

Wellbeing Scotland

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

Background

Since Devolution Scotland has taken a courageous approach to addressing the abuse of children. For those survivors and agencies that support them it heralded a new era. If the Scottish Parliament and Government could publicly acknowledge that abuse happened to children, it gave hope to survivors that the silence that is central for abuse to happen was broken.

Following early petitions Cross Party Groups were convened, campaigning for change and highlighting the long term physical and psychological harm that survivors can endure into adulthood and older age, resulting in the National Strategy, SurvivorScotland in 2005.

In care abuse survivors petitioned as early as 2002 calling for an Independent Inquiry into the historic abuse of children in Scotland which led to a Debate and Public Apology in Parliament by then First Minister, Jack McConnell in 2004.

In early 2005 the appointment of Tom Shaw to lead a Systemic Review of legislation, inspection and monitoring intended to protect children in Residential Schools and Children's Homes in Scotland from 1950 to 1995. This Report was published in November 2007 with recommendations including relating to former resident's needs, record keeping and record management. The latter recommendations led to the Public Records (Scotland) Act in March 2011. As described below this was too late for many survivors.

Tom Shaw's report recommended development of a support service. Wellbeing Scotland had been delivering services to people abused in care since 1994. The organisation was successful in the tender to deliver in In Care Survivor Service Scotland from 2008. Our specialist trauma therapists have been delivering the service for 12 years with many of the team still in post.

Over the 12 years of service delivery Wellbeing Scotland have delivered a service to around 3,000 people who experienced abuse in care. Our records show over 320 residential care establishments where abuse was reported and over 200 foster care. Many establishments had similar reports from a number of survivors.

A main focus of our service has been consultation with survivors to ensure that the service was able to meet their needs. Part of our role was advocacy and much of the work involved access to records. Survivors also requested that we support them to access justice. Access to records work has been very challenging due to records being destroyed or damaged in fires and floods. For many survivors they have been unable to find answers or identity due to missing information. This will now become a much more serious issue at the final stage of accessing justice.

Tom Shaw and Kathleen Marshall were invited by the Scottish Government to establish a 'Pilot Forum' a test of a confidential forum. The Time To Be Heard Forum began in May 2010 and concluded in October 2010. Its Report published in

2011 made key recommendations, the principal being there should be an Independent National Confidential Forum open to all who were cared for as children in any kind of residential setting in Scotland.

In July 2014 The National Confidential Forum was set up as part of the Victims & Witnesses (Scotland) Bill passed in January 2014.

In October 2015 The Scottish Child Abuse Inquiry was set up to investigate the abuse of children in care in Scotland to make recommendations for changes to legislation, policy and practice.

In 2016 the Apologies (Scotland) Act was passed and promotes a change in culture and attitudes towards making an apology.

Future Pathways to provide personal outcome support to survivors of abuse in care by brokering services from specialist organisations began in 2016.

In 2017 the Limitation (Childhood Abuse) (Scotland) Act was passed into law removing a barrier preventing child abuse survivors from accessing civil justice.

In October 2018 the Deputy First Minister of Scotland committed to establishing a Statutory Redress Scheme, the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill and Advance Payment Scheme 2019.

We are outlining just some of the history to emphasise how far we have arrived in addressing the needs of survivors by changes in law, funding agencies for their care, support and advocacy, introducing trauma training across our NHS and allied agencies and much else.

Our approach is one that is trauma informed and survivor centred. We are non political and shaped from a Human Right standpoint. The issue of childhood abuse has and should remain a cross party approach.

While we welcome the Redress Bill as something survivors have campaigned for the Ministerial Statement by the Deputy First Minister in Parliament on 20 August of Scotland's Redress Scheme for Survivors of Historical Child Abuse in Care has raised some serious concerns with survivors, their families and agencies that provide advocacy and support.

We believe the document is not trauma informed. The language and tone is adversarial in nature and has potential to re traumatise survivors reading it. This omission considering the commitment of having a shared language of trauma embedded into all of the interactions with survivors and legislation prior to this report is one that we cannot comprehend.

Waiver

The Waiver and Conditions condition denies survivors the right to pursue civil actions, thereby fundamentally removing individual choice and agency for them. Survivors have campaigned for many years for the limitation period for actions of damages in respect of personal injuries resulting from childhood abuse. The Waiver appears to many as the silencing of survivors by compelling them to remove their right to pursue any civil actions resulting in them being ineligible to participate in the scheme. We view this as a retrograde step in light of all that has been achieved for survivors by the government.

The Scottish Government consulted on the Scheme and controversial waiver. The Deputy First Minister seemed to reply on the consultation responses as justification for the waiver but that simply does not stack up to analysis. Only 57% of all respondents said that an applicant should be required to choose between redress and civil damages. That is a very small majority indeed for such a big decision. The lack of clear majority alone should have been reason enough for the Scottish government not to have insisted on the waiver.

Moreover, the “majority views” included organisations with obvious vested interests such local authorities and insurance lawyers. Their views on this question should not be counted. All of the institutional respondents who did not have a financial interest and seek only to support survivors rejected the waiver; as did all completely independent respondents, such as the faculty of advocates. It was also very clear that many individual respondents didn’t understand the way that the vital question about the waiver was framed. The Scottish Government’s published Analysis of responses states:

“only around two-fifths of those who ticked ‘yes’ at Question 26 [supporting the waiver] made comments suggesting that applicants should have to choose between accepting a financial redress payment and pursuing civil action. Others who ticked ‘yes’ made comments indicating support for the right to choose between the two options including, potentially, the right to choose both. There was greater clarity among those who said applicants should not have to choose, with around three-quarters commenting in a way that made it clear that they believed applicants should be able to pursue both options. These comments suggest that the figures shown in [Table 8.3](#) should be treated with caution.”

Wellbeing Scotland issued a survey to In Care survivors. Results showed:

“Are you in favour or opposed to the waiver where to access the Redress scheme you give up the right to pursue a civil action?”

In favour 4%
Opposed 68%
Undecided 28%

“Do you feel that organisations who are paying into the scheme should still be held accountable and liable via civil justice?”

Yes 83%
No 2%

Undecided 15%

Comments were:

Yes, paying is an easy way out. I was astounded at the denials of the people who abused myself and other members of my family. I was present to hear their denials before the Inquiry. These people are burying their heads in the sand and should be held to account for their actions. Much has been said about their age and vulnerability, but they abused us in our age and vulnerability. A payment into a scheme is not enough. Investigation, acknowledgement, learning and apologies are also required. The wrongs of child abuse should be made public not resolved in some under-the-table private deal.

I as a victim of abuse want justice for all victims and the perpetrators brought to justice through the courts. I will never accept hush money; I want the world to know what was done to me and other innocent children just like me...ABUSE CAN NEVER BE JUSTIFIED... and can NEVER be undone with hush money!

being judged and controlled all my life, so the scale system to have to justify like a P.I.P assessment is degrading again.

I don't like the idea of a panel of strangers deciding who is worthy of the top tier payment. It takes survivors a long time to be able to trust people with their past and what has happened to us and to be expected to sit in front of a panel of people whom we do not know is traumatic and inhuman.

I feel that by the organisation paying into the scheme this is just a way to protect them and seems so impersonal and unfair. No-one protected or listened to me when I needed help!

These organisations should always be subject to civil justice.

Where's the justice and what message does it send when it feels like abusers are allowed to avoid accountability by paying some money that legally protects them by enforcing our silence.

Yes absolutely! Just because they have put a % towards the scheme it is just pennies in the grand scheme of things and for people who suffered abuse for years the 80,000 levels out at a few pound a week! To compensate for the horrific abuse we have suffered which in turn has affected our relationships and jobs and life in general.

Survivors want to be treated fairly but with this redress it's not going to happen.

It is also insulting to not know what the payment would be prior to the waiver

I don't think it's fair what the government are trying to put on to survivors as they have been wronged all their time in care.

This is suiting the culprits, no-one else.

It's bribery money

Survivors have the right to choices

Very unfair

It takes away the rights of survivors to seek justice and therefore brings the justice system into question as I believe It sends the message that perpetrators of abuse can buy a get out of jail free card.

It's my right to go forward showed I wish to do so,

This redress scheme is amounting to bribing abuse victims to keep quiet. I would rather have justice for every single victim than the redress scheme's blood money

everyone who was abused in care should have full access to pursue their claim for redress through the courts

I feel that people are getting paid off to keep quiet after a traumatic experience and to ask us to sign a waiver is so those who carried out the abuse are getting away with it as we aren't allowed to take civil action and the abusers should be held accountable for the abuse that has been given out

I believe it is unfair to be asked to sign a waiver before even knowing what settlement your entitled to. I also believe it is just about the big organisations saving money and not wanting to pay out what survivors are rightfully entitled to.

People should not be constrained in this way. Survivors should have the right to choice how to pursue claims

I think they should pay the redress.so you have money to take them to court

Natural Justice should not be bound by legal restrictions or time bars. in my opinion.

I think it's unfair to not allow civil lawyers to fight to get the best and fairest deal for all the children and in memory of all the children who died, also I agree the redress should give us a payout but it should not stop our legal case going forward

Survivors are very distressed and angry about the waiver. Wellbeing Scotland held a meeting with 95 survivors expressing an interest in attending. Some contributed offline to maintain confidentiality. Survivors asked us to take forward a campaign to challenge this aspect of the Bill and others that this paper will highlight.

Scale

Another aspect of the Bill that survivors are concerned about is the scale where it states in the Bill it “must have regard to the nature, severity, frequency and duration of the abuse.” There are a number of issues with the scale, expressed by survivors. Most survivors struggle to speak about the abuse they have experienced. There has been an ongoing lack of trauma informed understanding about this important issue. For an example, a survivor told our service for the first time after many years about sexual abuse. However, he was clear that he would never be able to tell anyone else and would not be able to speak to or write to a panel of strangers about it. Many others have expressed similar concerns about speaking or writing to a panel. Over

our years of working with survivors, even in a therapeutic sense it has taken years of building trust for survivors to speak out.

Survivors are also concerned that this will create tensions within the survivor community with some abuse being considered to be worse than others. We already see survivors who feel that abuse of another survivor was worse, so they feel guilty about their suffering. One incident of abuse can have a significant whole life effect on an individual.

Our survey in redress had the following results.

“Are you in favour of the scale where there is a £10,000 fixed amount and then a scale up to £80,000.”

| | |
|---|-----|
| I am happy with this way of paying Redress | 5% |
| I am unhappy with the scale of payments | 18% |
| I am undecided | 13% |
| I am happy with the initial payment but not the scale | 6% |
| I feel all payments are too low | 11% |
| I feel all payments are reasonable | 9% |
| I feel a scale based on level and scale of abuse is not appropriate | 31% |
| I feel a scale based on level and scale of abuse is appropriate | 6% |

Therefore only 11% of survivors agree with the scale. While two comments agreed with the scale the majority did not:

Unfair levels of payment and how can we prove abuse that went on

I feel no payment will ever be enough to cover the pain and life I endured through my childhood, also a payment will help me maybe have a better end to my life, help my kids and grandkids have a decent start in their lives

Still totally confused

Abuse cannot be measured in scales or levels. All historic abuse survivors should be entitled to equal redress in my opinion.

Who can decide the scale of a survivors abuse when they weren't present to see or experience it? Who will be the decision takers be? What criteria will be used to assess and decide upon their competency in these decisions

I don't think the amounts are enough for what we went through and I also don't believe in a scale system as it almost diminishes the severity of abuse we have suffered. For example if i apply to get the 80,000 and a panel state I don't meet the criteria that almost says that my abuse isn't sufficient enough to warrant a top tear pay out and in turn says my abuse wasn't as serious!

Totally unacceptable

abuse is abuse not matter what scale remember wee where kids,

The scale needs to understand what a person has gone through, at the time and for the rest of his/her life

I'm NOT interested in money, I wasn't justice!

How dare u, I live with it every day of my life, there are no scales to level abuse,

How do they determine and define what level of abuse fits their criteria? Many survivors are still trying to access evidence and records that are being destroyed, denied or hidden from them,

Payments are too small.

How can you categorise abuse wrong

all who suffered lifelong trauma should receive the same and I think that applies to all

I don't like the scale up to £80,000 as I think it should be dealt with on a case by case basis. Having a cap at £80,0000 seems unreasonable.

No amount of money can take away any form of abuse so why scale it?

You can't put a price on losing yourself due to abuse

Some survivors suffered more than others and are still suffering the abuse from years ago.

Yes I don't think we should have to sit in front of a panel after all the statements I have already gave, people who don't know me, I have already done statements to the enquiry, went to court for the enquiry, statements to the Police, and waiting to go to court also, statements to civil lawyers and also been put in front of Psychiatrist giving statements, the Inquiry found my institution GUILTY, I feel how many times do I have to go through this, giving statements, all be that I am prepared to go through it again if needed.

The compensation suggested by the redress scheme is an insult to the years of abuse I suffered in various establishments as a child.

I'm fed up feeling as if I am a criminal why can't we be paid like the elderly no fuss no drama no judgement, but we are not and it's disgusting it makes me physically ill.

Abuse Assessed as Corporal Punishment

Wellbeing Scotland feel very strongly about this aspect of the Bill. Children were placed in care, often after very difficult home circumstances. They should have been nurtured and cared for regardless of the culture of the time. The Bill allows for emotional abuse but then suggests some assault may have been considered corporal punishment. This is a contradiction and leads to the potential of emotional abuse being of the time too. The impact of being hit by a worker who was in effect a

stranger has had an impact on survivors that cannot be underestimated. This part of the Bill should be removed. As an organisation who have worked with abuse in care survivors for 26 years we have seen the significant impact on survivors of what may have been described as corporal punishment. For this to be allowed in any legislation was a failure by that legislation and those who produced it in the same way that failings in the care system enabled abuse of children. We asked survivors the following question:

There were different attitudes to abuse in the past and some of the physical abuse may have been judged to be corporal punishment. Do you feel that is fair?

Yes 8%

No 85%

Undecided 7%

No child should have been subjected to the violence, intimidation and fear we were told it was a holiday. We didn't understand why we were being punished slapped kicked hit belted randomly on a daily basis.

No as it has affected people whole lives

Any physical is abuse is unjust and should never happen

Corporal punishment by a strange unknown adult in a caring/ educational establishment to a child I do not see the equation in this viewpoint

It was abuse, pure and simple, assaults are not legal.

It was never corporal punishment. BIG difference, and those who battered and abused us knew the difference.

corporal punishment for people who how done wrong we were innocent kids

We were meant to be getting looked after not further abused.

Being physically punished for no reason is not corporal punishment

if we received that form of abuse in our own home our parents would have been in prison

There is a big difference between corporal punishment and severe beatings, force fed and humiliation and inappropriate behaviour. Corporate punishment was allowed in all schools i.e. the belt and yet no one is traumatised from a belt in school. This is on another level and to compare the two is highly inaccurate and offensive

If corporal punishment laws at the time enabled, these criminals to inflict the level and cycle of abuse and torture on children then they are also complicit and should be held accountable.

ABUSE IS NOT CORPORAL PUNISHMENT. IT IS ABUSE!

Definitely not. even corporal punishment was abuse, legal or not.

Abuse is abuse corporal punishment was belt in hands in school abuse is being forced to eat vomit and lots more besides is not corporal punishment its abuse on the largest scale

The abuse we suffered in care could never be termed acceptable corporal punishment. We were treated sadistically by untrained, uncaring individuals who showed us no affection or understanding. I also blame the persons in authority for permitting this abuse...government, social services, leaders of religious communities etc. These people failed us by neglecting oversight of organisations trusted with our care and development.

They ruined over lifetimes

Too many complicit and guilty organisations will try to escape their obligations to abuse victims by hiding behind corporal punishment.

It's a disgrace to suggest this, I got the belt at school fair does that was part of life in the UK then, but the physical abuse I received was absolute barbaric from people that where meant to keep us safe and look after little children

Advance Payment

Many survivors feel that the age of the advance payment scheme should be reduced, particularly with the COVID-19 crisis increasing the risk to life of people over 60. We asked the following question in our survey:

Do you feel the age on the advance payment scheme should be reduced?

Yes 77%

No 23%

I also believe it was a fatal error by the Scottish Ministers to abruptly stop the regular three month reviews of the Advance Payment Scheme as recommended by the Inter Action Review Group without any credible explanation, as this discriminates against and disadvantages many Historic Victims of Abuse in Scotland and their dependents, who are suffering during this Covid 19 Virus and Lockdown restrictions. I am also concerned that there is no appeals system for the Advance Payment Scheme, for those who fall outside the very strict eligibility, yet have serious long term medical conditions and exceptional circumstances. And finally, as stated before, there are compelling and urgent grounds and need for the age limit to be reduced to the state pension retirement age of 65, in the light of the ongoing Covid 19 Virus Pandemic and Lockdown restrictions

Previous Convictions

Many survivors became involved in crime due to the lack of any opportunity in life and through substance misuse. We asked survivors if this is a fair aspect of the Bill.

Do you feel that those with a criminal record should be barred from accessing the Redress scheme?

Yes 3%

No 68%

Undecided 5%

Comment 25%

No as the abuse could have happened when the survivors could have been children where's the equal opportunity here, they were still abused.

I'm trying to choose no for question 9 but I keep being brought to this comment box, Sins against a person in youth may result in criminal activity in later years

It doesn't matter what they did, they were still abused and possibly that abuse led to crimes. They should still be entitled to compensation, they still suffered

They were only kids that had to take care of themselves at 15 does open out you go that never seen love that is what they done to them no love no care

If their crimes involved inflicting violence, grooming or sexual abuse of children then I strongly feel that they should be barred from the redress scheme.

I don't believe in criminal behaviour but like other criminals outside the care system they have been punished with time in jail. I also believe that with the lack of guidance to these children they go down the wrong road, I went down the Alcohol road I am an Alcoholic in recovery today.

Records

For many survivors, as has been seen in the advance payment scheme records simply don't exist. This leads to inequality for survivors who cannot provide evidence due to further failures by the organisations. Testimony from counsellors who have worked with them over many years should be permitted. Our survey question had the following results with survivors being able to pick more than one option.

In many cases records have been lost or destroyed affecting the ability to have proof of time in care. Do you feel records should be necessary or should testimony be enough?

| | |
|--|-----|
| Testimony should be enough | 67% |
| Records and testimony | 16% |
| Other forms of evidence e.g. testimony of other residents, abuse took place in that home | 45% |
| Photographs | 19% |
| Evidence from counselling re distress, discussion re the care environment | 33% |
| Letter from counsellor, family member etc. | 23% |
| Evidence from records should be required | 6% |
| Other (please specify) | 17% |

Its up to the local authority to prove that you "weren't" there. Unfair on survivors if records are magically lost!

I gave evidence to the child abuse Inquiry. This cost me to relive and struggle with memories of the abuse I suffered while in care. This abuse was physical, mental, emotional and sexual. What kind of person would want me to relive this yet again? How many people would be able to face this pain yet again? Why wouldn't we be believed? The Inquiry believed us. My evidence is there to be read.

Testimony should be enough , but organisations should learn that regardless of rules on confidentiality and not 'storing' information ,for people being taken into care, respite, or homes basic record of date of entry date of leaving national insurance number and date of birth should be stored encrypted with no time expiration date.

Previous Consultation

Many survivors found the previous consultation too confusing and lengthy and others did not know about it. In our survey 69% answered no to "Do you feel you were given an opportunity to contribute to the previous redress consultation."

"Questions too complicated plus we gave statements to police and inquiry too much memories can't let go."

"although some questions were difficult and obtuse."

"There was a distinct lack of consultation between the Scottish Ministers and historic abuse survivors and their survivor groups. I also feel it was a fundamental error by the Scottish Government to exclude the Inter Action Review Group from the discussion, formation and introduction of their Redress Bill proposals to the Scottish Parliament, because it reveals a lack of independent scrutiny, consultation and objective overseeing of the scheme."

All other comments were people saying they didn't know

Conclusion

Wellbeing Scotland welcome the Scottish Government commitment to the Redress Scheme. However, we feel that the aspects of the Bill highlighted in our paper will reverse all the good work that has been undertaken in our background section. Trust of survivors will be lost and further damage could be the result of this process. That must be considered and avoided.

Appendix

Survivor videos

Appendix

Clients of Wellbeing Scotland requested events to feed back on the Redress Bill. Notes from the events and other comments are below:

Client Event 9th September – Consultation on Redress – Submission from clients abused in care

Clients inputting to sessions – 95

Comments from workshops

- Hold you over a barrel with the redress
- They are betting on you will go for redress now because you are struggling and lose the chance of civil action
- Redress should be against those who allowed this to happen it shouldn't be tied in with the organisations at all – it should be both forms of justice
- 10000 only helps you get on your feet but you are entitled to much more than that
- 10000 is nothing and does nothing I would probably just kill myself with drugs with that
- Shocking they can put a price tag on type of abuse
- People paid to protect them and they put a price tag on it
- If it was their family!
- Who judges the severity?
- What experience do they panel have – what have they suffered a survivor should be on the panel
- Took to alcoholism, lost my job, schooling was affected due to the damage as a child – how do you put a figure
- Lost my marriage and my kids to it and looking back can see it goes back to years of physical emotional and sexual abuse
- People given small amount of money but its not about money its justice – government given them the chance to get out of redress – get out of jail card
- Paid off with a sum – I have never had that kind of money but its an insult
- The money will be like winning the lottery to us but it is not enough
- Abuse was so prolific in the care home they knocked the building down so lot of evidence of it happening in there
- Evidence I have already given evidence to the inquiry and they have been found guilty by the Inquiry – the evidence is there don't want to give more evidence
- Redress is wipe it under the carpet
- How much more evidence do they need
- It is a baby carrot
- Why do they need more evidence?

- Why can't you go for redress then a civil case?
- There is a carrot take it and sell yourself down
- I want them to own up to It like they did with Hillsborough
- People will just take the money
- They will never understand what we went through
- We were brave enough to go to inquiries now we have to face up to people in fur coats and suits
- People will go for it because of the way their lives are
- Charges and offences from 11 and 12 years old and now because you have a criminal record you might get less – that is wrong
- Taken as a generalisation
- They are trying to throw us under the carpet
- All the kids that died are no longer here
- We will wipe this out of history
- Put a pot of gold there and wipe it under the carpet
- Divide and conquer
- Most people will grab money
- I am doing this for my wee sister who took her own life and won't get a chance
- Non money aspect apology its rubbish basically forget about what was done
- The Deputy First Minister said we believe you – most people think we are in it for the money. The money is a bonus – we were left for 40 years.
- Two long relationships don't see daughter just learning how to live
- Go down the road of drugs and alcohol
- Apology in writing important
- Couldn't do an apprenticeship papped out into the Gorbals with nothing
- Money that can come to two sons of sister who killed herself
- Care out of frying pan into the fire
- Any award you do get should be passed on to family if you die
- Never knew I had any family just found them through my counsellor after 50 odd years – money should go to my family if I die they were told lies that he didn't exist even though he stayed in the same town
- Now they think they can give you a wee penny it's not right
- The sister who died should have redress
- Came from chaotic alcoholic home where I thought I would be safe but it was worse with extreme violence children should never see
- Criminal records if we were not put in homes we wouldn't have a criminal record it is discrimination
- How can we prove we were abused and the level of abuse
- Any level of abuse shouldn't be tolerated and criminal records shouldn't matter
- Smaller rooms were a good idea
- Some were sent over to Ireland in the 60s
- *If sexual abuse not as severe would it be taken seriously*
- *Affects how to manage life*

- *Struggle to live in a way where can cope*
- *Fight to get support*
- *Moved to an area to get better access to services*
- *Children's home at 10*
- *Neglect with adoptive parents – emotional neglect*
- *No proof of being sexually abused*
- *Children's home now closed down*
- *Stayed in the area so could not deal with trauma so moved to Stirling*
- *Will it be seen as a scale*
- *Psychological consequences*
- *Difficulty in talking about sexual abuse*
- *How will punishments and emotional abuse be seen in the context of the time*
- *Confidence and self-esteem aspect hard to quantify*
- *Very difficult to quantify social emotional spiritual effects*
- *Psychologist or psychiatrist input could that be made stronger in terms of your case*
- *10 people haven't suffered abuse – accrue cases that show a pattern*
- *Showing where no impact from services have helped*
- *Its not about the survivors its about saving the orgs and government money*
- *Wellbeing Scotland are the only ones that care for us and understand us*
- *Talk with lawyer to take the government to court*
- *We need to take govt and orgs to court over this*
- *Suffering for a long time – in front of panel fur coat on*
- *Throw it under the carpet and here is a baby carrot*
- *Wave a carrot of a lot of money*
- *Swinney apologised years ago said he believes but now wants records*
- *Need a letter to say they admit it*
- *All be dead by the time it happens*
- *Need closure – enough is enough*
- *20000 or 10000 is an insult*
- *The organisation is biggest bank in the world*
- *The organisation should be paying for the cases*
- *Adoption – is that covered*
- *One group excluded*
- *my concern is how do I prove I was there when my sisters n I medical files were destroyed – records should have been kept 75 years*
- *Its obviously been a cover up as records have to be kept*
- *Worker tries to get records but it is impossible*
- *Fires and floods erupted all over Scotland*
- *It's all taken too long – all the things needed to do it has taken so long find records 10000 is a joke*
- *Fight the civil claim need evidence*
- *Only way out to take the 10000*
- *Fell like won't get anything*

- *Want it public and people to know it happened*
- *Other providers might claw back the money have already given that must be protected*
- *Need clarity on benefits*
- *Feel totally stitched up*
- *Why nobody from Wellbeing Scotland is on the panel*
- *Paper itself was really hard to go to as so emotive*
- *Parts you could read made it sound like a gagging order*
- *Represents self interest and not designed for the benefit of survivors*
- *What were the recognised working practices of organisations*
- *Who was in charge of stewardship of files*
- *Missing respect for people's human rights*
- *Time to fight back and have marches and people individually pursuing MSPs*
- *Site for survivors to join and share their views*
- *This would be more powerful*
- *Is it true survivors can get legal advice*
- *If you have a current case and it fails can you still access the redress scheme*
- *Corporate punishment is different from abuse and cruelty*
- *People can't provide evidence*
- *Child abuse inquiry should be evidence – catalogued types of abuse in that organisation*
- *Had a bad experience with an organisation will it be the same kind of process with the panel*
- *Should just be one payment abuse is abuse – will put a rift between survivors my abuse is more severe than your abuse*
- *Not saying much about the impact*
- *Payment levels how can you decide as abuse is abuse*
- *Lower amount may make them doubt themselves and feel all the shame and guilt again*
- *Traumatic to discuss everything again*
- *Who will be on the panel – understanding of the effects of trauma e.g. survivors but not the same ones as always*
- *Civil claims not enough evidence will redress be the same*
- *Waiver way of shutting people up*
- *Need to sign waiver before redress properly processed – no way of going back*
- *Corporal punishment shouldn't even come into it*
- *Affected families children and siblings – children don't want you to talk about it and family members don't talk between members*
- *How will redress work for people accused in more than one care setting will it be redress for each*
- *Will they have to pay back criminal injuries or other compensation*
- *People who had criminal injuries have same rights to have benefits affected*
- *Survivors should be part of a panel*

- *Process if applicant dies – redress should be passed on*
- *Communication that formally recognises the abuse survivor went through*
- *Victims to come forward to face the MSPs*
- *A poem to show what a survivor went through*
- *Survivors want to go to Holyrood and they want Wellbeing Scotland to support them*
- *Victims to come forward and face the MPs to tell them how we feel – will we have this opportunity*
- *Speak in front of them to let them know our feelings*
- *Survivors say put my name down to ask to speak to the committee*
- *3 week timescale is too much pressure – the timescales are unfair*
- *Survivors want to go to speak to MSPs as a group*
- *We struggle even to pay our bills 3 weeks is too short for such an important thing*
- *Pull a group together to get MSPs in to listen*
- *My MSP is the first minister how can I ask her to support us in that timescale*
- *We will never profess to speak for every single survivor*
- *Will people reply if we put in communications*
- *Emails sent now to give views*
- *Talk is cheap let's go take an action*
- *The Deputy First Minister stood up and apologised 4 – 5 years ago but nothing has changed and records don't exist*
- *Shouldn't feel any less than anyone else*
- *All suffered badly and still suffering*
- *Right amendments have to be made*
- *Classed as vulnerable person – struggling to keep on top of all information needed*
- *Processing all the information big toll on somebody's life*
- *Will our voice still be heard if we are perceived as not being as abused*
- *45 years of being a survivor sexual abuse throughout adult life too*
- *Worried sexual abuse not been as bad*
- *Just as important as not managing to thrive just survived – not having the tools to thrive – stopped the ability to move forward*
- *Take government to court for not protecting children*
- *Bill has been mapped out already – feeling that clients are feeling fobbed off*
- *Make noise = movement. Get press involved to make noise and get noticed.*
- **WHAT DO WE WANT**
- *People were feeling forced to give evidence to the Enquiry how will the Enquiry impact on the Redress scheme.*
- *Lack of information about information gathered at Enquiry. What is happening to their information. One person felt that he was treated like a criminal. They asked for the surname of the staff and were not given it; this was to protect the staff in case a client came after them. The process made client feel like a criminal and meant that they did not give a full statement.*
- *People are VICTIMS not survivors.*

- The government are just going through the motion and not doing anything really. The 10k offered is a carrot, people will leap at that amount and not ask for more/question things.
- Solicitors are taking 10% of the redress money,
- Worry that an organization who provided money will take back money already given to people.
- Not happy signing a waiver. People felt that the government were protecting the abusers and not caring about the victims.
- An organization I approached are rubbish, making people feel that they have to beg for every penny and asking for receipts for EVERYTHING.. even cups of coffee while on holiday.

Comments in Main Room

- We all have to remain strong though this and never give up. United we stand divide we fall – we can win this battle. We need to take the government to court. The clock is ticking. They still have a duty of care. They failed to comply with all the rules and regulations. Still being abused by the Government
- It's a cop out as the council or the care home put 2 million to the fund it will be a lot less than civil cases as if all survivors took a civil case it would be much more. Its not about us as survivors it's a cop out.
- I feel as if Wellbeing Scotland and well done for all the work you do for helping all these victims as you are the only ones that care for us and understand us. What we are going through is horrific. Your organisation needs to talk to a criminal lawyer about taking the government to court. Let us be in charge now. We need to take the Scottish Government and all the religious organisations to court.
- Lawyers have been fighting the case

Advance payment scheme important for consideration

- *8 months to consider the age limit before bringing down to 68*
- *Should have had regular three month reviews*
- *Did away with 3 months reviews*
- *Spoken to MSPs – down to pension age*
- *How many people have died*
- *Criteria for terminal illness*
- *Raised with an MSP*
- *Medical criteria far too severe*
- *Why not state pension age*
- *No route of appeal*
- *Only system with no route of appeal*
- *Need to continue to address the advance payment scheme*
- *Main scheme not come into effect until May 2021*

Additional Comments

Re scale of payments

Fived sum of £10000 is a slap in the face. For all the years of suffering it would be less than a penny a day.

Why is the amount not on par with other countries?

Who decided on these scales

They say that this is what survivors want. As far as I'm concerned this is what our abusers want.

I was in foster care and then adopted by the family. I believed I was failed by the authorities Yet because the family "legally adopted me "I am exempt for applying. Why?

The assessment

Who will be on the panel making these judgements. Will survivors be on the panel

Will they take into account the impact it had on me as an adult-lack of choice and lack of education

(My siblings were all wrenched apart from me when I was 6 by the social work. and I never saw them again until fairly recently. One was placed in a mental institution and was there for 39 years. **Why cant we go as a family and tell the assessment panel what we have suffered as a family)**

The redress scheme mentions, Fair and Meaningful.

Those who decide on what is F & M, are they trained and qualified in matters of child abuse trauma,

What will they deem as suitable for the highest award

Physical? Emotional? Neglect? Sexual? Or the fear of living in a place where all of these were present and you could be next?

Can survivors use the copy of their Testimony that was given to them from the Scottish Child Abuse Inquiry as evidence of the abuse the suffered,

Can they use their Testimony from the National Confidential Forum as evidence of the abuse they suffered? Can they use (the above mentioned from the SCAI) both Testimonials?

Waiver. This takes away any form of justice as it comes from a central point. I want to know that it is those who have abused me that have personally acknowledged my suffering and “redressed” me

It says we will not know of any award until we sign the waiver. This takes away our right to choose what will be more beneficial to me and my family

No organisation wants to defend a civil suit. This redress scheme fits right into what suits them and their insurers

Incarceration and vulnerable people

It mentions about people with serious convictions. They were children when the abuse happened. They should get the same as everybody else. They have served their time and should not be further penalised.

What do they mean by “vulnerable” people? Who will make that decision? Someone in authority I am sure and not the individual. Does that mean someone will be acting on their behalf or in charge of their redress award.

What about people with addictions? Are they classed as vulnerable?

The term “Corporal Punishment. They say it was legal at the time. Who will define what is capital punishment? When is it classed as physical and emotional abuse? 6 beatings by the cane is ok but not 7?? The term corporal punishment is ambiguous and open to interpretation.