the Scottish Government funds 29 organisations across Scotland who

provide support to adults who have experienced childhood abuse.
Further information about the organisations and their services can be found at <https://www.gov.scot/publications/survivors-of-childhood-abuse-support-fund-2020-2021/>