

PE2197/B: Allow more survivors of care abuse to access redress

Petitioner written submission, 6 January 2025

The Scottish Child Abuse Inquiry investigates and collects statements from people abused in the care system, beyond 2004. The Redress scheme does not match the inquiry's remit, and this is unfair as the inquiry's findings are that there were serious systemic failures over several decades. Just because the law drew a line at 2004 doesn't mean abuse stopped then, and the Scottish Child Abuse Inquiry proves that children have been:

- Seriously Harmed
- Neglected
- Emotionally, Physically and Sexually Abused
- Institutional Failures Continued Long After 2004
- People were still being locked away
- Restrained
- Isolated
- Ignored
- Disbelieved
- Being Moved Around
- Experiencing Multiple Traumas

The system didn't magically change on the 1st of December 2004; this date was used not because the abuse stopped, but because it was politically convenient to limit the financial and legal responsibility. The reality is that:

- Staff didn't suddenly transform
- Oversight didn't suddenly strengthen,
- Children didn't become safer
- Trauma didn't reduce,
- Institutions didn't suddenly become accountable
- The evidence from the inquiry is that failures were still happening and, in some cases, just as severely

Survivors being left out is a form of discrimination, same institutions, same systemic failures, same harm, same trauma, same lifelong impact but different dates so no access to redress it means that two children could be abused in the same building by the same staff experiencing the same harm but one gets access to redress simply because it happened in November 2004 and one gets nothing because it happened in March 2005 only 4 months apart. That's not justice, that's administrative injustice.

This is about the failures of a system - if the inquiry investigates it, redress should cover it. If the harm was caused by the same organisations, the same lack of oversight, the same culture, the same failures in care, then it should be treated as historical abuse, regardless of whether it was pre- or post-2004.

The redress cut-off date leaves an entire generation behind, and this matters because the children who were harmed after 2004 have no route to redress.

Civil cases are extremely hard, expensive, traumatic, and often impossible because of the laws. Organisations and local authorities still deny responsibility. This date is a convenient line to reduce liability, not an ethical one, so many survivors are left.

My lived experience (2002–2014)

I grew up in the care system from the age of 6 to 18. During my time in care:

- I was emotionally abused by staff,
- Excessively restrained,
- Emotionally and sexually abused by other young people,
- Moved between multiple placements, often without support,
- Placed in a secure unit for three years on welfare grounds, following trauma that had not been addressed,
- And dragged down corridors daily by staff.

The last three years of my care were in a positive, trauma-informed care home, which provided me with stability and support.

However, despite the improvements in my final placement, the abuse and failures I experienced earlier had already caused lasting trauma.

Because of the 2004 cut-off, I am still excluded from redress, despite my abuse falling within the period recognised by the Inquiry.

A recent briefing given by MSPs contains factually incorrect statements. These inaccuracies minimise and downplay what actually happened to me and misrepresent the systemic failings that I and many others have lived through

Ongoing Abuse & Failures Through to 2014

- “Children were abused when in care in Scotland ... for many decades prior to December 2014.” (Scottish Child Abuse Inquiry, 2020) This shows that abuse was not just historical (pre-2004) — the Inquiry documents failures all the way to 2014.

Survivors' Voices Ignored

- “Survivors’ demand for justice ... was not properly heard or understood by Scottish Government.” (Scottish Child Abuse Inquiry,2020)
- “Engagement with survivors was influenced by an attitude of paternalism — a view that the Government knew better than survivors ... and an assumption that the needs of survivors would be met by measures that would be ‘therapeutic’.” (Scottish Child Abuse Inquiry,2020)
- These lines strengthen the point that the state did not take survivors’ calls for real accountability seriously — they assumed therapy/support would “fix” it, rather than proper recognition or financial redress.

Delays & Lack of Accountability

- “The delay between 2002 and 2014 in setting up a public inquiry was woeful and wholly avoidable.”(Scottish Child Abuse Inquiry,2020)
- “Officials and legal advisers wielded significant power and influence ... By following advice ... ministers for far too long resisted key aims of the Daly petition.” (Scottish Child Abuse Inquiry,2020)
- These quotes call out the systemic delay and how decision-makers deprioritised survivors, despite clear demands for justice.

Barriers to Legal Redress

- “The civil justice system presented several barriers to survivors obtaining accountability. Those barriers included laws on prescription and limitation, Legal advisers expressed concern about the precedent effect of making changes, the same concerns were expressed in 2014.” (Scottish Child Abuse Inquiry,2020)
- This is important: not only was there harm after 2004, but survivors faced real legal obstacles, which helps explain why many cannot access redress via court.

Late Redress Scheme / Apology

- “Some have died without benefiting from a financial redress scheme or from proper acknowledgement and accountability.” (Scottish Child Abuse Inquiry,2025)
- The Inquiry’s own findings confirm that the system failed *after 2004*. It’s not just about “old institutional abuse”: there was real, ongoing harm that the government failed to reckon with properly.
- The government’s delay and resistance (2002–2014) to setting up a full inquiry is a direct criticism from the Inquiry survivors weren’t listened to, and accountability was ignored.

- Legal and policy barriers (like limitation / prescription) made it very difficult for survivors to get justice. That strengthens the case that financial redress should *not* be capped at 2004.
- The fact that many survivors never saw redress or died before they could is a moral and political issue. It's not just bureaucracy; it's life / death, recognition, and justice.

I urge you to consider the evidence and act to ensure survivors of abuse after 2004 are not abandoned by the system that failed them.