

## **Victims and Witnesses (Scotland) Bill**

### **Former Boys and Girls Abused in Quarriers Homes**

Regarding In Care Survivors Scotland Service comments re; support mechanisms. If we take the TTBH report figures on page four as an example- Of those who participated, in TTBH, it was as follows:

69% still live in Scotland, 18% live in England or Wales and 13% live outside the United Kingdom in Canada, the USA, Hong Kong, Australia, Germany, Italy and France.

Clearly it was impossible and totally impractical for those 31% participants to access the ICSSS for their one to one counsellor and counselling provision. These participants accessed services including local counselling within the community which was easily accessible. Some paid out of their own pockets for some personal counselling. It is also very important to have continuity of support and victims-survivors already have some well established relationships concerning their support mechanisms including accessing the ICSSS service.

ICSSS have stated they are concerned that the issue of support for participants is being discussed in an aspirational way with no structured discussion about how this will actually work in practice or how it will be funded.

This statement by ICSSS fails to recognise that many victims-survivors including INCAS and FBGA have had structured and constructive discussions in various settings, forums over the years and recently in the Interaction and on the National Reference group. FBGA have put forward fully considered and comprehensive plans & proposals forward to all the consultations and the Interaction. FBGA also participated on the Survivor Scotland subgroup many years ago regarding the setting up of the ICSSS service.

The figure quoted by ICSSS for 500 participants having therapy for a year that equates to £1,170,000. When measured against TTBH costs, participant numbers and outcomes. We do not anticipate that there will be anything like 500 participants accessing the NCF who will seek personal, direct funding for their own counselling and other service needs. Presenting such numbers and financial figures in this way appears to be seeking to convey the wrong impression and in our view is somewhat misleading.

Given that a number of diverse services including counselling and independent advocacy services are already operating and funded by the Survivor Scotland strategy and the Scottish Government, then these services could be utilised to provide a wide choice of services in the NCF. While addressing any gaps for those who may not be able to access such services due to location or for other valid reasons.

FBGA as we have stated would wish the processes to be cost effective, while delivering an aspirational and ambitious, choice of high quality counselling,

independent advocacy and other services which directly benefits victims-survivors before, during and after who may participate in the NCF.

Various options are worth exploring including the Towards Healing model and the choice of services that could be made available in the NCF including any potential costs, the economic viability and effectiveness of such proposals. Quarriers former chief executive also indicated some time ago to FBGA that they may be prepared to assist with some counselling costs for some former residents.

It is wholly appropriate for FBGA and others to raise these issues at this stage of the bill with the committee and others responsible for the policy to enable the various parties to give further scrutiny and consideration to all the issues and the reasonable expectations of victims-survivors.

Recent commitments by Survivor Scotland representatives to the Health and Sports committee to provide a choice of services in the NCF is welcomed.

#### Quarriers

The confidentiality agreement that participants were asked to sign at the beginning of the SACRO RJ process, we now learn from Quarriers representative through this committee was not legally binding. Yet this was not made clear to those who participated in RJ process or wished to participate.

This raises other issues was it a form of deception as some participants had raised serious concerns about this confidentiality agreement with SACRO including some who subsequently dropped out of the RJ process. It again raises serious concerns about the clarity of such processes from the outset without any ambiguity before victims-survivors actually engage in such processes in the future.

Both the TTBH and the RJ processes were voluntary for former Quarriers residents. The disparity in numbers between those who engaged with the TTBH and RJ processes reflects the deep anxiety and serious concerns individuals had regarding the SACRO RJ process.

We welcome statements made by Quarrier regarding built in therapy and psychological support in NCF.

Also that it is a must in relation to reporting credible child abuse allegations made by participants to NCF to be passed to the Police. Again we believe this should be a clearly defined legal duty within the bill.

#### SACRO Restorative Justice

SACRO RJ was initially only for those residing in Scotland, only after FBGA raised issues was it opened to other residents residing outside of Scotland. Again demonstrating clear discrimination and policy that appears to be made

on the hoof!! With no regard or respect for victims-survivors directly affected by these issues and their real needs or expectations.

According to the SACRO report commissioned by themselves. 15 individuals initially followed up information provided to them via TTBH regarding the RJ process. Six participants dropped out in the very early stages and then subsequently more participants dropped out, a total of (11). Only 4 participants out of the 98 who had originally taken part in TTBH had some form of beneficial outcome.

The RJ process did not have the support of participants nor a sufficient wide range of remedies and redress to deal with participants' particular needs and expectations in line with the SHRC recommendations and framework.

Please see link to SACRO RJ Final report. This evaluation was written by the SACRO organisation with no independent oversight, input or scrutiny. Given this we take this report by the organisation at face value.

<http://www.survivorscotland.org.uk/library/item/sacro-restorative-justice-services-for-adult-survivors-abused-in-care-as-children---time-to-be-heard-final-report-2/>

In the words of SACRO "Sacro's Restorative Justice Service for 'Time To Be Heard' is an innovative and, as far as we are aware, unique application of Restorative Justice principles. We are not aware of previous similar initiatives to work with survivors of residential abuse and the organisation responsible".

Proposing that extremely vulnerable adults many with severe mental health issues may have to represent themselves in meetings with the Chief Executive of the organisation negotiate and navigate their own resolution in such a process was clearly inappropriate. While putting individuals at further risk and in harm's way. Some victim-survivors simply do not have the capacity to represent their own issues in such situations and are open to further exploitation and abuse by a system, institutions and the State that has already let them down badly.

To develop and test such a RJ pilot while hoping to gain invaluable experience in this way regarding the SACRO RJ Pilot is also morally indefensible, as we previously stated victim-survivors are not guinea pigs for some experimentation.

In addition serious concerns were raised about the RJ process by FBGA and INCAS to SACRO. Some participants also made verbal and formal complaints of RJ directly to SACRO.

Catholic Church and Church of Scotland

We welcome comments regarding support for participants before, during and afterwards concerning NCF made by both churches. As Jean says giving testimony can contain risks for the wellbeing of participants.

Richards's comments regarding duty to report any child abuse allegations reported to NCF must be a must is welcome, we agree with his comment that police are best placed to decide best course of action.

Regarding comments how the institutions, the churches and others will address the needs and expectations of those who suffered ill treatment and there is a deficiency in the current NCF structure relating to this and links to care providers.

Clearly victims-survivors have a wide range of needs and expectations no matter how well meaning. There are serious risks if institutions, the churches and others do not have the capabilities or the resources for addressing all the needs and expectations of individuals.

Then more harm can be done than good if processes do not have clarity, purpose, breath, intention and broad remit, as expectations are simply raised that cannot be met as demonstrated in the RJ process.

This mismatch of what is hoped for by victims- survivors and that which is actually delivered by processes, organisations, institutions and the churches is often the source of traumatization, distress, confusion and a general feeling of not wishing to engage in further disclosures and narrations which have proven so fruitless in the past.

The institutions and the churches may be currently limited in what they can do. If they do not or cannot meet the full range of needs and expectations of those seeking individuals redress, remedies, reparation and justice in line with the SHRC Framework and Recommendations.

However we welcome comments regarding the possible links between NCF and care providers, churches and institutions. We hope to explore possibilities further in discussions in the Interaction on what could or may be addressed and advanced collectively in this area by organisations, institutions and churches with a direct interest in the outcomes.

Barnardos

Barnardo's Scotland supports the establishment of the NCF and they agree with the functions that have been listed on the face of the Bill. They believe that for some survivors the Forum as established will be helpful and therapeutic.

However, Barnardos are concerned that the mandate and remit of the Forum does not go far enough. There have been calls from the Scottish Human Rights Commission (SHRC) and survivor groups for the Forum to look at and have power for remedies, redress, effective investigations and inquiries, as well as the power to award compensation. Barnardo's Scotland supports these views and agrees with these organisations that the element of accountability is missing from the proposals.

The Scottish Government needs to consider how it will balance the therapeutic model of the NCF with the need for justice by many survivors. Barnardos comments and contribution to the committee are welcome.

#### Care Leavers Association

We welcome the valuable contribution from the CLA who have experience of dealing with former residents in various settings, their comments, written evidence relating to the Scottish situation and their support of those Scottish former residents who gave oral evidence on the 25/03/2013.

We agree with the CLA that accountability and justice elements are still missing and that the NCF lacks other elements of redress, remedies and justice and that this continues to have a detrimental long lasting impact and effect on the health and wellbeing of many former residents who suffered ill treatment.

#### Who Cares Scotland

Regarding options and wide choices of support services being available and accessible for all those who will participate in the NCF we agree with this statement

It is appreciated that this organisation has an interest in those cared for in today's Scottish care system gave an insight into the ongoing issues faced by the population in care currently and recently. Failing those in care down the generations has had a detrimental impact on former residents' health and wellbeing long term.

We also recognise that many former residents have had very positive experiences in care and strived after leaving care and made great contributions to society including many of those who suffered ill treatment. It would be our hope that the NCF can contribute to wider learning for society as a whole whereby improving the outcomes of the next generation placed in care in Scotland.

#### Care Inspectorate

There has been a systemic failure in the past Scottish Care System and we are deeply concerned about the comments by Who Cares Scotland concerning some aspects of the current care system and the continuing lack of opportunities and positive outcomes for many in care today

In relation to comments made regarding learning lessons and feeding these back into the care system to improve current provision. We agree provided that participants accounts are reflected accurately and referenced in the interim and final reports and are not unduly redacted, sanitised versions aimed at minimising the issues and their potential impact on the current care system and care practitioners.

We welcome comments about there being the right support at the right time and that it is tailored to individual participants needs including a choice of services being available.

The regulation of the current care system should also hold providers, institutions, care homes and individuals who manage such institutions corporately accountable in law for any neglect, abuse or mistreatment of residents that takes place in future. As they are proposing to do in rest of the UK.

Kibble

With regards comments made regarding police investigations not well conducted that clearly is an issue for the Scottish Justice system and any evidence of this should be passed on to relevant authorities. In relation to Quarriers we believe that the police investigations were impartial, well conducted, victims and accused were treated fairly and appropriately. However we believe that more support and information would have been helpful to victims throughout their engagement with the Scottish Justice criminal system, issues that are now being addressed in the bill.

As we understand it there are specialist police officers assigned to various police inquiries with specialist skills and knowledge as occurred regarding operation Orbona relating to Quarriers inquiry.

Justice is also best served when Justice serves all the people, victims and the accused impartially and with fairness. This is made much more difficult for the victims of such crimes when those convicted continue to deny there heinous crimes. As has occurred regarding former care workers convicted in the Scottish criminal courts who still claim they are innocent.

Justice is ill served when those convicted, the institutions, the churches and others engage in tactics to discredit and undermine the victims-survivors. All the while they are not addressing the real issues affecting the victims to the benefit of those victims-survivors abused in the past Scottish care system.

Many former residents of Quarriers still have strong feelings and connections to the name of Quarriers in part due to its set-up and for many it was their home for many many years.

FBGA

If participants are made fully aware at the outset and understand fully the processes of NCF and that any credible allegations made will be passed on to the Police. This may serve the wider interests of Justice and may offer additional protections to those accused. A number of victims-survivors in FBGA have said that this may actually help prevent false allegations being made.

FBGA can clearly demonstrate that as an organisation we have supported Initiatives such as ICSSS, Time To Be Heard and the current Interaction and National Reference Group, welcoming constructive engagement and dialogue as this hopefully avoids and reduces the risk and potential for harm or damage, hurt and disappointment being inflicted on an already vulnerable group of adults.

FBGA do not criticise unless we feel compelled to do so and it was with reluctance that we could not support the SACRO RJ process in its current format. The low outcomes and very negative feedback by participants concerning RJ demonstrate that decision was the correct one taken by FBGA.

We clearly have a duty to represent the best interests of those we represent and the wider victims-survivors aspirations by being constructive, transparent and genuine in any discussions and engagement with others, which we strive to do.

Likewise we speak out about these issues faced by former residents to hopefully help prevent such abuse occurring on this scale again and for the next generation of children placed in care to hopefully have better outcomes for those in Scottish care system and when they leave care now and in the future.

Again we would like to thank everyone who has given evidence to the committee.

**Jennie Bristow**  
**Secretary,**  
**FBGA- Former Boys and Girls Abused in Quarriers Homes**

29 April 2013