

Victim Support Scotland submission of 5 August 2022

PE1933/D: Allow the Fornethy Survivors to access Scotland's redress scheme

Victim Support Scotland (VSS) is the largest organisation in Scotland supporting people affected by crime. We provide practical help, emotional support and essential information to victims, witnesses and others affected by crime within each local authority and every Sheriff and High Court in Scotland. The service is free, confidential and is provided by volunteers.

VSS welcomes the invitation by the Petitions Committee to comment on this petition and your specific question on whether the eligibility criteria for Scotland's Redress Scheme should be extended to include those who experienced non-recent abuse while in short-term, holiday or respite care.

VSS believes that all victims of non-recent abuse should receive equal treatment and fairness, regardless of the length of time, or the place that they were being looked after. It is our experience that the pursuance of claims by victims of non-recent abuse often originates from a desire for access to justice rather than monetary compensation. Many victims tell us that no amount of money can repair the damage caused by the actions of their abuser/s, and that raising an action of some kind is the only avenue left for them to achieve some sort of justice or means of obtaining support for the acts committed against them.

It is our view that it is simply unfair to allow some victims of non-recent abuse the opportunity to pursue a claim under the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021 whilst denying others the same opportunity. We recognise that the legislation, as currently drafted, seeks to only include establishments providing long-term care. We feel that this definition is too narrow and unjustly excludes victims of the same types of crime committed over shorter periods of time and in different settings.

We believe that main question to be considered here is whether the establishment providing this short-term care had responsibility for the safeguarding, or welfare of the child, or the protection, or furthering of the child's interests. As identified in the policy memorandum¹ accompanying the legislation, it was designed to be limited to establishments that were responsible for protecting these interests. We believe that any establishment looking after a child for several weeks undoubtedly had responsibility to look after the child's welfare and ultimately their protection and safety whilst resident there, in whatever capacity and regardless of the length of time spent there.

The Committee also asked that we consider the following questions:

- Whether you are aware of other groups who may be affected by this issue;
and
- In the absence of access to the Redress Scheme, what your views are on other support that could be provided, and who you think should provide this support?

Victim Support Scotland is not currently aware of other specific groups affected by the same issue as the petitioners. We would, however, find it surprising that there are no other potential victims of historical abuse that would be affected in an equivalent way due to the restrictive and exclusionary nature of the legislation, as currently drafted.

In terms of support, many victims of these types of crime require access to support to assist them. The type of support required will be different from person to person so a range of support would be required to meet individual's needs. We do not believe that we are able to say who should be responsible for providing this support. We are clear however that it should not be the responsibility of individual victims of crime to source support for crimes that were committed against them.

¹ [policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf \(parliament.scot\)](#)
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