

Response on behalf of Former Boys and Girls Abused in Quarriers (FBGA) regarding the operation of Redress Scotland, dated 19 October 2023

Thank you for extending an invitation to FBGA (Former Boys and Girls Abused in Quarriers) to provide feedback as to “the effectiveness of the operation of Redress Scotland”.

As your aware FBGA provided oral and written evidence during the parliamentary legislative process including to this Committee previously.

At the time, FBGA raised a number of serious concerns that we envisaged, which had not been considered by the Scottish Government nor the Civil Servants overseeing the set-up, which unfortunately have come to fruition and we will address here. We also highlighted some of these concerns at the time to this committee during our previous oral and written evidence sessions.

Some of the serious failings to-date could have been avoided if proper pre-assessment of risks and good and proper pre-planning had taken place prior to the actual Redress Scotland Scheme coming on stream and operational on the 9th December 2021.

In our view, the Redress Scotland Scheme was set-up in a hurry as a political stunt by the SNP Government and the Deputy First Minister John Swinney at the time to appease some of the survivor community who had been pushing for the scheme to be put in place as soon as possible. John Swinney SNP stated in the Scottish Parliament this would be “a world class scheme”. The experience of many, many survivors will tell you differently. FBGA cautioned at the time including in the Interaction Review Group, that it was being rushed into operation and not properly planned nor properly thought out how it would actually operate in practice. The experience of many, many survivors who have engaged with the Scheme since 2021 bares this out and will tell you differently. That Scottish Government component part it is nothing like a world class scheme!!

As part of this submission FBGA have spoken with actual participants to the Redress Scheme who were former residents of Quarriers and other former residents of other institutions to gain a broad view of the issues affecting survivors relating to the Redress Scotland Scheme.

The Redress Scotland Scheme operates in Silos with the right hand not knowing what the left is doing or how each part of it operates. The Scheme is simply not joined up and operates like this according to Scottish Government to protect confidentiality which is simply absurd as the Panel sees all testimonies and data pertaining to an application. Minutes of joint meetings that have apparently taken place between the two component parts of the Redress Scheme apparently are not publically available nor any redacted minutes publically available.

There is a level of secrecy relating to Scottish Government part of the scheme which triggers harmful thoughts in many survivors relating to their actual past abuse as our abusers told us to keep it secret. Evaluation of the process is not impartial, neither open, nor fully transparent on how it operates. No budget nor how it operates now is disclosed nor publicly available.

Redress Scotland component operated by the Scottish Government

Evaluation

The part operated by the Scottish Government part of the Redress Scotland Scheme is shrouded in secrecy and many survivors lack Trust and Confidence in the scheme due in part to some of the issues outlined here.

There is simply no external Evaluation which is transparent, open, neither is there an independent nor impartial evaluation of the Redress Scheme part which the Scottish Government is responsible for.

Given this there is unfortunately a lack of Trust and Confidence that what survivors are being informed is actually factual and truthful this is compounded by many survivors negative experience and severe delays within the Scottish Government part of the Redress Scheme to date.

Operation, severe Delays and unacceptable or no timelines since December 2021

FBGA have addressed previously a number of these issues many times with Scottish Government part of the scheme and previously in our evidence sessions to this committee.

Operationally there is no understanding by FBGA nor in the wider survivor community how it actually now operates. Something as simple as operation flow chart does not exist which would help applicants understand the processes they are engaged in as these have changed over time.

FBGA are aware that many survivors who applied when the scheme opened December 2021 are still actually waiting for Redress. Feedback from given from Scottish Government is that the elderly and the infirm are the priority which we fully support.

Surely this is not beyond the realms of the Scottish Government part to implement a transparent triage system two and a half years into the schemes delivery whereby there are reasonable timelines to address such severe delays for everyone affected. The mantra that all the cases are different is no longer an acceptable excuse for such failings. It is simply unacceptable and further abuse of survivors by a process that says it puts survivors at the “Heart of the Process” words are cheap actions speak louder and mean more to survivors.

Criteria

At the time David Whelan spokesperson of FBGA stated at the committee when asked by Beatrice Wishart MSP at the time our position on this matter. FBGA stated clearly that the criteria was too narrow and that where the State had a duty of responsibility to regulate past incare institutions that children were placed in and were harmed then the State was ultimately responsible.

The Fornethy group of former residents are such a case and other survivors giving evidence / testimony to the Scottish Child Abuse Inquiry now or in the future. There are new and emerging incare abuse cases at the Scottish Child Abuse Inquiry concerning past institution's as FBGA previously highlighted to the committee when we gave our oral evidence on the passage of Redress Bill regarding the limited criteria.

Shona Robinson the Deputy First Minister stated in the Scottish Parliament on the 25th May 2023, Fornethy survivors are not automatically precluded from applying. That just political speak by an SNP politician who previous did not support the rights of survivors to financial compensation and this is the Deputy First Minster who oversees all of this on behalf of the Scottish Government.

The actual experience of the Fornethy group of former residents who have actual applied is that redress is not available for that particular incare institution.

FBGA are asking for what we originally asked for is that the Criteria is opened all incare former residents no matter the timeline they were incare including the Fornethy Former residents. We understand there is provision within the secondary legislation for the Scottish Government to make such changes and has the power to do so. We ask that this happens without further delay or procrastination by the Scottish Government.

Waiver

Our Position is the same as we stated at the previous committee hearings into Redress for survivors we do not support the imposition of a Wavier which does not hold the State to account for its past failing.

We support fully the Scottish Human Rights Commissions 8th February 2021, Stage 2, submission position on this - number 11 "The Commission believes the Bill would be significantly strengthened if the Waiver did not apply to the state".

Survivor Forum

One wonders if those responsible and who actually operate the Redress Scotland Scheme overall actually understand the definition of "A Forum" is a meeting or medium where ideas and views on a particular issue can be exchanged.

Many of the issues and failures to-date within the Scottish Government part of the Scheme could have been prevented in our view if a proper FORUM had been set-up putting survivors at the heart of the decision making processes at the beginning of this Redress process in 2021.

The current process of a one way street called surveys is not an actual functioning Survivor Forum.

FBGA championed a Survivor Forum along with opposition MSPs at the time including Iain Gray MSP and Daniel Johnson MSP who had included in the actual Redress Scotland Bill.

Independent Redress Panel; Recruitment process for New Chair

FBGA recently had a positive and constructive meeting with the recently appointed Redress Scotland new panel, Chair, Kirsty Darwent.

We understand the Chair Panel recruitment process was a public appointments process with one survivor on the panel. We were informed that there was unfortunately no survivor panel with a number of survivors represented this time as has happened in previous appointments and this was apparently down to the difficulty of getting survivors to engage in this process.

Our observation is, It is difficult to get any survivors in the wider survivor community to engage in recruitment processes on appointments such as this that directly affect them. If they are simply not aware and not been informed about such a public appointments recruitment process taking place.

One survivor from one particular survivor group does not unfortunately represent the broad views of the wider survivor community. More Inclusive and wider survivor engagement is what is required to maintain confidence and trust in survivor processes.

Just as when previously David Whelan sat on a previous public appointments panel for the National Confidential Panel. David insisted that other survivors from other institutions be represented in the Panel Recruitment process. Other survivors in the wider survivor community would have liked to have been consulted on this recruitment Redress Chair process.

Operational Panel, Delays, Determination Award Levels, Apology

The Redress panel side of the Scheme appears to be working well although recent feedback from survivors is that the timelines are getting much longer for a

determination. Numbers of determinations on awards have increased and we are pleased to see this also.

The Panel appears to wish to be open and transparent and publishes its corporate plan and information including annual budget figures and submits this to the Scottish Parliament and this committee.

We understand from the New Chair Kirsty Darwent that Redress awards are at the higher levels this welcome news and hope as the Scheme continues to operate that The Panel gives proper consideration and merit to every case including any in its final deliberations as the Redress Scheme winds down.

Some survivors are concerned that the current higher awards are to cover the failings of the Redress Scheme to-date.

Many Survivors and families including next of kin have welcomed the apologies given via the Redress Scotland Scheme Panel and some next of kin have commented that the apology and acknowledgement of the harm was more important than the actual 10k received in some instances.

Transparency Public Awareness External Independent impartial evaluation

The Panel appears to wish to be as transparent and open as it possibly can be putting information relating to its work in the public domain this is welcomed by the wider survivor community including in FBGA and differences between the two components in the Redress Scotland Scheme are very distinct when you compare both parts of the Redress Scheme.

One concern is it is all internalised and there is no independent impartial evaluation of the panel processes that we are aware of.

Additional Matters

Many survivors are suffering from the effects of the cost of living as are others in wider society. When the scheme was introduced in December 2021. The value of 100k is now worth 90k! What is the Scottish Government going to do to compensate survivors who are potentially losing on 10's of millions of pounds as the scheme has two more years to run and this will further erode redress awards.

John Swinney MSP previously promised survivors that Redress would not affect their benefits. What systems are in place to help survivors, who are later moved into a nursing home and their redress award takes them over the threshold and in such circumstance they would normally have to pay for their care.

Many survivors have a history of mental health issues and addiction issues such as drink, drugs, gambling and other types of addictions. What help and support is there from

Redress Scotland on how to manage potentially life changing amounts of money either in terms of investing or just budgeting.