

## **Richard Tracey**

I have just finished reading the above proposed Bill and I appreciate that this is only stage one of the process. It is quite clear that a lot of time and work has gone into these proposals. Survivors and support services have, to my knowledge, fully participated which is an essential part in getting the full picture and I remain grateful that Scotland has taken such an approach.

I am also thankful for the acknowledgment from the very start, of the valuable contribution that myself and so many other survivors have made, in doing what we can by sharing our personal experiences. This has never been an easy journey for any survivor and the redress scheme will hopefully for some, bring matters to a close as much as they can.

In the overview of the Policy Objectives is stated that Scotland fully and compassionately supports us and that our right to justice is fully respected. I believe this to be true until it comes to the issue of the Waiver. I have little doubt that many survivors including myself, will have a major issue with this suggestion and the implications in respect of us seeking justice.

I will explain more by discussing my case and I appreciate that you cannot become involved in any way, which I fully respect. However, I hope this will help to get my point across a bit more clearly. I have been seeking justice since 1993 for the many years of sexual, physical and mental abuse and neglect, some of which happened in local authority care.

Only last week I sent a letter to PIRC, finally closing off six years of complaints against Police Scotland, which clearly shows the awful way I have been dealt with including the many complaints upheld, as well as the thirty-three apologies. It is clear that because of some of the failures on the part of Police Scotland, I have been denied justice. However, at least now, I am able to close that particular door in respect of my case and move on.

When it comes to the abuse itself which happened over a number of years and many times, that is a completely different matter. The only time I will be able to close that particular door and at last get on with what's left of my life is when I see justice. That is only going to happen through the legal process in respect of a civil action when I am able to hear why the social worker I had, thought it was fine for me to be beaten and abused both at home and in local authority care and why my allegations in respect of being sexually abused were ignored.

I may get answers to why I was continually let down, what the failings were and why. I may not get any answers but I am still entitled to try as hard as I can because I need to, in order to get closure or at least some part of it. I have made clear before that I am as are many survivors, serving a life sentence for what happened in the periods that should have been the happiest of our lives. So far, certainly in my case, the only person to have paid for what happened to me, is me.

As discussed before, I am fortunate if that's an adequate description, in having my full, unaltered, original social work file with nothing redacted. This file contains shocking evidence of some of the horrific abuse I suffered. The signing of the waiver, relinquishing my right to continue or raise civil actions in respect of the abuse will

merely continue the familiar pattern of them and us. The only people who in effect will truly benefit from this will be the insurers for the many local authorities.

I fully agree that it is not just and fair for people to be compensated twice and I as with most survivors, am very uncomfortable with that thought. However, what I would have no problem with would be a system similar to the CICA where any payments received, must be paid back. That therefore doesn't punish us again by removing the right to seek justice.

In this proposed bill it is suggested that the purpose of the waiver is not to allow parties to reduce or escape liability. I see that somewhat differently and believe that is exactly what it is going to do. Again, our right to answers and explanations which are a massive part of closure, will be denied.

I accept that the waiver scheme may be suitable for some survivors, but I know it isn't for me or many others. By approving the waiver in the suggested way is again denying us the right to full justice. It also means we will continue serving the life sentence. That isn't fair.