

Former Boys and Girls Abused in Quarriers Homes

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1st February 2021, These written comments/feedback submission pages 1-2 relates to the Committee hearing on the 27th January 2021 following a request from the Convenor of the Committee Claire Adamson at the hearing to submit any further comments. On Redress for Survivors (Historical Child Abuse in Care) (Scotland) (SP Bill 79) as introduced in the Scottish Parliament on the 13th August 2020

Advance Payment Scheme- current evidential requirements

No evidence was required for the Advance Payments Scheme other than documentary confirmation that the applicant had been in the care of the institution/establishment. They also signed the Advance Payment application form which contained an affirmation of truth statement.

Waiver comments by MSPs

MSPs specific comments-words were made in the Scottish Parliament and in committee concerning the Waiver, including by Mr Iain Gray, Mr Jamie Greene, and Mr Ross Greer, which we fully support.

Current and future Civil Legal Proceedings in respect of NO Wavier introduced

That if a Waiver was not introduced this did not diminish the RIGHTS of institutions and others to contest such historical abuse civil cases in Civil Proceedings now and in the future.

In fact FBGA had highlighted those defenders "RIGHTS" and stated that at the Scottish Parliament committee hearings previously during "Timebar" hearing in 2017. We also stated that victims-survivors would have to have robust and credible evidence to present in any civil cases pertaining to them.

There should be no interference whatsoever on "Access to Justice" by the State (Scottish Government) in the introduction of a Wavier. As Access to Justice is a fundamental Right for all citizens in the UK.

Recent civil cases relating to historical abuse have in many instances been settled out of court were less acrimonious and the defenders have accepted in full, Liability and Accountability, to the satisfaction in full of the Complainant (survivor).

The Victims-Survivors Forum embedded in Legislation

Being embedded and put into secondary legislation we wished to give lots of examples where this had occurred in many other redress schemes around the world (including that's these were sometimes referred to Advisory groups in other Schemes but were embedded in the legislation

Survivor groups and the Survivor Community- one VOICE!

The really important issue that that the overwhelmingly majority of the victims-survivors, the wider survivors community and there legal representatives and some legal bodies and others in the previously evidence session clearly and overwhelmingly did not support the imposition of a Waiver and were speaking with One Voice!!!

That the overwhelmingly majority of the victims-survivors and the survivor community, the survivor groups and others supporting survivors and representing them support CHOICE and all Scottish Human Rights Commission Action Plan and Framework on historical abuse of children in-care(2019).

That the Scottish Government and its officials should fully respect and welcome the diversity of the survivor groups and embrace it. FBGA have previously provided a statement to the Scottish Child Abuse Inquiry addressing and welcoming the diversity of the Scottish survivors groups and how this has evolved over time too.

Instead of trying to “divide and conquer” by pitching survivor against survivor as Jannie Rennie of Wellbeing Scotland referred to in her oral testimony to the committee on the 27th January 2021.

Commissioned Clinical Paper by FBGA

We believe that it would be extremely helpful and beneficial for the committee member (s) to engage directly with the clinicians who compiled the commissioned paper and FBGA would encourage this to enable the committee and its members to have a real opportunity to gain better and further understanding of the real issues affecting and impacting on victims-survivors.

Misinformation comments made by the Scottish Government (SG) officials (note 8)

We also wished to raise the issue of MISINFORMATION in the Scottish Government last paper no 8 which was not helpful as we believe a lot of misinformation derived from SG including producing only draft assessment papers which were unhelpful to victims-survivors and we were going to offer a helpful solution.

Which was that SG officials put on “Subject to change” on all their documents as information provided in the notes by SG officials has clearly changed as we proceed through the parliamentary procedures. FBGA have since the committee hearing raised this at the Interaction Review group meeting.

International Perspectives referred to in committee documents circulated

I addressed and raised concerns on behalf of FBGA on the 17th November 2017, directly in an email to Estelle Carmichael of CELCIS in particular paragraph 4, 5, and 6 in this email.

That it was important that while we look at other such redress/compensation schemes that the ownership of this lies with Scottish victims/survivors. As we are looking at Scottish historical abuse issues in a Scottish context as I understand it.

Then it may be that we arrive at various option papers from a wholly different perspective of any other redress compensation scheme. Including improving designing and shaping such redress/compensation schemes- models no matter where they derive from , or whether they are in existence to ensure that no Scottish victim-survivor is disadvantaged or excluded no matter the various options put forward.

Our main concern at the time was the narrow focus CELCIS had on the international scheme especially in Australia where CELCIS have some working relationships. FBGA were concerned that the international schemes being proposed by CELCIS at the time were at the lower payment levels than other schemes elsewhere. FBGA were asking CELCIS and others via the Interaction Review Group to consider Lambeth which had just commenced and the Northern Irish legislation on redress and other international schemes. **:END:**