

Dr Susannah Lewis

Response to Introduction of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

Background

I write as a close relative of a victim of historical abuse whilst in care in Scotland, who is now elderly and frail, and as the relative of another victim who sadly has died. I have witnessed the lifelong impact and terrible suffering caused by in care abuse, I am committed to doing everything I can to support redress for all victims.

The opinions expressed are my own and are derived from my understanding of the suffering my relatives have experienced, and also from my work with survivors of childhood abuse (in my role as a clinical psychologist).

My views

1)Eligibility

I am in agreement with the rules around who may seek redress. I do not agree with the cut-off date for next of kin payment. Life expectancy is known to be shortened by childhood abuse, some victims will have died before old age. I feel it is therefore discriminatory that only the next of kin of victims who died on or after 17th November 2016 may seek a payment. This also dishonours the deceased victims (who died before this date) who had reported their abuse to the police/authorities.

2)Definition of abuse

Use of the belt- I am strongly opposed to the use of “the belt” being excluded from the bill as a form of abuse. I ask the committee to consider that where “the belt” was used in an emotionally abusive manner then this is considered abuse, under the category of emotional abuse.

The Scottish Child Abuse enquiry has reported that victims have disclosed practices where the entire dormitory or cottage of children was routinely “lined up for a belting” (e.g. Quarriers, Renfrewshire). This was not “discipline” in keeping with childcare practices of the time, but a form of emotional/ritualistic abuse. The adult used “the belt” to incite fear and public humiliation for his/her gratification. The context around “beltings” must be considered. A practice that was “legal” was misused to conduct abuse.

Even allowing for the law and disciplining practices of the time it was abuse where: beltings were public, were inflicted on the whole group of children, were excessively frequent / lengthy, were used when the child had not misbehaved, or the adult “belted” before/after other abuse (e.g. before sexually assaulting the child).

Emotional abuse- under emotional abuse I request the bill includes abuses of the child's right to family life e.g. separation from siblings or being moved to a different house or dormitory as a form of punishment. In addition, that the blocking of contact with relatives, or the blocking attempts from relatives to remove the child from the establishment is also included.

Spiritual abuse- I would also ask that "spiritual abuse" is included as a subsection of emotional abuse. Many of the settings were run by religious organizations, with adults using their power as "religious leaders" to groom, coerce, and control the children e.g. bible verses being used out of context and distorted by the adults to belittle, frighten, and shame.

3) Definition of "in care"

I am in agreement with the Bill's definition of "in care" and the places in which that care took place.

4) The process of applying

The assessment process needs to be completely transparent, with survivors being closely involved in recruiting those who assess, and also being involved in the assessments themselves.

A number of applicants will be elderly, many will have mental health difficulties. Some will not have access to technology. Making an application is likely to be very anxiety provoking. I request that independent support staff are available to guide applicants through the process (with each applicant having a named support person), and give telephone or face to face support at agreed intervals.

When applicants are asked to give evidence, I propose that this could be done by pre-recorded video or audio, by video link, or in a signed statement. Consideration needs to be given to how applicants with learning disabilities may give evidence without compromising their welfare. No survivor should be left "re-traumatized" by the process of giving evidence.

Evidence-The bill has proposed that impact will not be considered in terms of the level of redress payment, with the rationale this would disadvantage victims whose psychological or physical injury may outwardly seem less "severe". However, I would ask that impact is considered within the context that it is evidence that the survivor was abused e.g. where there is evidence of Post-Traumatic Stress Disorder, behaviour consistent with "neurodevelopmental trauma" (due to neglect), or where a survivor has mental health difficulties consistent with "attachment disorder".

5) Payment levels

The maximum payment award proposed is **too low**. I propose this is raised to at least £100,000, with the panel having the ability to award higher payments in the severest of cases.

6) Contributions from organizations responsible

I believe that the organizations responsible should contribute a significant proportion of the redress payment for each individual who was abused whilst in their care.

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