

**Janine Rennie**

## **Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill**

I am writing this submission with the background of being Chief Executive of Wellbeing Scotland and the In Care Survivor Service Scotland (ICSSS) for the past 14 years. I was responsible for the design of the ICSSS service ultimately winning the tender to deliver it based on feedback from survivors about what service model would meet their needs. As well as being in a management role I have delivered therapeutic support to survivors and I have had a significant level of contact with those accessing the service due to Wellbeing Scotland's high level of consultation. I am Co-Convenor of the Cross Party Group for Survivors of Childhood Sexual Abuse and I was the Secretary for many years. The ICSSS service model was described as one that was a model of good practice for working with survivors of abuse in care in a 2011 external evaluation by Napier University.

I have strong concerns about the Redress Bill as it currently stands. I have been aware how many years survivors have campaigned for the Inquiry, repeal of the Time Bar law (to enable Civil justice) and ultimately Redress. While no amount of money will ever be able to change the suffering faced by survivors, it can give them hope for a future with possibilities that were lost as children.

I find it impossible to contemplate how it must have to have left what was often a difficult home situation to be placed in a care setting that became daily torture in many cases. The testimonies I have heard over the years have left me with deep shock and distress and the desire to campaign for survivor rights.

When the Bill was sent to me, I was shocked and concerned, realising the impact it would have on survivors, making them feel let down and betrayed again.

The aspect of the Bill giving most concern is the waiver. In my view organisations should be required by law to pay into the Redress scheme with no ability to then limit their liability. The organisations investigated by the Inquiry were responsible for appalling abuse of children. The subsequent fight for justice led to re-traumatisation due to combative and disturbing attempts by the homes to limit liability. There has been an ongoing concern that records have been destroyed and lost. In many of these establishments abuse was still ongoing in recent years. Survivors have told me they do not want revenge they want justice. The waiver removes the right to choose what that justice will be.

The removal of Time Bar meant that at last survivors felt they could access civil justice. Many started to come forward to raise civil actions. However, due to records lost and the long time since the abuse took place cases have taken some time. However, if the cases are successful it is possible that damages will be at a level that can reflect the level of damage affecting lives of survivors. The Redress scale is not reflective of the level of damages in any personal injury case. The £80,000 level is around three years of an average salary where survivors have lost employment for decades due to Complex Trauma. For many survivors they live with such poverty and debt that they will feel compelled to accept the £10,000 payment and forego their right to pursuing a civil action because of the fear they experience of how they

will survive. COVID-19 has made this fear even more tangible. I am very concerned about what the acceptance of the Redress payment will do to survivors through time when they realise what they could have had.

For survivors pre 1964 the Redress Bill is a lifeline and therefore I really welcome that the Bill has been brought forward. However, it is a missed opportunity.

The scale of payments gives me great concerns. Having worked with many survivors over the years the impact of the abuse is not dependent on how many times the abuse happened or how severe it was. There are a number of factors that come into how severe the impact will be. Research on Complex Trauma evidences that some people thrive with post traumatic growth while some have lifelong experiences of dissociation and severe distress. The scale is not trauma informed. Survivors have told me they will never tell a panel about the sexual abuse they experienced. Survivors have told me this feels like a PIP assessment, something that recently made one of my clients suicidal due to the humiliation. Having a scale and a panel fails to understand how long it takes for a survivor to tell even their therapist what happened to them. Building trust often takes months or years. If this aspect goes ahead it will be vital for survivors to have their trusted therapists with them throughout the process. It is vital that physical abuse is not described as corporal punishment. Any legislation that allowed children to be battered should be seen as much of a failing as the care system was.

Regarding criminal convictions as we know without condoning the violence, for survivors abused in care, life choices and chances were negligible. Many ended up on the streets to steal for food and fend for themselves. Within our prison services a large cohort were brought up in a care setting. We must never forget they were children when the abuse took place. They have served a sentence in the eyes of the law and justice was served. They should not be further punished or excluded from justice for the abuse perpetrated on them as children.

Survivors must be given the ability to pursue civil action and Redress to discover which way would give them the best outcome. They could then repay the lower amount. By having the Redress payment, they would then have security to pursue civil cases. I feel there should not be a scale but instead a payment at the same level to all survivors. A hierarchy of abuse will cause conflict between the survivor community.

It will be vital that survivors have support throughout the process from a trusted worker. Survivors are already showing signs of significant re-traumatisation and distress which I am sure was not the intention of bringing forward this Bill.

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