

PE1351/L

**Comments & Suggestions as to How The Petitions Committee Takes Petition
PE1351 Forward**

Friday 2nd September 2011

Alison Wilson
Assistant Clerk
& Committee Members of The Public Petitions Committee
Scottish Parliament

Dear Committee

Thank you for asking for the petitioners comments and suggestions on how the committee takes our petition PE1351 forward. Please see below our response to the Scottish Government reply of Tuesday 28th June 2011 and our recommendations as to how the petition should progress.

- Can you confirm that the new petitions committee members have received the evidence pack submitted by the petitioners at our oral presentation on the 5th of October 2010?
- We petitioners have been given a mandate from the support organisation INCAS (In Care Abuse Survivors) who represent survivors from many residential child care institutions ; government run , independent religious orders, other religious organisations such as Quarriers and foster care. That mandate is to carry the message to Scottish Government and Parliament to work to the human rights based approach “*SHRC framework for the design and implementation of the proposed “ Acknowledgement and Accountability Forum ” and other remedies for historic child abuse in Scotland “*”.

This is in survivors view a fair and just way of meeting the needs of the majority of survivors as it gives; acknowledgement , accountability and reparation.

**Petitioners Response To Scottish Government Reply to the Committee Tuesday 28th
June 2011**

- “Time To Be Heard” has failed to meet the needs of survivors due to exclusion of key remedies to allow closure for survivors . Those remedies are:
 - Accountability
 - Reparation
 - Compensation
 - Justice

In Ireland the confidential forum didn't stand alone other elements such as reparation compensation and justice were key elements.

The proposed NCF National Confidential Forum and the Pilot Time To Be Heard excludes all of the above remedies.

It should be noted that despite 38 people disclosing childhood sexual abuse to the Time To Be Heard Pilot Forum Shaw in his report on the pilot does not make any recommendations regarding justice remedies.

- Survivors should be part of the decision making process and this should be prior to decisions being made. To date survivors have been informed of decisions after they have been made . How does this keep survivors at the centre?
- No decisions regarding appointments for the NCF should be made promptly or without consultation with survivors. Survivors input should be at the core of all decision making.

Current Ministers Views

- Stakeholders should be part of the deciding viable proposals.
- Decisions are being made even though survivors have asked that the SHRC framework be adopted. Ministerial decisions are being made regarding future plans and survivors have to fit in to suit plans already made without them.
- The scooping exercise to be carried out by the Centre For Excellence (formerly SIRCC Scottish Institute For Residential Child Care) is as we understand it to establish the numbers and types of institutions and the number of children gone through these throughout the decades.

To conclude Shaw's Recommendations do not include any direct help for survivors. From a survivor point of view the SHRC framework gives the best remedies for a positive outcome.

Because of the complexity of survivor needs SHRC framework covers all of the issues.

Survivors needs can only be met by giving Justice Reparation Compensation Accountability and Acknowledgement none of these should stand alone.

The process being drawn out without having all of the remedies running concurrently would cause further delay. Resulting in more survivors dieing or continuing to live with the legacy of the abuse without moving on finding closure and peace.

Petitioners Recommendations

1. That the Petition Committee continues with PE1351 as a major piece of work.
2. Urge that the authors of the SHRC framework for remedies to child abuse in Scotland be called to provide oral evidence . The petitioners view is that the committee allowed Tom Shaw and Anne Carpenter to give evidence on the 1st March 2011 regarding one option or remedy . So "Time To Be Heard" has been heard. In

order to get a more balanced informed view of all the options SHRC and possibly the Centre For Excellence (Formerly SIRCC Scottish Institute For Residential Child Care) should be invited to give evidence to the committee.

3. On another matter Fergus Ewing the then Minister For Public Health and Sport spoke on the 21 December 2010 during an oral evidence session at the Petitions Committee of a legal paper relating to a consultation on Time Bar which, “would be ready within weeks“. We understand this has not been published yet. We would urge the committee to approach the Scottish Government for an explanation as to why there has been a long delay in the publication of the consultation.

Chris Daly
Helen Holland

Petitioners PE1351