

With the report on **Time to be Heard** by Tom Shaw and the interim evaluation report by SACRO on the **Restorative Justice** process, having been heard by the previous Petitions Committee, it would be helpful if the newly formed Public Petitions Committee were informed of the following concerns being raised by a broad spectrum of child abuse survivors.

Time Bar

- It is now thirteen years since survivors raised with the Government, the serious issue of in-care child abuse and its long-term damaging effects on survivors and their families.
- Every survivor of child abuse is entitled to justice, no matter from which in-care residence they came or from what era. Our laws are owned by the people, for the people, and are not meant to be a barrier to justice.
- Survivors are very concerned at the Scottish Government's delay and apparent inaction in dealing with changes to the law on Time Bar.

The Irish Model

- Scottish Ministers continually refer to the fact that they have adapted the Irish model in their dealings with survivor issues. What they have failed to make clear to survivors is the reasons for not following Ireland by running in parallel a compensation scheme which could help to alleviate some of the practical problems experienced by survivors.
- Scottish Ministers seem not to have grasped the idea that compensation can come in many forms, and given the choice, these variations in form could be equally beneficial to survivors, their siblings and their families.

Time to be Heard (TTBH)

- It was very damaging to survivors from all in-care residences, that only Quarriers' survivors were included in the TTBH Pilot forum. Survivors did raise this as a major concern at a time when it was not too late to take action.
- Despite the Scottish Government purporting to include survivors at all stages of these processes, they did not consult survivors in advance of the TTBH Forum being formulated. This action caused so much grief to survivor's families whose elderly family members died before being given the chance to be heard.
- It was a matter of great concern to survivors, that **Acknowledgement and Accountability** was removed and replaced by TTBH. This action diluted the whole process and did nothing to convince survivors that, some day soon, the Scottish Government would assure them of access to justice.

Restorative Justice (RJ)

- Child abuse in all its forms is a very serious crime which impinges on the whole of Scottish society and should not be dealt with in the same way as petty crime or local neighbourhood disputes.
- Survivors are dismayed that this RJ process was not presented in advance for consultation by survivors, the wider Scottish Community and interested agencies such as SHRC, Victim Support and SIRCC.
- The current RJ process being undertaken by SACRO and Quarriers has caused real anxiety in the survivor population and has thrown up some serious deficiencies in its implementation.
- The RJ process is being seen as biased in favour of Quarriers' interests to the detriment of victims.
- Survivors see the RJ process as an attempt by Quarriers to down-grade the serious crime of child abuse.
- The RJ process is being viewed as an attempt by Quarriers to engineer a diversion from prosecution.

- Survivors believe that Quarriers have opted for the RJ process because it is relatively cheap, is confidential and protects them from the full glare of the Scottish public.
- The RJ process does not clearly demonstrate how survivors from Quarriers will obtain justice.
- Since the victims of child abuse in Quarriers are not able to meet with offenders, there is no evidence that this RJ process will have a reformatory effect on offenders at large, or will eliminate the still prevalent crime of in-care child abuse in Scotland.
- Survivors are not convinced that this RJ process will contribute to a sustainable, coherent, in-care child abuse prevention policy in Scotland.
- Survivors are not persuaded that Quarriers will publicly atone for these very serious crimes of child abuse on innocent, vulnerable children, by staff in their employment.
- The preparation of an Action Plan in the RJ process, as opposed to the moral imperative for accountability, reparation, redress and a full public/judicial inquiry into Quarriers, completely fails to meet the needs of child abuse survivors in Scotland.
- Survivors have expressed their concerns that this RJ process is inappropriate and ineffectual.
- Survivors are concerned that this RJ process demonstrates a serious conflict of interest on the part of SACRO as it is being part-funded by Quarriers.
- It is of real concern that this RJ process is not being evaluated/monitored by an agency external to SACRO.
- It has been observed at first hand that SACRO facilitators of this RJ process lack appropriate training in dealing with survivors, and understanding of the issues related to In-care Abuse Survivors. This has caused distrust, a lack of confidence, breakdowns in communication and further trauma to survivors.
- Survivors are offended that, once again, the Scottish Government has foisted on them another **“talking-shop”**.
- Survivors in the Quarriers RJ process have reported that they are being further abused and re-traumatised by the **‘brow-beating’** and **‘badgering’** methods of the insensitive RJ Facilitators. They also feel that their human rights are being violated by having a **‘gagging order’** placed on them.
- A complaint in this regard has been lodged with the Operations Director, SACRO, Edinburgh.

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 Chairman
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