

Nicky McKinstrey

Feedback on the redress for survivors Bill.

I thought I would provide information on myself that will allow the committee to have an understanding why I support this Bill. I was sexual abused in care when I was ten years old and staying in care in the late 70s. I was awarded in care of the estate from the age of ten to eighteen years old. During the eight years into care, I stayed in three homes and two foster care placements. During that time there was a lot of issues that impacted on me, which I feel would take to long to explain because we are here to discuss the bill.

I served my county in the first Gulf war and Northern Ireland. I left the army after six year (Royal Scots). I then started to work in schools in Edinburgh and I did night classes to complete my H.N.C, H.N.D, Degree (distinction) and post grade, which took me eight years.

My last job was a manager in NHS Fife, part of my role was to work with Scottish Government to design PINN Guidelines for all the Health Boards in Scotland, which are guidelines for all the Health Boards in Scotland for writing policies.

I became ill about 10 years ago, I found out I had Primary Progressive M.S. this lead me to get involved with disabled groups to help people that needed support in the work place. One of my roles was chair of Unison disabled group for Scotland. I retired about 5 years ago because of ill health. I have tried for five to get more involved with groups that wrote the Bill with no luck.

I am dyslexic so I apologise about any part of feedback that does not make sense. This information is to give the committee a feel of the person writing the about the bill.

Key points about bill.

Consultation questionnaire

- 1) Consultation questionnaire, only 280 people applied and 18% sent by organisation, which meant there was only 229 victims responded to the consultation questionnaire because:
 - a) There was no Equality Impact Assessment carried out of the consultation questionnaire. Example; there a of lot people that are at an age, where they may not have the skills to complete the online questionnaire or cannot afford a devise to complete the questionnaire?
 - b) Some of the victim I know found the wording of the questions too difficult to read, which was stated on Page 35 bolt point 2, Public consultation on financial redress for child abuse in care report.
 - c) Future Pathways has 1400 victims getting support in a lot different way, which I feel should have been asked to be involved in taking forward any

consultation with victims. Future Pathways is an organisation funded by Scottish government, which is a god send to victims in Scotland. Future Pathways should have a lead role in taking forward all aspects that need setup once the Bill is passed because they know more about Scottish victims than any other group. Future Pathways is the best thing that the Scottish Government did for victims.

I hope that I have given my thoughts on why there was a poor response to completing the consultation questionnaire. There was no understanding of the victims in Scotland only national groups.

- 2) Financial memorandum, Page 7, part 20, raises the point about the peak that will happen in the first year. The means more staff should be appointed in the first. The first couple of months will be important for setting the way forward for the scheme.

I have concerns that the financial paper are talking about the saving that will be made because some victims having criminal convictions. I will cover this under the Bill. Page 12, part 33

Page 22, Part, 56 staffing levels for the project are different from other documents and Bill.

Page 26, part 70, Finding victims records will be major area to be able to complete cases, Future Pathways should be give this resource ASAP, 1400 victims are at different stages of getting this information , it took me over 1 year half get my files from the Council, which could have a massive impact cases moving forward.

Page 25 point 67 Psychological assessment, this will slow the cases being resolved. There should be a spread sheet (Gantt chart) to look at areas that could impact the completion of the scheme in five years.

Page 26, Part 72 Communication and engagement should be set up as soon as possible the webpage could be used to give updates on the Bill, which would start engagement with victims. If Scottish Government organised for Future Pathways to update their webpage on the Bill and gave Future Pathways funding to have more interactive webpage (funding could come from the Bill?). I got a newsletter by e mail on 2/9/20 on the Bill, is Future Pathways involvement in it/ victims? I do feel the newsletter is a start.

Page 11,table 2,3 and 4 believe there will between 7,700 and 14,300 claims under Bil. If we take 10,000 as average amount of claimants for the scheme over five years, which gives us 2000 per year, 166 case per month and 41 a

week. There will be delays because of some of the points I covered in the financial document information I have provided. For example when my case gets heard with all the evidence I have, it will take four days. The main reason for this I want to be given the opportunity to discuss what happened over the 8 years I was in care.

If we are not careful we will end up with another child abuse enquiry that has run for five years and it still is not half way yet and it was only meant to last 5 years. There is a lot of work needed to ensure the finances and time scale for the project is met. There will have to be detailed monitoring by Scottish Government and the victims group. The victims group should have a clear line of contact/relationship with Scottish Government to ensure that victims aren't neglected again.

- 3) Policy Memorandum, Page 6, Survivors Voice Part23/ Part24. This really upset me because it takes about how import it is for victims to have a voice but Scottish victims have no voice apart from Scottish Government. There is a lot of mention National abuse groups throughout all documents attached to the Bill. The key work that was carried out was the consultation, which I have already given feedback on how it let done Scottish victims.

Page 5 point 17, I feel this point should be removed it's a very broad statement says there nothing wrong in care system in Scotland. I was a child panel member for over a year and I read a lot of children's files, which showed me there are different types of problems for children in care.

Page 18 part 52, staffing information should compare to staffing levels on the finance sheet.

Page 18 part 52 I have concerns if lawyers will be part of the panels because the victim should be able to have their own lawyer to ensure their being treated fairly. Also the Bill at the moment is designed to penalise victims with criminal conviction. This could mean there would be a panel of five if each side had a lawyer. Also victims may feel the lawyer is there to find fault in the case. Some cases could end up in court/ European court, which just adds financial costs to the Scottish government and bad press for Scottish people.

Page 21, part 67,68 and 69 Alternative approaches, I don't know what NDPD is.

- 4) Bill
Page 17, part 38. Payment level throughout reading all the information provided on the bill. I could not find out where the payment figures came from and what evidence was used to decide the different level and what groups agreed with the figures. If this process is to be transparent why is this information missing.

Hopefully the consultation questionnaire will not be the method used that a token of victims completed. If this redress scheme takes longer to complete the claims should contain a yearly rise(index linked) in the amount because ten thousand pounds today will be valued 8 thousand in 6 years' time.

Page 58, charter 3

On the consultation questionnaire it was mentioned that a couple of people said" if the person had child abuse offence that they should not be able to get compensation". This changed too convicted of: 1) murder 2) rape 3) imprisonment for more than 5 years. This means, however, wrote this never used information provided in the consultation questionnaire. I feel this is national part that was pasted into the Bill. I have shown this to couple of people who have convictions and they feel that they will be penalised and made to feel that they are in the wrong because of their behaviour after being abused in care. I think this whole part needs looked at or pulled out the bill and looked at. I know they say people that were abused can be more likely to abuse others and some are more likely to commit crimes and go to jail. Once people are in the jail system they get institutionalized and their crimes get worse. So I feel that the committee needs to carry out a lot more research and involve professional people who can give more information on this area.

My feeling in this matter is the five year imprisonment should be removed and once the victims group is set up all cases that the person has been charged with child abuse, murder, rape the cases should be taken forward by victims group, which makes the whole process government free.

Inclusion

Key point to remember, the longer it takes to the Bill up and running the more victims that will die without getting closure on all the horrible things that they went through in care of the state and I did feel that the Scottish Government will try their hardest to get the Bill through as quick as possible.

From the information provided I feel the scheme will take a lot more than five years to complete, if the scheme is not funded properly it will just cause more unset for all involved in the scheme (staffing levels to process cases are key area to scheme).

There could be a lot victims penalised because of their convictions. There has not been enough work carried out to have a clear understanding the impact on victims being highlighted for their past behaviours. Also there is no understanding of the amount of victims this will affect.

The people going through this Bill are all adults so I think that is part of the problem, adults want to speak for themselves and be involved in the process. I read some

wear in the paperwork that two members of a group that works with children and young people have been appointed to group to take forward the redress scheme. I would say whatever the group is called, Scottish victims should be on it and the manager (Chair) of the group should made to explain why the victims are not on the group to the committee.

I know a lot of professional involved will not be happy with what I had to say but this is the first time I have been able to raise my concerns.

I noticed on the government paperwork, that there is a group being set up called Redress Scotland. I hope at least half the group is victims because they have the voice of the victims, which victims should be at the forefront of any group that impacts of them? Also I hope Future Pathways has a seat/ chair of the group with Future Pathways having 1400 victims using their services.

I do realise a lot of excellent work has been carried out to get the Bill to this stage. The financial document is very comprehensive with a lot good detail. On behalf of myself, I would like to THANKYOU all involved in getting there Bill here. I also feel that the committee will do their best to make the Bill re bust enough to be passed.

Questions asked by committee:

- 1) Any child that the estate was responsible for.
- 2) Covered well in supporting paper for the Bill.
- 3) Happy with dates that is being used.
- 4) There has been a lot of work done on this already in the Bill and supporting paper work that covered this?
- 5) This is really good question, which I feel a walking group of victims could answer while the Bill is going through Scottish Government. There has been no working groups to my knowledge for the abuse of victims. A lot of victims would like to give verbal feedback for different reasons. I think Future Pathways should be asked this question as well.
- 6) I do not know what would be a fair payment. I think a group of survivors and a group of government staff should look at other schemes that are going through the process and have completed the process and gather the information then speak to Scottish victims and get feel on what is a fair payment and discuss the finding with the government finance department and try to find way forward.

- 7) I think an independent financial body should look at their financial books and come to agreement on the amount the charity should pay. If they refuse to pay the charity should lose the tax breaks.
- 8) I covered this in the information provided on the Bill. I do feel you will get a poor response from the victims because a lot of victims don't have or use a computer. However the organisations that are being penalised will be happy to answer this question.
- 9) This could be covered by the working group.
- 10) Organise a venue at the Scottish parliament to carry out the apology and then a letter for all victims after the public apology meeting.