

# David Whelan FBGA

## Former Boys and Girls Abused in Quarriers Homes

- David was in care for 13 years of his childhood and is a former resident of Quarriers Homes and other institutions.

David has been FBGA victims-survivors campaign group spokesperson since 2003; participated on Scottish Executive subgroup in 2005; and was a National Confidential Forum reference group & interview panel member 2013-2014. Interaction review group member in 2012 -2015.

- FBGA provided written and oral evidence to various Scottish Parliamentary committees and submitted numerous policy papers over the years regarding the many elements of the Interaction Plan including in support of an Inquiry and other remedies in support of Scottish victims-survivors.
- David is also the author of "No More Silence", published by Harper Collins in 2010, and previously a committee member of "Care Leavers Voice" UK Parliament.

# What is the Role of an Inquiry

- To remain wholly Impartial and Independent in carrying out its role
- A public inquiry is an Inquisitorial process. It is not a Trial (which is adversarial)
- To investigate and examine the issues at hand seeking out the Truth (**‘Not the truth as people would like it to be, but the truth pure and simple, however complex, painful or unacceptable to whomsoever that truth may be).**
- Addressing and acknowledging any failings in duty of care and issues of serious public concern in an open and satisfactory way in this instance.
- In appropriate cases, to make recommendations calculated, if carried into effect, to avoid similar circumstances arising in the future. **(The lessons learnt to prevent Repetition).** In addition it may in some cases make other recommendations such as child protection, service improvement, compensation-reparation recommendations.
- To do right to all manner of people, without fear or favour, affection or ill will while ensuring a fair hearing and upholding the Rights of All
- An Inquiry will be supportive to all attendees while ensuring vulnerable witnesses have adequate and proper support, before –during and after -if required including psychological support and equal legal representation for all participants
- To adhere to the Inquiries Act 2005

Presented by David Whelan, March 2015 [www.fbqa.co.uk](http://www.fbqa.co.uk)

# The Question of “Fairness” and upholding the “Rights of All” in a Public Inquiry process

- I turn now to the question of fairness. To my mind, it is beyond doubt that the role of an inquiry, while seeking the truth in as open and transparent manner as possible, should treat all concerned with fairness and uphold the Rights of All.
- In the context of a public inquiry, this means a number of things:
- To inform all individuals - institutions, organisations-public & state bodies and government who are or may be the subject of allegations and criticism.
- To ensure that core participants (those attending or asked to attend and those the subject of allegations or criticism) to be entitled to equal legal representation and a right of reply. **(A Fair Hearing)**
- Individuals adversely affected by the events and who may give testimonies are also entitled to legal representation.
- To cross examine if necessary witnesses and any others called to give evidence.
- Preserving the need for openness, thoroughness, and fairness while maintaining all records

# Why Survivors should engage in the engagement process

- Individual Victims-Survivors know what matters most to them and also what will give them some satisfaction. They can make choices for themselves including what remedies are appropriate for them.
- Their individual and collective Voices will be listened too
- Victims - Survivors will be enabled, empowered and supported in the processes before during and after. With forms of support they require and that is suitable for their individual needs
- Individuals and their families will be able to ask questions or queries they may have about the processes being set-up
- It will help individuals decide what is right for them, to understand and explore what choices and remedies are available and in the Interaction Plan for addressing the historical abuse issues affecting Scotland
- It may contribute to the Victims-Survivors wellbeing and help them to make decisions for themselves.
- It will help wider society in Scotland understand better the issues of historical in-care institutional abuse
- It will contribute to learning and help prevent repetition of such abuse while helping to make children in care in Scotland safer and better protected in the future