



The Scottish Parliament
Pàrlamaid na h-Alba

(For official use only) PUBLIC PETITION NO.	PE1351
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1. Name of petitioner
Chris Daly and Helen Holland.
2. Petition title
Time for <u>all</u> to be heard
3. Petition text
Calling on the Scottish Parliament to urge the Scottish Government to establish for all victims of institutional child abuse, a "Time for <u>All</u> to be Heard" forum incorporating a compensation scheme.
4. Action taken to resolve issues of concern before submitting the petition
<p>1. Took the concerns about the restrictedness of the forum to James Kelly MSP who wrote to the Minister Adam Ingram MSP on 23 April 2010 voicing our concerns. There has been no response to date from the Minister.</p> <p>2. Raised concerns regarding the forum with the Scottish Government's Survivor Scotland Team at the meeting of the National Reference Group on Childhood Sexual Abuse on 25 November 2009. The outcome of concerns raised by the petitioners and other survivors was an event at which Tom Shaw, Chair of the "Time To Be Heard", and the other Commissioners for the forum explained why adult survivors of abuse in <i>Quarriers</i> institution would be exclusively heard by the forum. We survivors, and indeed my fellow members of the Scottish Government National Reference Group on Childhood Sexual Abuse (CSA), were not involved in any consultation in the decision that the forum would be a select 100 from <i>Quarriers</i> institution. The announcement regarding the select 100 survivors to the Reference Group on CSA was made on 25 November 2009 by Sue Moody, the Scottish Government's legal expert.</p> <p>Some of the lead professionals and I raised concerns at the meeting in November 2009 about firstly, the lack of consultation to make it a select group of survivors and secondly dropping the accountability element in the pilot forum. The best explanation we, the survivors, have had as to why the forum was only being opened to the <i>Quarriers</i> victims was that, the organisation was responsible to recognise the abuse that had happened in the past and to work with survivors to make amends. I have asked senior civil servants who sit on the Reference Group what sort of dialogue they had with other organisations such as the Catholic Church. I have not had an answer!</p> <p>Tom Shaw wrote to me in response to an application I made to the forum. I</p>

knew that non Quarriers victims didn't fit the criteria however, I wanted an explanation as to why the forum was not inclusive. In his response he said: *"As you know the Pilot Forum is focused on former residents of Quarriers and the 100 places are available only to those adults who were resident there as children. I am unable to include anyone who was resident as a child in other residential schools and homes unless they lived for at least a short period in Quarriers"*. His letter of 9 June 2010 ended: *"I will arrange for a copy of my report on Time To Be Heard to be sent to you on publication next year. The outcome therefore was an answer Quarriers only!*

3. Drafted a paper on the redress scheme in Ireland outlining why this model should be adopted in Scotland and circulated it to all MSP's. My paper met with no response from the Scottish Government. However, Jack McConnell MSP who made the apology for the abuse in 2004 did back a similar redress scheme to Ireland in his email response to me. Most other MSPs referred me to my constituency MSP James Kelly.

5. Petition background information

Previous petition PE535 called for a forum which has not been established as the current forum is discriminatory and limited. Indeed, the forum as it stands is discriminatory and is only open to those who were in the care of *Quarriers* institution as children. Furthermore survivors who are terminally ill and voiced a need to tell of their experiences to a sympathetic experienced forum are being denied the opportunity. Solely because they were not in the chosen institution. Survivors of institutional abuse feel on human rights grounds this is unacceptable.

In February 2010 the Minister for Children and Early Years Adam Ingram MSP announced that the Scottish Government would be, *"taking forward a forum to give survivors the chance to speak about their experiences to help come to terms with the past. This will provide an invaluable opportunity to establish the facts learn from the suffering and use the experience to help us to protect and provide for children in the future"*.

The Minister summed up very well the reasons for such a forum. However there was no indication within his announcement that the forum would be restricted to those who as children were in the care of *Quarriers* organisation. The forum as it stands excludes survivors of institutional child abuse who were in the care of the state in local authority run homes or those in the care of religious orders or independently run homes.

The forum is a closed or confidential one. There was an option to implement an open forum in line with Ireland's Residential Institutions Redress Board. It is already recognised by the Scottish Government that this forum is necessary. It would be cathartic and healing for the survivors. The Minister announced in February 2010 the necessity for a forum. In Ireland the Redress Board Compensation scheme allowed survivors to rebuild lives and come to terms with the past as well as give recognition that a wrong had been done.

Notes on the Residential Institutions Redress Board Ireland : www.rirb.ie

Number of Applicants

2003 Total Applicants: 2,573

2004 Total Applicants : 2,539

2005 Total Applicants : 9,432

NB Closing Date was 15th December 2005

By 2008 Overall Total Applicants : 14,565

Source the Annual Reports of the RIRB Ireland

Number and amounts of awards by the RIRB

The Board commenced making awards in May 2003 and by 31 December 2008 it had completed the process in 12,547 cases as detailed below:

- 9,332 offers/awards made following settlement.
- 2,183 awards made following hearings (6 awards rejected by applicant)
- 333 awards following review
- 699 applications withdrawn refused or resulted in a nil or no award.

The total awards made by the RIRB to the 31st December 2008 amounts to:

- €760.6 MILLION
- The average value of awards is approximately € 64,200
- The largest award being €300,500

“The Residential Institutions Redress Board was established under the Residential Institutions Redress Act 2002 Ireland. To make financial awards to assist in the recovery of certain persons who as children were abused while resident in certain institutions in the State and who have or have had injuries that are consistent with that abuse.”

Source for RIRB Material the Annual Reports of the Residential Institutions Redress Board Ireland · www.rirb.ie

In Ireland they dealt with the “time bar” law by changing the *Statute of Limitations* in child abuse cases.

A compensation element should be adopted as the Scottish Government and institutions are complicit and culpable. It is necessary to set up a forum open to all survivors of institutional child abuse in Scotland. The Time to be Heard Forum is discriminatory and select. It does not include or prioritise elderly and terminally ill survivors who were not residents in *Quarriers* institution. There is a need for such a forum as recognised by the Scottish Government

Will there be a forum open to all? Will it have a compensation scheme similar to Ireland's? The Scottish Government may highlight the Criminal Injuries Compensation Scheme however that scheme provides token awards which is not reflective of the severity and extent of the abuse which was experienced by the survivors. The Scottish Government, the Commissioners and Chair of

the Time to be Heard Forum should be approached regarding any questions raised within this petition.

You can access my page on Facebook through the following link:

[REDACTED]

6. Do you wish your petition to be hosted on the Parliament's website as an e-petition?

YES

7. Closing date for e-petition

16 August 2010

8. Comments to stimulate on-line discussion

- Is there a violation of survivor's human rights by not allowing all survivors a hearing?
- If other countries can provide a compensation scheme why cant Scotland?
- The issue of institutional child abuse is worldwide. Some children were separated from their families and told the parents were dead, only to find out years later the institutions told them a lie. These children were sent from Scotland to other countries e.g. Australia Canada and used as child labour. They were the Child Migrants who often suffered horrific abuse and brutal punishments at the hands of their guardians.
- The abuse was not exclusively happening in religious run homes but throughout the decades also happened in Government run institutions and other independent institutions.