



**FBGA additional written submission to the Petitions Committee, pages 1-4
re: Historical Abuse issues 29th November 2010**

PE1351

Dear Sirs,

We have read the submissions to the Committee by a number of the parties and FBGA would like to provide feedback on some of the comments made by some of the parties.

ICSSS, In-Care Survivor Service Scotland

FBGA fully supported and welcomed the ICSSS service being funded and implemented for survivors through our work and engagement through the subgroup.

Despite some initial teething issues, which were not wholly unexpected. FBGA understand from feedback that we have been provided from Quarriers survivors who are service users of ICSSS that they have counselling and other support services available- The feedback we have received has overall been satisfactory concerning the ICSSS service.

The Scottish media did raise some issues and questioned the take up rate of the service users in an article 15th March 2009. FBGA contributed comments to this article, due to misquotes which were viewed as critical, by others including by one of the petitioners. FBGA subsequently resolved any misunderstanding with the management of ICSSS. At the time one of the petitioners was very complimentary about the ICSSS service provider and expressed this view in a series of emails. So I am somewhat surprised by the critical comments expressed by the Petitioners concerning the ICSSS service.

FBGA requested in discussions in the Subgroup a fully integrated survivor service with a psychologist available within the service. However this part of our proposal was not implemented. Many survivors have PTSD and other mental health issues which we understand have not been properly assessed in any of the processes to-date.

Cross party working group on survivors of childhood sexual abuse (CPG)

FBGA raised the issue regarding the inclusion and representation of a broader spectrum of in-care survivor representation on this group and National Reference group on numerous occasions with the civil servants. As we were very concerned that it was not fully representative, also the 2 Petitioners who were on the NRG and CPG were from the the same institution. Quarriers and other in-care survivors from other institutions were clearly not represented on the NRG or CPG. Subsequently a subgroup was set-up.

Subgroup,

I understand that this subgroup arose from our representations to the Scottish Executive and Chair of the National Reference group and the CPG.

This subgroup was in our view a good and positive process which was initiated and set-up by Scottish Executive in 2006. It was inclusive of a number of survivors including FBGA and an independent Quarriers survivor and the 2 Petitioners. Discussions were sometimes difficult and robust but allowed for an open and transparent discussion on the survivors issues and what type of service was required. FBGA provided detailed proposals to the subgroup on what type of service we believed would work in practice. We believe it provided a forum for a robust discussion and a process which resulted in the ICSSS service being funded which the majority of the survivor representation on the subgroup including one of the petitioners and FBGA supported in a vote. The other petitioner did not attend the vote due to ill health.

Scottish Government-prior to that Scottish Executive, What in our view has been positive and what is negative and unresolved.

Some of the historical abuse issues have been appropriately managed other issues not effectively managed to-date. It is our firm view that with proper prior consultation and the inclusion of a broader spectrum of survivors from the various institutions in all the decision making processes, it is our belief that the issues could have been micro managed better and resolved prior to this Petition without further harm and damage to an already vulnerable group of adults.

The effectiveness of the processes have become diluted due to a lack of effective management in our view. As a result it is not surprising that the processes and engagement have tended towards an adversarial stance in Scotland.

Scottish Human Rights Commission framework and recommendations was fully supported and welcomed by ALL survivors.

TTBH no proper and prior consultation with survivors. Remit and mandate not sufficient in scope.

TTBH, Advisor group currently not representative of a broad spectrum of in-care survivors and there views and opinions, survivors have no confidence that it is in fact impartial, nor independent.

SACRO no proper and prior consultation, this process as it stands will not deliver the beneficial outcomes that the majority of the victim-survivors are seeking.

Too many ineffective processes to-date which have not resolved the issues to the benefit of the survivors.

Time To Be Heard (TTBH)

Supported by FBGA with many reservations, no prior discussion or proper consultation with Quarriers survivors prior to the announcement in Edinburgh- which was in our view not acceptable or appropriate. Many survivors not included and were clearly unhappy with this announcement. FBGA engaged with TTBH but with reservations, we also recognised the flaws and that it was an imperfect process, from a survivor point of view. Never the less we encouraged Quarriers survivors to participate in the TTBH process. FBGA have raised in writing issues and our concerns with the Chair of TTBH, Tom Shaw over a period of time.

2 meetings with Chair and Commissioners of TTBH and Scottish Government representation involving FBGA. This did not allow sufficient time for robust examination of the process by those survivors who TTBH was intended for.

It is our opinion and view that, TTBH does not have a sufficient mandate or remit to address the issues in line with the recommendations of the Scottish Human Rights Commission (SHRC). There are no effective remedies, redress, reparation, nor effective inquiries nor access to justice remedies in the TTBH process.

TTBH is a Pilot and as such continues to raise many queries and concerns for survivors including those participating in the current processes. There is no clarity, no positive outcome, and more uncertainty for survivors, many survivors are becoming frustrated and disillusioned by the numerous processes, they have engaged in, with no sight of closure or an outcome that is beneficial to there individual needs and requirements . There are serious concerns regarding the retraumatisation of victim-survivors including those Quarrier victim-survivors who have been through Court processes and those who have not. Many survivors continue to be excluded from the processes in Scotland.

Advisor Group (TTBH)

The advisory board, cannot be viewed in our opinion as a truly independent voice of the Scottish victim-survivors. Nor is such a board impartial, the make up and the election of individuals to this board was not open nor transparent.

The majority of survivors were not consulted on this Advisory board and the individuals on it do not command the confidence of the majority of the victim-survivors abused in the past Scottish care system. There is no broad spectrum of in-care survivor representation nor independent survivor representation on the board.

SACRO

A full and proper open and transparent consultation is required with survivors from the various institutions regarding Sacro's involvement and what it entails and what outcomes it may provide as an organisation and what benefits or otherwise it will bring to survivors. Information requested to-date has not been forthcoming or received, questions remain unanswered.

Survivors

This engagement to-date has been partial and selective at best in many instances. At worst it has been deliberate policy to exclude survivors from the processes by various parties. This policy and stance has excluded other survivors from the debate including some Quarriers victims who have had convictions upheld in the Scottish Courts. This exclusion has prevented many survivors from attending a number of conferences and events for survivors funded by the Scottish Government in the past. Survivors have had to fund access themselves in many instances—simply unacceptable. A more broad based spectrum of survivors and inclusive representation from various institutions would have avoided a number of pitfalls and issues without the need for the survivors in some cases resorting to the media to get their message across.

The subgroup is a good example in our view of where there was effective management of the issues and had the full support of a broad spectrum of survivors.

The petitioners in our view have also sent out mixed and confused messages including in the media in the past regarding compensation and redress and should have clarified who they represented also. (comments such as it is not about compensation, I only want to tell my story), while the Petitioners claimed to represent the wider survivors. Such comments clearly did not represent the wider survivor interest or the position of FBGA and the majority of the Quarriers victim-survivors. We note however that this petition now seeks to address those issues, reparation and redress for all survivors— a view shared by FBGA and the majority of survivors which we welcome.

FBGA and the Quarriers victim-survivors would kindly request everyone including the petitioners to respect fully the Rights of victim-survivors to represent their own interests and the survivors from hence the organisations or institutions they were resident in. Misrepresentation by any individual or party is clearly in no one's interest.

The way ahead in our view.

SHRC recommendations fully implemented in line with the framework document. SHRC and others may be able to provide assistance to the various interested parties in reaching a conclusion that is acceptable and appropriate to the majority of the survivors. SHRC has the full confidence of the majority of survivors.

Costs, models and outcomes. We believe that a Scottish model can be scoped, shaped, formed and delivered which is cost effective and does provide positive outcomes based on the Scottish survivors requirements. The Irish Redress commissioners supported this view point also in Edinburgh and in our communications with them..

The Scottish model of redress and reparation need not bear any resemblance to the cost highlighted concerning Ireland (Irish redress costs are simply scare mongering in our view) Costs in Ireland escalated due to some of the parties contesting a number of issues in the courts and the process being unduly legalistic.

Discussions and full inclusion of a broad spectrum of survivors from institutions they were resident in, in all and any of the decision making processes, including on any advisor board, of those survivors who wish to participate can and must be represented. All meetings to be fully open and transparent, minutes to be publicly available.

Any and all processes set-up to be available for all survivors from the various institutions. All institutions in Scotland where there is alleged abuse to be fully and properly investigated separately. No aggregation of survivors, refer to our previous submission to SHRC 22/06/2009 on this specific issue.

The historical abuse issues concerning Scotland while difficult are not insurmountable as demonstrated by good practice in other countries. There has to be the constructive engagement of the victim-survivors from the various institutions and the political will to resolve the issues.

Yours Sincerely
David Whelan
FBGA

www.fbga.co.uk