



Former Boys and Girls Abused of Quarriers Homes

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1. Should Scotland trial an acknowledgement and accountability forum?

a. “YES”

Provided it is organised and managed properly, fully inclusive, ensuring the necessary impartiality, independence and integrity of the process.

Using the word “Pilot” would in our view be a more appropriate word as trial infers individuals being put on trial.

2. If so, do you think “acknowledgement and accountability” is an appropriate title or would you prefer other terms used?

a. We would prefer to see a title that clearly identifies the group of vulnerable adults that it is targeting and that the title encompasses the outcomes it hopes to achieve, our suggestion would be:

b. Historical, Acknowledgement and Accountability, Forum for children abused in Scotland’s past care system.

3. If you think it should be adopted, which of the following elements would need to be included in such a process.

We would like to see the following elements included in such a process.

- ❖ Establishing a Public Historical Record ensuring that all available facts and evidence are gathered including the full impact on True Victim-survivors lives and learnt from and promulgate in a final public report submitted to the Scottish Parliament and Scottish Government including any recommendations and proposals for the future.
- ❖ Identifying the past systemic failures and why within the care system at Quarriers Homes and other residential institutions or organisations across Scotland.
- ❖ Identifying and prioritising additional ways of ensuring that future children in care are secure, protected and fully resourced.
- ❖ The process is Truly Independent, impartial and has strong Independent Legal powers of subpoena backed by the Scottish Parliament and Scottish Government to enable it to carryout its full remit and role, which has yet to be determined.
- ❖ Acknowledgement, Apology, Accountability, redress and reparation should be contained within the process based on the balance of probabilities.
- ❖ The process is credible, fair and equitable to all who participate or are requested by the process to engage or participate in the process and that the process itself can withstand public scrutiny.



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- ❖ A Government response should strive to ensure that True Victims-Survivors, who are similarly situated be treated similarly within all the processes and be fully informed. Including the pilots and the testing approach. Enabling True Victim-survivors to make informed choices.
- ❖ A Government should strive to ensure that it protects the rights, honesty and integrity of all the True Victims-survivors, and others who may participate in a process of Acknowledgement and Accountability
- ❖ A policy of contacting all those accused who have not been in a “Court of Law” giving the individual the full opportunity of a Right of Reply and fair trial/hearing which is consistent with (Article 6 of the European Convention on Human Rights).
- ❖ Unless guilt has otherwise been proven in a previous Court of Law. All Defendants regardless should be considered innocent until such times as guilt is proven in a Court of Law.
- ❖ Government and True Victims-Survivors should strive to prevent the True Victim-Survivors from being tarnished or tainted by other individuals who may participate in the process and who may embellish, collude or make false allegations in relation to their personal abuse experience in the process or have done so in previous processes.
- ❖ A whistle blowing policy which is confidential to help prevent and positively, identify any potential false accusers and claimants who may access the process, to help protect the credibility and integrity of the process and the True Victim-Survivors. This may act as a deterrent to those who may wish to falsely accuse!
- ❖ Generally, within the process, there should be equitable and consistency in the reparation-compensation, benefits scheme/program awarded or provided to similarly situated True Victims-Survivors whether that be support and help for education, retraining and re-employment support, medical assistance or additional financial reparation within a devised scheme/program.
- ❖ Enhanced reparation-compensation should be considered based on the facts that over 1500 historical in-care abuse cases have been lodged to-date in the Scottish Court of Sessions seeking reparation-compensation and redress for past wrongs. Individuals who have all been denied True Justice due to an inequitable law “Timebar”.
- ❖ Enhanced reparation-compensation should be scaled based on the merits of each individual case, the type of abuse, severity of the abuse and the impact on the individual and any other contributing factors.
- ❖ Enabling individual True Victim-survivors independently to make informed choices for themselves which will aid and contribute to their own personal recovery and growth.



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- ❖ There should be robust, help and support mechanisms available within the process and thereafter to enable all True Victim -Survivors to avail and access counselling and therapy services and any other services deemed necessary or appropriate to aid recovery and redress where ever they reside.
- ❖ The processes and agreed principles are further developed through consultations, pilots and individual meetings including involving interested parties and individuals who wish to participate and all the processes are True Victim-survivor led.
- ❖ The overall design, shape, form and remit should be robust enough to get at the Truth and sensitive enough not to re-victimise those True Victim-Survivors abused.
- ❖ There is no fixed time limit-period (Timebar) for the reporting of historical child abuse to the processes. The process itself may have a fixed period as has happened in other countries notably Ireland.
- ❖ The Scottish Government should take a lead also and include interested parties from the various past & present residential institutions and organisations where abuse has occurred or been alleged, including taking a lead from True Victim-survivors in all the processes. All the parties should be consulted independently and collectively to gain an overview of what may be beneficial to all the True Victim-survivors and Scottish society as a whole.
- ❖ It may not be appropriate in the circumstances to aggregate, collectively all claimants and former residential institutions and organisations through the process as a single grouping.
- ❖ It may be appropriate in the circumstances to deal with the different residential institutions separately through a single process, relating to historical abuse True Victims-survivors separately, from a particular institution, but highlight all the findings concerning all of the residential institutions and organisations into a single final public report submitted to the Scottish Government and Scottish Parliament.
- ❖ A single process of Acknowledgement and Accountability would be considered appropriate, if managed and organised properly by treating the different institutions and organisations and the True Victims-survivors dealt within the single process separately. As has occurred in other countries who have dealt with similar multiple institutional abuse issues. **(Kaufman Report, History of Residential Institutions).**
- ❖ Due consideration should also be given to the issue of aggregating or aligning “True Victims-survivors” from a care residential organisation such as Quarriers Homes with other Victims from a young offenders institution or secure unit institutions as you may victimise, stigmatise and taint the Quarriers Homes “True Victims-survivors” by association and others not previously cared for in such institutions.



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- ❖ We the Quarriers Homes True Victims-Survivors were not deemed young offenders while in its care nor was it a secure unit.
- ❖ Just as we would not expect decent and good former carers of Quarriers Homes in the process to be tainted nor aggregated by association with those ex-employees who had been convicted of abusing children in the Courts.
- ❖ A “Criteria” which is objective, consistent and allows for the full disclosure, scrutiny, validation and accuracy of all testimonies within the process would be the most appropriate while adhering to article 6 and 8 of the European Convention on Human Rights.
- ❖ The rules, principles and remit can be crafted by the parties to the process including the True Victims-survivors to appropriately balance the interests of all the parties affected.
- ❖ All individual testimonies regardless of who they are should be obtained under proof of oath or affirmation as this is not incompatible with the desirability of meeting and accommodating the needs of True Victim-Survivors who have already been in Courts of Law and those who have not.
- ❖ There may be extreme exceptional circumstances whereby an individual claimant testimony cannot be corroborated and substantiated. This should be regarded as the exception and not the norm.
- ❖ There must be the opportunity to challenge the account given by the claimant and any other participant in any eventual process. While maintaining individual rights to family life and privacy (Article 8 European Convention Human Rights)
- ❖ A balance is required between the competing agenda needs. This has to be achieved while maintaining the right to a fair hearing-trial , confidentiality, anonymity, private and family life while adhering to. (Article 6 & 8 European Human Rights Convention).
- ❖ There should also be an arbitration process within the process in the event of a dispute or disagreement between the parties once the process is initiated.
- ❖ How testimonies of all participants are obtained and recorded within the process with anonymity and confidentiality maintained for those who wish confidentiality will require agreement and a number of varieties for the gathering of testimonies may be appropriate or a single tool may be the best option ensuring continuity throughout the process.
- ❖ All testimonies regardless must be given equal weight and due consideration in the process.



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- ❖ No True Victims-Survivors “Rights” should be impinged upon nor negated by participating in the processes. Unless otherwise previously negotiated with the individual-True Victim-Survivor and where there has been prior agreement and consent obtained based on informed choices.
- ❖ True Victims-Survivors of Quarriers Homes would wish to ensure the process is not contaminated nor corrupted by any individual or organisation, institution by those claiming to have no knowledge of abuse or trying to discredit and undermining the True Victims-survivors of Quarriers Homes within the process and attempting to minimise and cover-up the issues to the benefit of their own self interests.
- ❖ FBGA recognise that there may be issues concerning former children’s abusive conduct and sexual behaviour while in-care towards other children. Also the sexualisation of children by adults.
- ❖ It would be beneficial and in everyone’s interest for the process to fully cross examine, scrutinise thoroughly, independently and impartially all individuals, institutions and organisations accounts to learn the full true facts and the full impact on the True Victims-Survivors.

4. Who would be eligible to apply and what criteria might be appropriate for determining which applications should succeed.

The criteria and principles of the process should ensure that there must be no unnecessary barriers for all True Victims-Survivors to enter to the process. Nor any barriers for equitable representation by the other interested parties. The process itself should be in a position once it is set-up to determine who individually is eligible and specifically do they meet the criteria.

- a. The criteria of determining which applications should succeed should in our view be developed independently and impartially through the consultation with True Victim-survivors from specific past residential institutions and organisations. A cross section of opinions and views from the various parties and consulting with other interested parties.
- b. Findings in previous court cases may have to be taken into consideration to determine who is eligible, in some previous cases there were adverse specific findings and judgements which questioned the credibility of the testimonies given in some previous court cases.
- c. Those who may be considered eligible would be those individuals who have been in previous court proceedings and where convictions of former carers have been obtained.



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- d. All individuals who may have given police statements relating to past in-care abuse and any other individuals who can substantiate that abuse took place and have fact and evidence to support that position or corroborated evidence. Others who may be eligible may have been in previous Civil Court proceedings relating to claims of in-care abuse.
- e. All individuals who claim to have been abused in past care residential institutions or organisations may be eligible but each individual case has to be evaluated, scrutinised and validated on its individual merits.
- f. FBGA would not wish to see any unnecessary barriers or re-victimisation for entry to the process.
- g. Siblings or family members of those unable to represent themselves, who were abused and where abuse can be substantiated and have fact and evidence to support that position or have corroborated evidence that abuse took place.
- h. The process can only be deemed credible and fair if the accuracy, scrutiny and validation of all individual abuse claims is itself credible.
- i. Defendants and those accused who have not had a previous opportunity to defend allegations or respond in a Court of Law.
- j. It would be appropriate for the process to also allow for representation of siblings who are deceased and those alive who do not have the capacity to represent themselves and who were in the same care institutions and where there is clear fact and evidence of abuse or corroborated testimony of abuse by other family members.

5. If you do not think Acknowledge and Accountability is the way forward, what would you like to see in place instead?

- a. In the event that Acknowledgement and Accountability is not adopted then we would propose a
“Full Judicial Independent Inquiry”
into Quarriers Homes based on the fact that there was systemic abuse failures in the past care organisation and that 8 ex-employees of that Organisation have been convicted to-date.



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- 6. Available research emphasises the importance of having survivors shaping what a forum should look like and what it would do. Would you agree that is the case and, if so, how best can this be achieved?**
- a. It is appropriate that True Victim-Survivors and those in cases where abuse has been upheld in Courts of Law along with other interested parties including Government are involved in developing, shaping the model, its principles and its remit by meeting individual survivors from various past institutions to ascertain their opinions and seeking views to help shape and form the model and the process.
 - b. It would be appropriate in the circumstances to set-up impartial working groups/pilots out-with Government with True Victim-survivors also pilots with interested parties and the survivors from the individual institutions involving a cross section of survivors from residential institutions and organisations from hence they were abused to help shape and form the pilots, model and remit.
 - c. We do not consider it appropriate in any circumstances for individuals to claim nor to represent or speak on behalf of individuals from past residential institutions or organisations they never resided in under any circumstances with regards these historical abuse matters including former in-care children on the National Reference group.
 - d. This includes through the consultation, pilots or the process itself going forward. It is simply misleading and false representation and does not benefit the Quarriers, True Victims-Survivors to be misrepresented by individuals from other past care institutions.
 - e. FBGA will not recognise any individual who claims to speak on our behalf who was not in the past care of Quarriers Homes nor elected by us to represent our issues. Those individuals in this group do not wish either to be represented in any shape or form by any individual from any institution who has a criminal conviction and has neither had their individual claim of abuse upheld in a Court of Law.
 - f. FBGA recognise fully the rights of all True Victims -survivors from all past institutions to self determination and representation through all the processes including those survivors with court convictions.
 - g. Many Quarriers Homes, True Victim-Survivors in FBGA have been through Courts of Law, whereby eight abusers have been found guilty. Others have been denied true justice in this group. It is the Quarriers, True Victim-survivors in this group, stated position that we wish to represent our own individual interests throughout all the processes to maintain our own individual honesty and integrity at all times and be safeguarded from those who may make or have made false allegations or colluded in any of the processes now or in the past.
 - h. FBGA are suitably placed and qualified to represent this particular group self interests given our past representation of these interests over many years including on the National Reference, Subgroup.



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7. What additional involvement should there be to help shape the forum?

- a. That the Scottish Government should consult with the relevant law enforcement agencies and the Justice dept in the design and implementation of its response and that the design should give appropriate recognition to such present and past criminal proceedings and police investigations along with other agencies.
- b. It would be appropriate to consult UK and Scotland wide and with the former and current institutions and organisations and local authorities and the church authorities and involve them in pilot schemes along with other relevant UK wide agencies and voluntary groups/agencies, allowing for as inclusive a consultation as possible.
- c. How can the Scottish Government reassure the True Victim-survivors from Quarriers Homes that all the processes will be impartial, fully independent, fully inclusive and organised in a fit and proper manner allowing for a full participation by Quarriers Homes, True Victim-survivors and for all others who wish to engage in all the processes going forward.
- d. That the processes are not simply designed in such a way as to favour an outcome favourable to the State and others which is prejudicial and harmful to the Historical Abuse in-care, True Victim-survivors of Quarriers Homes and others.
- e. That all those True Victim-survivors who wish to participate in all the processes are afforded the full opportunity to do so. FBGA do not presume nor claim to represent all Quarriers Homes survivors. Nor do FBGA claim to represent other former in-care children from other institutions or organisations.
- f. Any agreement documents, principles and remit to be written up in non legalistic jargon.

8. The experience of other governments indicates that it is important also to involve family members. Do you agree and if so. How can this be achieved, given that for some survivors, certain family members may be safe and supportive others unsafe and unsupportive?

- a. Equal and unabridged access should be implemented by the independent panel-board or governing body across the board, based on the merits of the claimants who claim to have been abused in-care.
- b. No applicant should be excluded from the process on the testimony of another family member or individual unless there is compelling reasons why. The reasons should be notifiable to the said individual and the reasons why communicated. All final decisions for eligibility and access must rest independently with the final process.



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- c. One would expect the process to allow for representation of siblings deceased by other family members who were in the same care institutions where there is clear fact and evidence of abuse or corroborated testimony of abuse.
- d. Further more where siblings who it is alleged were abused also and are alive, elderly, infirmed or incapacitated and unable to represent their own interests, due consideration should be given as to how this may be achieved and facilitated within the process while maintaining the credibility and integrity of the process at all times.

9. It is also essential to get accurate staff perspectives, How would we set about doing this?

- a. A balance has to be found for the inclusion of former and present employees and others such perspectives which are accurate, trustworthy, credible, and appropriate which are independently scrutinised within the process. While at the same time safeguarding the processes and the True Victim, Survivors credibility, honesty and integrity.
- b. A number of Quarriers Homes, True Victim-Survivors from the Court cases and others have reported positive experiences with some Quarriers Homes staff they had come into contact with during their time in the organisations care. True Victim-Survivors of Quarriers Homes would welcome such inclusion of such perspectives which may bring benefits and insight into past systemic care failures and ensure the current care system is secure and protected.
- c. However many former management, staff and some former children of Quarriers Homes have previously given testimony in Courts of Law in support of those Quarriers 8 ex-employees convicted. A number of the testimonies given in Court by these former Quarriers children, ex-employees and management were found wanting and simply untruthful by the Courts, who upheld the claims of abuse by the claimants and convicted and sentenced the Quarriers, child abusers accordingly.
- d. FBGA would caution, that the forum is not devised as a forum for a revisiting of such cases previously prosecuted and allowing the same former children, staff and management another opportunity to discredit the True Victim-Survivors and claim no abuse took place in Quarriers Homes. There is also the issue of previous intimidation of witnesses which had to be reported to Greenock Police following the convictions of a number ex-employees of Quarriers Homes for child abuse.
- e. There must be the full opportunity to challenge, cross examine and scrutinise all the individual accounts given by all participants regardless including clergy, former children, and former and present staff or management members of the relevant residential organisation including any Government participants and any others in any eventual process.



10. **Focusing on the mechanisms and process of the approach, who should lead the work and how should these individuals be appointed?**

- a. On the grounds that the Scottish State, political authorities and establishment have failed to deal with the past systemic failures in the Scottish past care system and Quarriers Homes to-date and are seriously compromised by their repeated failures to act properly, so that were they to undertake the wide ranging investigations required, they would, effectively, need to put themselves up for investigation.
- b. Following full consultation and representation of all the parties the UK and Scottish Government may consider it appropriate to take a lead in appointing appropriate Key Independent personnel to a Panel or Board in full consultation and representing all the interested parties.
- c. The UK and Scottish Government need to ensure the necessary Independence and impartiality of the Judicial panel-board processes, and that there is a Judicially empowered Independent enquiry with an outside Chair enquiring into past child abuse and the concealment of past child abuse in Scotland.
- d. An Independent High Court Judge, Outside Chair, Leading Independent QCs for the various parties and Leading Independent Human Rights personnel.
- e. Independent adjudicators with experience in evaluating credibility, reliability, honesty for these types of analogue claims.
- f. Self Independent legal representation, Independent Advocacy claimant group. An Independent arbitration process within the process to resolve any disputes.

11. **Testing out the approach in one geographical area may be an appropriate way to begin. What are your views on this?**

- a. The full inclusion of True Victim- Survivors who wish to participate in any of the processes including the “**Testing out the Approach**” must be paramount, by narrowing down the process to one geographical area you start from a basis of exclusion.
- b. Many True Victims-Survivors of Quarriers Homes, and who’s abusers were convicted in Scottish, Courts of Law, reside inside and outside of Scotland but within the boundaries of the UK and elsewhere. Many True Victim-Survivors worldwide abused in the past Scottish care system have been denied True Justice by the Scottish Legal system.
- c. The process should be first and foremost an independent process for Truth and Justice for all True Victim-survivors. It is essential to obtain a equal relevant cross section of True Victims-Survivors perspectives from various former institutions and organisations to ensure there is full impartial, independent, equitable, inclusion in all the processes consultation, pilots, meetings including the “Testing it Out Approach”.



12. Public awareness and understanding is critical. How do we go about achieving this?

- a. A government response should strive to prevent abuse from occurring in the future and contribute to public education and awareness.
- b. Public, recorded recognition of the True Victims-Survivors in-care abuse experience and the impact that this had on their lives and any remedies or recommendations to be implemented for the future.
- c. Full use of the media to alert and educate public opinion and ensure that all True Victim-Survivors are fully informed off all the processes enabling them to make fully independent informed choices going forward.
- d. FBGA while maintaining our independence support fully the stated aims and aspirations of other historical abuse survivors from other institutions who were abused in-care in Scotland's past care system.
- e. A search for the whole "Truth and Justice" in to these historical Abuse Issues concerning Scotland is of the utmost importance, to learn from the past and prevent recurrence in the future and achieve the stated aims of the process leading to reconciliation and closure for the True Victim-survivors.
- f. All fact findings, testimonies, recommendations are contained within a final Independent Public report, submitted to Parliament and the Scottish Government to action and publish.
- g. There must not be any propaganda or spin representing any political or other self interests which further alienates and harms the True-Victims-Survivors of Scotland.
- h. Many other countries such as (Ireland & Canada) who have dealt with similar historical in-care abuse issues have achieved outcomes and resolutions which have been fully beneficial to the True Victim-Survivors and society as a whole and resulted in full reconciliation and restitution for past wrongs.
- i. Any Scottish Government briefing or media reporting on the Historical In-Care Abuse issues concerning Scotland must be balanced, objective, impartial, accurate and a true reflection on the issues. While at the same time representing and reporting accurately the wishes of the majority of the True Victim-Survivors even if this is at odds with Scottish Government stated policy including in relation to full reparation, redress and compensation.
- j. Further more, the Scottish government must educate the public to recognize, and avoid, myths, stereotypes and assumptions. Although the Scottish government must be alert to public opinion, it cannot be swept away by an uninformed public. In this regard, it must lead in a full equitable, impartial and fully inclusive manner, not simply follow.