

3.16 Deputy M.R. Higgins of the Chief Minister regarding the number of Historic Child Abuse victims compensated to date:

Will the Chief Minister advise how many historic child abuse victims have been compensated to date out of the total number of victims who have applied under the redress scheme and whether Mourant Ozannes are requiring some victims to go through the trauma of more than one - although it states on the paper "psychological assessment" - psychiatric assessment and if so, explain why?

Senator I.J. Gorst (The Chief Minister):

As at 28th February this year, 31 claimants have accepted offers of compensation out of a total of 131 claims received. Some of those claims have now received funds. However, some are still in the process of documentation being finalised and the payments being processed. In relation to psychological assessments, the only claims where a further psychological assessment is being considered are cases where the claimant's own lawyer has requested an additional assessment.

3.16.1 Deputy M.R. Higgins:

Does the Chief Minister know that Mourant Ozannes are sending letters to the psychiatrists accusing some of the people who have claimed of lying and in some cases lying in situations and stating facts which are contained in records that they know to be true?

Senator I.J. Gorst:

I find it very difficult to accept that. If the Deputy has evidence of such correspondence, then I will be pleased to consider it and take the matter up with the scheme's legal advisers.

Deputy M.R. Higgins:

I will produce the evidence to the Chief Minister.

3.16.2 Deputy M. Tadier:

Is the Chief Minister aware that certain results of child abuse may be dissociative disorder which means that one does not necessarily recollect very easily what happened to one as a child and therefore one is also sadly subjected to a greater test from lawyers and the need for psychological background assessments, all of which can be very costly, both in terms of the personal trauma but also in physical economic cost which may exceed the actual compensation which that individual is seeking? On that basis, will the Chief Minister advise what kind of safeguards are put in place for proportionality of action from lawyers when racking up these fees and this trauma to make sure that it does not exceed the actual amount that will be paid out in the first place?

Senator I.J. Gorst:

The Deputy raises a very interesting question with regard to the condition he outlines and while I am not an expert in these matters, I recognise that individuals have gone through very difficult experiences and it can be extremely difficult for them to recollect that and the requirement to produce papers, historical records, and have psychological assessments can also be difficult and it is for each individual to decide, understanding that there may be implications if they feel unable to do so. I am not sure that I can address that particular question any further. For individuals who do feel able to do so, obviously there are costs implications for the schemes, for the lawyers and for their legal advice, but Ministers believe that that is appropriate and that for those that wish to do so, we should suffer the cost financially.

3.16.3 Deputy T.M. Pitman:

Given the points that Deputy Higgins has raised which I can also confirm, is the Chief Minister absolutely confident that all past records and documents that could probably help avoid some of

these people having to go through quite so much trauma again have been passed on to the relevant parties, as I say, to try and reduce this trauma to the extent possible?

[11:30]

Senator I.J. Gorst:

As I said in answer to Deputy Higgins, I am not aware of that particular circumstance and it would perhaps be better if Members who have been approached by constituents who have got concerns if they themselves approach the scheme lawyers. As the Deputy knows, there are some cases where there is unfortunately a dearth of records. I met with an individual who was concerned only last week about their particular records and I have taken that matter up with the scheme lawyers and with the department and asked them to review what records are available and if there are others on a file, so these are historical records. Unfortunately I do not think they are all as complete as we would like but the scheme still needs to work and make payments to victims who were abused. I would say that the department and the scheme lawyers are doing their best to try and correct or mitigate for where records are not as fulsome as we would like.

3.16.4 Deputy M.R. Higgins:

Will the Chief Minister also have a word with Mourant Ozannes and review with them the necessity of extra psychiatric assessments? The reason I am saying this is at least one person that I was aware of was almost suicidal after seeing what was being stated about them and being made to go through this particular trauma. I will also state to the Chief Minister that one of the people who it is being contested that they were even at Haut de la Garenne, I have spoken with other abuse victims who confirm that the person and other members of the family were there and if the lawyers were doing their jobs, they would have done the same. Would he please re-approach the lawyers and assess what they are doing before we have an unfortunate death on our hands?

Senator I.J. Gorst:

I do not have it within my power to make what are very difficult situations ... people have suffered abuse and that has affected their whole lives and this scheme and the Committee of Inquiry and those who engaged with it need support and help to be able to access the scheme and will also need it for the Committee of Inquiry. These are very difficult areas and they bring up memories for individuals which are difficult to deal with and need to be handled sensitively and, as I say again, I will of course speak to the scheme lawyers but if Members are approached by constituents with specific concerns, the right thing for them to do is themselves to sit down with the scheme lawyers and try and address issues as they arise. These are very difficult situations and it is not really appropriate for us to be trying to discuss them or come to conclusions across the floor of this Assembly.