



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

### **Response by FBGA to the Petitions committee and Scottish Government pages 1-7**

**Re: TTBH Pilot report compiled by Tom Shaw, Anne Carpenter and Kathleen Marshall 23/02/2011 submitted to the Scottish Government and following Tom Shaw's testimony to the Scottish Petitions committee.**

#### **The Model**

Remit, mandate and scope was very limited and tightly defined as TTBH Commissioners clearly did not have sufficient statutory legal powers to compel, authorise or seek access to court documents, Quarriers official records and other such records including access to children's confidential files, Nor past regulatory State documentation.

Confidentiality model and methodology used has not encouraged the extent and depth of such abuse regarding former Quarriers residents to emerge into the public domain. This was not an effective enquiry in any shape or form as the Commissioners had no statutory powers whatsoever. The model and TTBH process had no appropriate remedies, reparation or redress.

#### **Testing the model on victim survivors**

Was it appropriate to TEST this model on such a group of vulnerable adults? Is this good or best practice or even appropriate? What has occurred elsewhere?

Has the testing of any model for former residents alleging severe abuse in past residential institutions including those who have previously been through the Courts and had convictions upheld. Has this Testing of a model been undertaken anywhere in any other jurisdictions who have been confronted with similar issues?

We understand that there has been no such testing of processes and models regarding victim-survivors in any other jurisdictions faced with similar issues Testing the model in relation to victim survivors, following expert advice we are of the opinion that this was not an appropriate group to test such a model on.

Due in part to the extreme vulnerability of this group relating to personal past experiences within state, religious care and other residential institutions such as Quarriers Homes. Abuse experiences were compounded by such testing in our view with no remedies, closure or resolution in place for the participants.

## Other issues

It is our contention that The Commissioners simply were not in a position to determine the true extent of any retraumatisation on the basis of one hearing. The Commissioners did not have access to Participants individual medical records or current medical notes.

We fully recognise that there was support and counselling through ICSSS, and we welcomed that as appropriate and essential. Since TTBH, FBGA have seen a marked increase in enquires. FBGA have advised some participants in Scotland to contact ICSSS in relation to their issues.

The question remains are there professional health practitioners in ICSSS trained to deal with PTSD and other severe mental health issues that many participants may have?

Lessons learnt are fairly limited in nature and scope in our view in relation to aftercare today. We believe that such after care and support should automatically be in place with appropriate after care mechanisms in today's Scottish care system given recent legislation in the Scottish Parliament.

Other areas concerning protection of the system whereby important lessons could have been learnt have simply not been reflected either been omitted nor addressed in the TTBH report.

Additional important lessons not learnt in our view which could have been reflected in the report to given a better understanding. re: Protection of the current Scottish care system and in particular Quarriers Charity. Despite having the most number of ex-employees convicted in any care home in the UK. Protection of those in-care in Quarriers today appears to be a low priority in the report despite systemic abuse in the past organisation.

By just reflecting a snapshot of testimonies in the TTBH report that have clearly been disassembled by the Commissioners for confidentiality reasons, whereby original testimonies have not been wholly reflected in the TTBH report in their entirety nor wholly accurately.

Participant's testimonies could only be kept for 2 weeks by the TTBH Commissioners due to freedom of information and confidentiality legal issues. Victim-survivors testimonies subsequently destroyed and not kept wholly in there entirety as a public record. Is this really good or appropriate practice?

The report by the TTBH Commissioners is clearly selective in many ways. In that the Commissioners have decided amongst themselves what to reflect from a cross section of participants testimonies.

Some written submissions and testimony and other issues brought to the Commissioners attention by participants were not fully reflected wholly accurately in the report or omitted such as the following:

- Including how some Quarriers abusers moved across the Scottish, social care and educational systems in the past to obtain senior positions. Including after police investigations.

- Young employees abused by Quarriers ex-employees convicted not reflected in the report anywhere despite being reported to Commissioners and in the Court records.
- Past Quarriers Homes culture and Quarriers Homes management failures were not reflected or sufficiently addressed in the report or model whereby very important lessons could have been learnt to protect the Scottish care system today.
- 8 ex-employees found guilty in the Scottish Courts not reflected accurately in the report. Report stated at least 6 when in fact it was 8-9.
- Testimonies in the public domain such as Court records and State regulatory documentation not reflected by the TTBH Commissioners in the report.
- Quarriers Homes official documentation whereby former residents reported abuse not reflected in the report. Despite such documentation being provided to the Commissioners.
- Prior Police investigations in the 70s and 80s concerning Quarriers employees not referred to in the report despite being reported to the Commissioners.
- The report does not reflect in any way recent and current actions by the Quarriers Charity such as in the Civil Courts, BBC, Scottish Law Commission 2006, Scottish Parliament 2004, and other areas which have directly impacted on the Quarriers victim-survivors. A number of these issues were brought by participants to the Commissioners attention.

TTBH Commissioners did not have statutory powers to access confidential children's files to ascertain if such abuse had been recorded or reported by participants or other former residents while in the organisations past care. Reports that do exist were highlighted nor reflected accurately in the report.

Issues relating to the deaths in-care of former Quarriers residents and the reasons why were not covered sufficiently in the report nor reflected accurately due to the Commissioners lack of statutory powers.

TTBH Commissioners have reported that did not have sufficient protection themselves and sought extensive legal advice. This issue should have been prioritised and addressed prior to TTBH being set-up in our view.

Many Quarriers victim-survivors did not take part due to confidentiality aspect of the TTBH model and claimed to have no faith in such a process and model.

Many victim-survivors reasonable expectations were simply not met in the TTBH process, including some who had previously been through the Scottish Criminal Court system whereby they had convictions upheld and there abusers were convicted.

Responsibility and Accountability not determined in the TTBH model which solely focused on acknowledgement.

## **Quarriers the organisation**

It was appreciated by many of the Quarriers victim-survivors including FBGA that Quarriers Charity and Board had lent support to TTBH and we thank them for that.

However this should be viewed in the context as entirely necessary and a requirement by the Quarriers organisation given that systemic abuse was proven in the Scottish Courts by the conviction of 8 ex-employees and one other whom we cannot comment on for legal reasons.

It was also in our view inappropriate for the Quarriers organisation to act as a 3<sup>rd</sup> party postal service in such a TTBH process. Concerns were raised by Participants to FBGA about this. The concerns are did Quarriers Charity have undue influence to determine who was contacted and who was not.

Why were only 500 individuals contacted from a 5 year period from an organisation that had 30,000 children in its past care?

Participant confidentiality issues and other concerns raised by participants about this approach regarding TTBH.

## **Some participant and victim-survivor issues**

Many Quarriers victim-survivors were unaware of TTBH Pilot. It was not extensively advertised in other jurisdictions out with Scotland .

We contend following feedback that retraumatisation was a distinct possibility and was certainly a factor highlighted by a number of participants who required additional professional counselling after TTBH due to the reawakening of such abuse experiences and the whole experience of participating in TTBH.

Many of those abused in Quarriers including in FBGA have always recognised the positive experiences of other former residents of Quarriers, but there issues are not our issues. These issues are primary first and foremost about those former residents abused in the past Quarriers organisation whereby 9 individuals were convicted in the Scottish criminal courts and other former Quarriers residents alleging malpractice and abuse.

## **Selection of quotes from participants**

Participant referred to TTBH as opening a can of worms and asked how they were going to find peace of mind and closure.

Participants have relayed that the report does not accurately highlight and reflect some testimonies reported fully in there entirety.

Participants have said that the confidentiality and secrecy model has allowed the extent and depth of such abuse perpetrated in Quarriers remains hidden and concealed behind a wall of silence and confidentiality.

The public still do not know the true extent and cannot acknowledge true extent and nature of such abuse if it remains confidential and hidden from public domain.

Many participants claimed the TTBH process did not really encourage full openness and transparency in relation to them exercising fully their Rights and wishes in seeking remedies, redress or reparation. Participant's views were not sought and they were not asked. In addition participants received a letter from Tom Shaw saying no compensation or other such remedies were part of this process. It was simply an acknowledgement model.

Participants could not exercise real choice in TTBH or determine for themselves what they wished to resolve for their personal and family issues.

Participants reported that TTBH had some benefits and helped some individuals find some closure. However some of these participants also sought to have additional information about reparation, redress and remedies thereafter.

Rights and wishes of participants were not sought as to redress, reparation or other remedies by the Commissioners or the Pilot process.

Participants have relayed that they had no real choices as only one model on offer-a confidentiality model.

### **The Commissioners and the process**

The Commissioners had the full respect of the Quarriers victim-survivors who felt that they were treated appropriately with respect and dignity while engaging in the TTBH. The TTBH process itself appears to have been conducted under appropriate practice and safeguards and we thank the Commissioners Tom Shaw, Anne Carpenter and Kathleen Marshall for their work.

Issues raised by participants as to the real independence of the TTBH Commissioners and the Pilot from Scottish Government and Quarriers. As communication lines were through Scottish Government portals and Quarriers had a role as a postal service and these concerns remain.

Without a doubt there was systemic abuse in Quarriers Homes down the generations. Yet we see no reason why Quarriers victim-survivors did not undertake an oath of affirmation of truthfulness concerning their testimonies in TTBH. Something FBGA have been advocating as this is considered good practice.

This affirmation or oath has occurred in many other countries who have dealt with such issues. In the jurisdictions where such an oath or affirmation and a robust process has taken place. There have been minimal issues relating to the issue of false allegations.

The credible questioning of victim-survivors accounts in a sensitive manner was not undertaken either and testimonies given were simply taken at face value. One has to question this approach as to if this is actually best practice while respecting everyone's Human Rights in such a process including those accused, given the Kaufman report, Canada findings 2002.

Rules of natural justice have either been simply ignored or not adhered to while undertaking the TTBH pilot while the Rights of those accused do not appear to have been respected or upheld and again this is an area of serious concern for us as it should be for everyone involved in these issues.

Put simply a flawed TTBH Pilot or any such process has the potential to impact on the honesty and integrity of the genuine victim-survivors and others. While a robust credible process may offer additional protections to everyone.

What were the real motives, purpose and agenda of TTBH, by those who proposed it and set it up. It appears to us to be an agenda and remit whereby professionals, advisors and others who created the confidentiality model appear to be more concerned about protecting the reputation of the current Scottish social and care system, these professions in Scotland and that of Quarriers Charity.

By the Scottish Government not undertaking a proper consultation with a broad spectrum of victim's & survivors prior to the announcement and setting up of TTBH process and simply foisting this model on the victim-survivors. Many questions remain unanswered as to the real motive and agenda of those involved in the decision making processes before and after concerning TTBH.

The pilot and the processes before and during appear to have had an element of self interested agenda rather than exposing the real truth, depth and extent of such abuse committed in Quarriers. Nor learning the real lessons and feeding these through to enhance the protection systems of care today in the Quarriers organisation and the Scottish care system as a whole, while bringing past abuse issues into the public domain. The TTBH Pilot model and process in many respects simply failed to do that.

Advertising of the model was not undertaken extensively outside Scotland so limited knowledge and uptake of TTBH process by many Quarriers victim-survivors who reside outside of Scotland.

Costs for TTBH far outweigh any perceived benefits and lessons learnt, and any other supposed benefits derived from this Pilot process including to the participants are minimal in our view. Funding could have been better used to deliver real benefits to the Quarriers victim-survivors.

Research to-date and further research being proposed as part of the TTBH recommendations regarding this particular group of vulnerable adults and these issues. We are seriously concerned about the impartiality and independence of such individuals and bodies in Scotland undertaking such Research who are wholly dependent on the Scottish Government for their funding streams.

In addition we believe that individuals are using these issues for their own self interested agendas including further funding their own private university educational courses as part of this research clearly a conflict of interest in our view, not impartial nor wholly independent as such individuals are also connected directly to the organisations undertaking this Research.

Given the fact that the TTBH Commissioners have disassembled original oral and written testimonies given by the participants. Individual testimonies are not being truly reflected wholly accurately in the final TTBH report in our view for whatever reason.

The confidential process does not allow for challenge or correction if participants have issues regarding the accuracy of their individual testimonies and how these are portrayed and reflected. In addition as we understand it no record of the participant's testimony is retained.

Clearly such a confidential process throws up other issues if such instances occurs for the participants in any such process and may cause additional distress and anguish for those who take part in such a process. How testimonies are reflected can also have a baring and direct impact on others.

Mr Tom Shaw's comment to the Petitions committee that it has taken the Irish State, 9 years for this to work through the system there. Tom Shaw's remarks over looks and does not acknowledge the very fact that many Scottish victim-survivors including those in FBGA have been campaigning now for over 10 years for Justice.

Yet we the victim-survivors of such abuse are no further forward to resolving these issues in Scotland to the benefit of all the Scottish victim-survivors.

FBGA call on the Scottish Government to implement in full the Scottish Human Rights Commission recommendations in relation to effective enquiries, remedies redress and reparation for all Scottish victim-survivors affected by historical abuse.

**Former Boys and Girls Abused in Quarriers Homes dated- 7<sup>th</sup> March 2011**

**cc: TTBH Commissioners, Scottish Human Rights Commission, Quarriers, INCAS.**