

FBGA Comments, Feedback and Questions re: Advance payments SG proposal

Following my call with the Chair on 09/03/2017, We were to share our feedback received and share with the SG and Interaction Review Group. Some feedback was not entirely positive. Others suggested a way forward, a fairer, impartial and inclusive process which is robust and credible.

FBGA put forward within their Financial Redress Submission to SG and the other parties a proposal for an interim payment scheme; non adversarial, reasonable, fully inclusive and non-discriminatory and equitable covering all pre 1964 and Post 1964 and others such as migrants and next of kin.

FBGA support in principle the proposal for an advance payment to victims-survivors by SG using current powers it has. However the current SG proposal is very limited in scope and overly restrictive. Whereby it will not meet the immediate needs of a cross range of victims-survivors Pre1964-Post 1964.

The Parliamentary processes may take up to potentially 18-24 months for a financial redress scheme to be agreed and enacted. SG has powers to bring forward an advance payments scheme.

- Does SG accept that these 18-24 months potentially is a very unreasonable timescale and further unnecessary burden for victims-survivors of such abuse and the survivor community and who have an immediate need and those who do not. To have to wait for a financial redress scheme to be set-up?
- Studies and research highlight that life expectancy of victims-survivors of such abuse is significantly lower than the general population. Does the SG agree with this assessment and if not can it explain why.
- How will SG ensure a more equitable, inclusive, advance payments scheme and financial redress scheme that is accessible to all victims-survivors fairly, impartially, equally and non-discriminatory in any financial and redress process including in any advance payments scheme. ? Where it is appropriate to do so? Pre 1964 and Post 1964, migrants and next of kin and those victims whose cases have already been determined in the Criminal Courts.
- How did SG arrived at an age of 70 plus as a proxy for this measure and why?
- Does SG accept that a set age of 70 plus is not equitable and it may be potentially discriminatory and if not why?
- Can SG explain why they have proposed a financial figure of 10,000 thousand pounds for an advance payment and what is this based on and how they have arrived at this figure?
- Does SG intend to use this as a baseline figure and set this 10000 pounds figure as a one size fits all figure in any financial redress scheme that is subsequently set-up?
- Can SG explain why the current advance payment's proposal is limited in scope, victims-survivors categories and overly restrictive and may be discriminatory?

- Does SG accept that there are multiple immediate financial needs for advance payments and subsequently financial redress for a range of victims-survivors Pre 1964 & Post 1964 including Migrants of such abuse, next of kin issues, and victims whose cases have been determined in the Criminal Courts, who have multiple serious illnesses and other factors directly associated with this abuse.
- Does SG accept that a rushed, flawed consultation process and thereafter may impact on the quality of the work program, outcomes of the process whereby the most appropriate outcomes required are not considered sufficiently nor explored adequately enough including consulting with the wider survivor community too. It's about getting it right for all Scottish victims-survivors and in the correct way.
- How does SG intend or propose to address the discrepancies including the lack of access for others to the current advance payments scheme within Pre1964 and Post 1964 where it is appropriate to do so and who have an immediate need.
- How will SG address the current 70 age plus discrimination in the current advance payments scheme?
- The SHRC believes that it is possible to create a compensation mechanism, which could prioritise pre-1964 survivors where it is appropriate to do so. Does SG believe this too if so why is this not included in the advance payments scheme currently..
- Will the SG reconsider its current advance payment proposal and include any and all victims-survivors Pre 1964 and Post 1964, migrants, next of kin, victims from the court cases, where it is appropriate to do so, impartially, equitably, inclusively and ensuring non- discrimination in an advance payments scheme and thereafter in any financial redress scheme that may be set-up?
- If SG focus on a limited category of victims-survivor. Other victims-survivors in pre 1964 and post 1964, migrants and next of kin who would ordinarily be considered in our view for an interim payment scheme will not receive an immediate need payment under this current advance payment proposal.
- Can SG explain why the SG advance payments proposal focused on these limited and restrictive categories of victims-survivors?
- The feedback I have received is that victim-survivors in FBGA are saying that this current advance payment proposal may not be impartial, equitable, nor inclusive of all categories of victim-survivors with immediate need. The current advance proposal may potentially be discriminatory while immediate need may not be received by other victims-survivors who are Pre 1964 and Post 1964, migrants and next of kin and victims whose cases have been previously determined.
- Why are the SG not including cases in this advance payment scheme where there is an immediate need and where it is appropriate to do so in instances where cases have already been determined in the Scottish Criminal Courts and upheld in the Appeal Courts
- The English Inquiry (IICSA) has prioritized the Migrant Children with recommendations that equal payments be made within a timescale of a year to all Migrants remaining. Can the SG clarify what it intends to do for this category of Scottish victims- survivors. Will SG include them in any advance payment scheme?
- Numbers and financial costs will be clearer if the advance payments are open to "ALL" as SG will have likely numbers who will access the main scheme enabling costing the full scheme more accurately.

Initial Feedback- Comments to FBGA ; Life expectancy is lower in the victim-survivor community than the general population due to this mistreatment and abuse.

Why have they chosen an age of 70 plus this is clearly discriminatory. It's unlikely we can have a quality of life which we wish to have. if you restrict these advance payments to only those only in 70s age bracket and over.

Then it was stated I am pre1964 cannot access the civil route and I am relatively healthy but have immediate need. Advance payments should be made in any case to Pre1964 and Post 1964 where it is appropriate to do so. What about the migrants? The next of kin? What about victims whose cases are already determined?

FBGA recognize that many victims-survivors have an immediate need and multiple serious health issues. Just considering terminal illness on its own why not include other serious illness that are as an actual result of this abuse. They reported we have not had Justice, siblings & loved ones lost had terminal illnesses.

Why is The Scottish Government not doing the right thing and facing up to its responsibilities? Why are they dragging their feet? Why compound the problem by excluding categories of victims-survivors?

Survivors stated; It will be a total " In Justice " to not treat all victims-survivors Pre1964 and Post 1964 and migrants, where victims have had their court cases previously determined, next of kin, impartially, equally, inclusively and equitably in a fair and reasonable advance payments scheme where it is appropriate to do so and subsequently in a financial redress scheme.

I am a former "Scottish Quarriers Migrant" the English Inquiry (IICSA) has recommended that all Migrants regardless receive the same payment within a year, What is the SG doing for the Scottish Migrants? Will I qualify under this advance scheme?

They understood the processes were looking at the Pre 1964 issue and how we may redress their issues possibly within the financial redress scheme. I was informed this should form advance payments too.

Next of Kin have also borne the burden of this abuse and siblings who may have been in the same institution are deceased including those who reported abuse while in the institution, thereafter to the police and thereafter in some cases participated in Criminal trials or Civil cases. Are they less deserving of an advance payment given the consultation appears to support a Next of Kin payment overwhelmingly?

The Court cases that have previously been determined in the Scottish Criminal Courts are not included that are Pre 1964 and Post 1964 are they not entitled to an advance payment given that these cases have been proven beyond reasonable doubt and determined and in many cases upheld in the Scottish Appeal Courts.

Survivors have stated: What is currently in the advance payment proposal appears to be very limited in scope and overly restrictive. There are a number of immediate needs for individuals in the victim-survivor community with immediate financial and advance payments needs required within the victim-survivor community.

Advance payments and financial redress scheme needs to be impartial, non-discriminatory, fair, reasonable, impartial, fully inclusive and not restrictive. There should be no unnecessary barriers to access any scheme. The advance payments and financial redress schemes are required to be credible and robust while preventing fraudulent claims.