

# DO THE RIGHT THING

## Government restitution for former residents of Woodlands School

August 2005

**We are seeking community support to convince the provincial government to “do the right thing” for former residents of Woodlands School. This brief has been prepared for organizations like yours to enlist support in our campaign for justice and restitution.**

### Overview

#### Yesterday

- ◆ In August 2001, BC’s former Ombudsman Dulcie McCallum submitted to the provincial government her disturbing report *The Need to Know: Administrative Review of Woodlands School*. The review found that physical and sexual abuse of residents with physical and mental disabilities had occurred at Woodlands, and that this abuse was systemic.

#### Today

- ◆ In early 2005, North Vancouver law firm Poyner Baxter successfully argued in the Supreme Court of BC that former residents of Woodlands constitute a “class” of approximately 1500 people who were sexually and physically abused. This means that a single legal action can now be made on behalf of all abused residents.

#### Tomorrow

- ◆ Our organization, The We Survived Woodlands Group, has found it necessary to take the provincial government to court. We are still hoping to avoid lengthy legal proceedings. We want the government to initiate a second phase of investigation into abuse, recommended in *The Need to Know* report, and sit down with us to negotiate restitution for survivors of Woodlands—many of whom are now elderly and in declining health.

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## DO THE RIGHT THING: THE FULL STORY

### Yesterday: What has happened to date

- ◆ In 2000, former BC Ombudsman Dulcie McCallum was hired by the provincial NDP government to discover “if there was any evidence of systemic [physical and sexual] abuse” at Woodlands. The systemic finding would show abuse was widespread and institutional, rather than the result of the reactions of a few individuals. In Ms McCallum’s words, she sought to know if “there was an institutional environment created that enabled perpetrators to victimize an extremely vulnerable population.”

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- ◆ Ms McCallum completed her investigation and submitted her report, *The Need to Know: Administrative Review of Woodlands School*, in August 2001 to the recently-elected Liberal government. Among her thirteen findings were:
  - Woodlands presented the opportunity for abuse to occur.
  - Abuse did occur at Woodlands.
  - There was an absence of an integrated approach to abuse.
  - Most important, she found that the abuse was systemic.

The government held onto this report for a year, until they were forced to release it to the public because of a newspaper story.

- ◆ *The Need to Know* report contained twelve recommendations, including:
  - The necessity of a second phase for gathering direct evidence from residents.
  - The need for restitution to abused residents.
  - The importance of an apology.
- ◆ Following the release of *The Need to Know*, former residents from Tranquille, Glendale and Endicott Centre and their families came together. We welcomed people from all four institutions because it was not uncommon for residents and staff to move among these four facilities. We knew similar conditions existed at all the institutions.
- ◆ Former residents and family members went to a retreat in August 2002 to talk about the report and what they wanted to do about it. This is where the We Survived Woodlands Group was born.

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## Today: Where we are now

- ◆ The provincial government continues trying to close the door on the survivors of Woodlands by denying the systemic abuse found in *The Need to Know*—and therefore the substantial responsibility of government—and by refusing to implement the former Ombudsman’s recommendations, including a forum for hearing residents’ experiences and evidence.
- ◆ It is the government’s position that there were a “few bad apples” at Woodlands and those people can be sued individually for any misconduct. This assumption not only contradicts the former Ombudsman’s findings, but it would place an impossible burden on individual residents—most of whom cannot speak and do not have money for legal costs—to launch their own legal battles.

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- ◆ The North Vancouver law firm Poyner Baxter argued in the BC Supreme Court in February 2005 that past residents of Woodlands who were abused at Woodlands constituted a “class” of people who suffered damages because of the government’s failure to properly manage Woodlands. In her decision, Madam Justice Morrison ordered that the case proceed as a “class action.” If this case is successful, Poyner Baxter plans to commence a second class action lawsuit on behalf of former residents of Tranquille, Glendale and Endicott Centre.
- ◆ We had hoped that the possibility of a class action suit would encourage the government to sit down with us to begin a long-term settlement process. However, to date the provincial government has refused to do so. This is the latest in a series of actions showing that the province is seeking to avoid implementation of the recommendations in *The Need to Know* and to limit compensation to former residents.

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## Tomorrow: What we want for the future

We have written this brief to gain community support for our primary goals:

- ◆ To convince the provincial government to acknowledge the systemic abuse at Woodlands School found in *The Need to Know*, to begin negotiations on restitution and to initiate a second phase of investigation into abuse.
- ◆ In 2001, the provincial government was given a blueprint to achieve recognition and justice for former residents in the recommendations from *The Need to Know*. We need your support to compel government to honour its commitments, including:
  - A second phase of investigation: "...to give all of those affected the opportunity to come forward, be heard and to complete an investigation into systemic abuse at Woodlands...Tranquille...Glendale."
  - A restitution process that will focus on "reparation of harm." The former Ombudsman cautioned government, saying it should not force former residents to go to court to prove their case. She urges government to "focus ...on allowing people the opportunity to be heard, determining the harm done and providing compensation in the form of monies for counselling and healing."

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- ◆ It is our position that restitution must also include:
  - Assurances that former residents never again live in an institution and will be supported to live in the community.
  - Affordable, safe housing for residents.
  - Individual trust funds to compensate each victim, without loss of the person's disability or other benefits.
  - Full coverage for medical, dental and prescription medications.
  - A public apology and acknowledgment that the abuse occurred.

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## We Need Your Support

The provincial government should stop its delaying tactics and sit down with our lawyers Poyner Baxter. It is well past time to work out a fair and satisfactory process for compensating the survivors of Woodlands. To refuse to do so, is a further abuse of survivors—most of whom are now elderly and in declining health.

The BC Coalition of People with Disabilities (BCCPD) is supporting the We Survived Woodlands Group in this campaign. If you agree with our position, we urge you to sign and return the letter of support on the following page to the BCCPD office. Better still, feel free to write your own letter of support and send us a copy. We will use your letters in our campaign to convince this government to act.

If you would like to know more about this campaign or you are a former resident who wants to join the Group, please contact:

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Vancouver, BC V6E 2E5  
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Email: GreggSchiller2001@telus.net

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***Please join our campaign and help us urge the provincial government to  
“do the right thing.”***

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# LETTER OF SUPPORT

Date \_\_\_\_\_

To Whom it May Concern:

Our organization fully supports the goals of the We Survived Woodlands Group, as stated in their brief *Do the Right Thing: Government restitution for former residents of Woodlands School*.

We believe that:

- ◆ A preliminary finding of systemic abuse was shown in the 2001 report *The Need to Know: Administrative Review of Woodlands School* from the investigation by Dulcie McCallum.
- ◆ It is therefore the provincial government's responsibility to honour the key recommendations from this report, including a second phase of investigation into abuse and long-term restitution.

The former residents of Woodlands must not be made to wait any longer for justice and restitution. We urge the provincial government to begin acting in good faith and to do so immediately, so no further harm is done to this community.

Organization \_\_\_\_\_

Contact \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City/Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Please fill out and return this form to:**

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c/o BC Coalition of People with Disabilities  
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Vancouver, BC V5Y 1R3  
Fax: 604-875-9227