

Sandra Toyer

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

I have been asked to submit the following comments into the general principles within the proposed legislative Bill on Redress by the survivors I support. Therefore, everything written is with their consent and approval and is not written on behalf of any organisation

I have over 30 years' experience of supporting survivors of abuse within Women's Aid and Wellbeing Scotland. My primary remit is within the Incare Team where I have been for over 12 years and have supported hundreds of survivors of incare abuse through their healing and recovery.

Over the years the Government have taken on many of the recommendations from the Tom Shaw Report, Celcis and the Interaction Review Group and they were all welcomed by survivors.

Many survivors view, the redress scheme, or as one survivor puts it, the final hurdle in receiving the 3 A's-Apology, Acknowledgement and Accountability". However, the principles for consideration by the committee is being viewed as "a kick in the teeth" the final betrayal that their "voices once again haven't been heard". Their final hurdle has come with a feeling of disbelief, anger and ultimately betrayal which serves to retraumatise survivors of incare/historical abuse.

They have asked me to address the following.

The Waiver (S45-46)

They believe this waiver is designed to serve and protect those who were responsible. They want their justice from the people, organisations and institutions that failed in their duty of care. They want to be able to say they finally challenged those who were responsible through civil court or other means. To be able to say they are no longer the children who were silenced into submission through fear, intimidation and repercussions.

This waiver serves as a reminder that they are signing away and relinquishing their rights. It reminds them of when they had no rights as children and were put into a flawed system where money was made from the suffering of children, a very lucrative commodity over the centuries.

Survivors do not want what constitutes to, behind the flowery language, "a gagging order"

Corporal Punishment

"The rule of law, ...or a right derived from having charge or **care** of the child is justifiable and is therefore not an assault....."

Corporal punishment has been used in various forms for centuries to inflict pain on a wrongdoer Survivors are asking who will determine what is meant by "corporal punishment", what model or era they will be referencing -1930, 1940, 1950, 1960 and

so on. Whilst there were commonalities of method there were also differences. Who will determine what was legal at the time they were in care and when does it crossover to abuse?

If 6 strikes of the cane is classed as corporal punishment, is the 7th strike coming from a teacher or carer while frothing at the mouth assault and abuse??

Levels of payment

Already millions of pounds have been spent from the public purse, setting up and putting into action the National Confidential Forum, The Public Inquiry and Future Pathways. The total cost is still ongoing and mounting each day. These initiatives will almost certainly come to an end.

However, the legacy of child abuse is life lasting and life changing.

Therefore, survivors feel that the money spent on the above should have been considered when determining the proposed levels. It should be comparative and just. Every one I have spoken to believe the proposed lower level of £10,000 is an insult to their human worth and suffering. If we had privy to the financial records of the Religious orders, local authorities and the Governments who sent or acquired “good white British stock” to replenish their workforce and fill their coffers, then perhaps a truer and more moral and realistic value could be put on the survivors suffering and loss.

Higher levels are awarded to victims of petty crime and injury.

Survivors DO NOT wish to have to jump through the hoops to get a bigger payment, to have to justify to a panel why they deserve more, why their suffering was more than someone else's. It is retraumatising and will set a precedence for survivors to turn against each other and conflict within families.

Many will be unable to prove their suffering. Abuse, especially sexual abuse is carried out in secret. It will not be found in any records or documentation. The systems that allowed abuse of children are very clever. Those who seek to undermine the recounts of testimonies will ensure that no records will be found.

Applicants with convictions for serious offences s45-46

It is well documented that people who have suffered adverse childhood experiences and also been through the care system have limited life choices and life chances.

For many, their lives will have started on the street at an early age, stealing to survive or to support their parents. Through resilience some will prosper. For others, however, addictions and a life of crime become their options. Whilst never condoning any act of violence or serious crime, the committee is asked to consider this principle in a trauma informed way and to remember that they have already served and paid their duties to society and justice was deemed to be served. Crimes were committed against them as children and therefore they should not be further punished or exempt from their justice.

Whilst there were other areas of the Bill for concern, these are the main points I was asked to comment on by some of the survivors I work with and support. I believe others have already commented via their MSP's

I trust members of the committee will consider.

Sandra Toyer