

Justice Committee

Limitation (Childhood Abuse) (Scotland) Bill

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

We would like to clarify the following to the committee to provide clarity on matters on written evidence that other panel members of Forum of Insurance Lawyers (FOIL) have provided in a supplementary who have given evidence to-date. We would also like to comment on the financial figures of redress raised by another panel.

This FOIL supplementary response is clearly at odds and we would go as far to say it is disingenuous with what the Defenders actually done in the Quarriers civil court cases and proceedings including David Whelan's case.

FBGA are very concerned as we feel the need to respond to this officially in writing to the committee. As your aware David Whelan prior to giving evidence submitted copies of 2 motions Court document documents by the Defenders concerning his actual civil case to provide actual documentary evidence to the committee of how the Defenders have actually acted in these cases to the Committee.

The Defenders were definitely going after victims for expenses please refer to one of the Defenders motions previously sent and it was on the basis that if the victims did not withdraw from continuing or proceeding with their civil cases they would insist on claiming court expenses incurred by the defenders from the victims including David Whelan. Legal Aid had been withdrawn.

In fact David Whelan viewed the issues of the victim being held liable for expenses given that his abuser had previously been convicted, as so threatening that he wrote personally to the Court of Sessions on that very issue and requested that his correspondence be added to his civil case file. David Whelan is happy to provide a copy of the said correspondence to the Justice Committee he sent to the Court of Sessions if that is helpful as the Court confirmed that his letters were added to his civil case file after Legal Aid had been withdrawn.

In addition in relation to comments by some panel members relating to cost of redress in the region of £200 million pounds. This is pure speculation and we note that this figure was arrived by speculation on possible numbers and with legal costs reflected for legal services in previous models such as the Jersey Model that this particular panel were promoting.

It is our hope that any Redress model ultimately agreed upon by the parties and one that we are envisaging is one that benefits the primary stakeholders namely the victims-survivors. The Redress model should not benefit third parties such solicitors or legal services as it has in other jurisdictions. We wish Redress costs to directly targeted at those Scottish victims-survivors harmed and abused in care.

Jennie Bristow
Secretary (FBGA)
6 March 2017