

**PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1351 PETITIONERS RESPONSE TO
GOVERNMENT RESPONSE TO WRITTEN QUESTIONS**

1. Regarding scoping of an “Acknowledgement & Accountability” forum in 2008. At the meeting of the National Reference Group on Childhood Sexual Abuse August 2009 members were told; “detailed papers will be presented to Scottish Ministers and that the decision for proceeding with the pilot lies with them”. Note at that stage it was referred to as Acknowledgement and Accountability. Accountability was still an element. We members of the Reference Group were not part of the decision process to make it 100 Quarriers former residents or to drop the Accountability element. Never was there a vote round the table about this there was however for the name Acknowledgement & Accountability.

It would be helpful if Ministers gave evidence to the Petitions Committee as to how they came to the decisions on the Pilot Forum. This is still not clear given the Reference Group members as of August 2009 still thought it was an Acknowledgement & Accountability Forum.

2. Within this answer the Scottish Government refers to participant’s access to “restorative justice”. This quantifies the level of discrimination that survivors feel. Shouldn’t access to justice be open to all former residents? Timescale is being prolonged by the selective process of having a pilot.
3. No comment.
4. Given that there is no legal qualifications of the members of the “Confidential Committee” what legal powers do the Committee members have to ensure that justice is seen to be done? The Commissioners do not have the power to act on criminal evidence given. After all abuse is a criminal matter. Evidence given by participants should not become a revolving door experience for survivors.
5. The Scottish Government decision to go with one institution has created this problem of terminally ill and elderly not being heard. Scottish Government did not include this group. Only when it was pointed out at the final stage was it prioritised only for Quarriers former residents.

Alternative suggestions did not meet the needs of survivors; example survivors give evidence to In Care Survivor Service Scotland or the Scottish Institute for Residential Child Care. This would not be acceptable as survivors would see this as second best to a full forum as outlined in Professor Alan Millers framework.

6. The key difference with the confidential Committee in Ireland is that it had legal powers unlike this pilot.
7. The Scottish Government continues to site the CICA awards of compensation. However the CICA scheme is not suitable for all survivors. Awards do not reflect the severity of abuse and are far removed from Civil Court settlements. Why don’t they introduce similar legislation in Scotland .

8. Quarriers was very different in its administration and system. They had a village with cottages and allocated "house-parents" to each cottage. There was no other model like this in Scotland. Most large residential childcare institutions were Victorian in style far removed from the way Quarriers was run.
9. Does not answer the question as to why other organisations have not come onboard. Ministers being called to clarify this would be helpful.
10. The Scottish Government are blinkered in this assumption. This service is not fit for purpose for the following reasons.
 1. The majority of survivors have lost confidence in the organisation.
 2. No market research at the start of the project.
 3. Poor and at times no communication with survivors
 4. No monitoring of the service. CEO of Open Secret ended monitoring group without consultation.
 5. 3 managers of ICSSS in 1 year
 6. Staffing issues. Staff walking out and other issues.
 7. No regular partner agency meetings.
 8. Given this is a national service communication is key
 9. Cancelling of conference when venue and all other arrangements were in place.
 10. All of the above paints a picture of an organisation in disarray resulting in a service unable to meet the criteria required.
 11. Some of these issues were highlighted to the Scottish Government in 2009 by the petitioner.

11. Our understanding is that there was no such delay. Can the Scottish Government identify the delay and who was responsible and how long a delay? Our understanding of the figure for the framework given £28,050 is not a true reflection of the full breakdown of cost. The figure raised by the petitioner of £500,000 was sourced in good faith.

12. The "specific recommendations" could not have been taken into account when the Scottish Government did NOT have the framework given the delay. They did NOT have the framework in November 2009. The framework was not complete until March 2010. They put the pilot in place without the framework.

13. The Scottish Human Rights Commission recommendations are comprehensive. Given the Chair of the Pilot forum announced he had no powers to make recommendations or to advise the Scottish Government to put them in place. The Scottish Human Rights Commission has a complete framework covering all the issues for survivors.

14. If Ireland can change the law recognising their government has responsibility why can't Scotland? Time bar in child abuse civil cases needs repealed. It's not complicated.

The token gestures of the Scottish Government has intensified the abuse. We have become victims of a bureaucratic system yet again. Scotland is out of step with other countries.

Ireland changed the Statute of Limitations within 3 years of Bertie Aherns apology to the Dhail.

In Scotland 10 years on we are still talking and promising nothing.

Regarding courts using “judicial discretion” in time bar cases. This can’t be done if the cases never get to court because Legal Aid funding is refused. The cases never get past the first hurdle.

Survivors in Scotland deserve the same; dignity, compassion and justice afforded to victims of abuse in other countries.

The Scottish Government should act now and face up to its responsibilities to survivors.

Survivors should be afforded the right to choose their own counselling and other trauma therapies.