

Justice Committee

Limitation (Childhood Abuse) (Scotland) Bill

Supplementary written submission from Former Boys and Girls Abused in Quarriers Homes

We would like to thank those individuals and organisations who have provided evidence to the said committee in particular The Scottish Human Rights Commission; Bruce Adamson and the other panel members on this particular panel who had a very clear understanding of the issues affecting survivors and the matters for consideration.

We would like to clarify the following to the committee to provide clarity to some other panel members who have given evidence to-date.

A Scottish Human Rights Commission Interaction process 2013-2015 has previously taken place and resulted in an agreed "Action Plan on Historical Abuse of Children in care"; see link

<http://www.shrcinteraction.org/Portals/23/Action-Plan-on-Historic-Abuse-of-Children-in-Care-Nov-2013.pdf>

This Interaction plan had a number of elements agreed by all the parties to the Interaction and we would strongly encourage everyone to avail themselves of this Interaction Plan report to fully understand what was agreed by the various parties including the victims-survivors.

In relation to the other elements in the Action Plan previously agreed such as redress which a number of second panel members on 28 February 2017 referred to the Jersey Model. It is for those directly affected to be central to the design, input and implementation pertaining to which Redress model will best suit the needs of the Scottish Child Abuse victims-survivors in conjunction with others and the Scottish Government.

As FBGA indicated in our evidence a discussion has commenced with the Scottish Government and others on redress. The term agreed by the Scottish Government Deputy First Minister John Swinney is described as "a tangible recognition of the harm done". Again we stress that it is for the individual Scottish victim-survivor to exercise their right to choose and decide which element (s) in the Interaction Plan will be most suitable for their individual needs.

In relation to some panel member's comments on 28 February 2017 about the adversarial process can I just clarify as FBGA's reference to this was that a number of previous criminal trials involving Quarriers victims had resulted in a conviction in the Scottish Criminal Courts and lengthy jail sentences were given in a number of cases to former employees. Yet the Defenders still choose to be very adversarial in the civil court processes involving these particular cases including attempting to discredit and undermine testimonies that had been upheld by the Jury process in the criminal proceedings. This was clearly destructive, unacceptable and caused further harm and damage to the victims. For the avoidance of doubt the Quarriers victims in

the civil processes were not adversarial but simply exercising a legal right to a fair and reasonable remedy in the Civil Courts after the criminal court processes had concluded.

In relation to the issue of a specialist court for these cases we welcome the comments by SCHR and first panel including that victims-survivors should be involved in the design and implementation of such processes that directly affect us. If this Specialist Court route is being considered then we would welcome the opportunity to contribute to any future discussions.

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3 March 2017