

F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Sue Webber MSP
Convener
Education, Children, and Young People
Committee
The Scottish Parliament
Edinburgh
EH99 1SP

13 December 2023

Dear Convener,

Scotland's Redress Scheme

Thank you for your letter of 24 November regarding the feedback received by the Committee on the operation of Scotland's Redress Scheme and steps taken by Scottish Government to improve its' effectiveness.

I am grateful to In Care Survivors Service Scotland (INCAS) and Former Boys and Girls Abused in Quarriers (FBGA) for their submissions. I am encouraged by their reflections of areas where previously highlighted concerns have been addressed, including the recruitment of additional caseworkers and improvements to the system of triaging cases. However, I recognise that there is further work to be done to ensure the successful delivery of a scheme that is robust, credible and delivered in accordance with its' core principles.

The Scottish Government is committed to ensuring that the scheme is survivor led and we will continue to learn from feedback and make improvements to the scheme. In January I will meet with Helen Holland of INCAS and her solicitor Simon Collins where I look forward to discussing their concerns directly.

You have welcomed my views on a number of matters and I am grateful for the opportunity to provide further information on these points.

Eligibility of abuse occurring in an English care setting

As the Committee is aware, the redress scheme established by the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 ("the Act") focusses on those who were abused as children when they were resident in a care setting located in Scotland.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

Unfortunately, whilst in no way diminishing any abuse suffered by others, this means that only abuse which took place in Scotland falls within the scope of the redress scheme. Whilst that includes cases of abuse where a child was on holiday or on another temporary trip outside Scotland but still under the care of a relevant Scottish institution, it does not include children who were placed in a residential care setting outside Scotland. Whilst the abuse of children in all circumstances is wrong, this issue was considered carefully during the Act's parliamentary passage and there was an acceptance that specifying that the care setting had to be in Scotland best reflected the purpose of the scheme which was primarily for those children who were abused whilst resident in Scottish care settings.

Eligibility of abuse occurring when placed in foster care with a family member

In broad terms, the redress scheme established by the Act aims to cover two categories of care setting in Scotland. The first category concerns children who were in care because their families (including extended families) were unable to look after them on a day-to-day basis and, in consequence, the children required to be placed in an institutional care setting. The second category concerns children who were subject to some form of intervention by a body exercising public functions. Consistent with that aim, the scheme is not therefore intended to cover arrangements where a child resided with their family or extended family (such as, for example, kinship care arrangements), nor private arrangements by which a child came to reside somewhere other than with a family or extended family member and which were not instigated primarily as a result of arrangements made in exercise of public functions (such as, for example, private fostering arrangements)¹. I note that INCAS refer specifically to individuals who were placed in the care of a family member with whom they had no prior relationship.

The scheme focuses on abuse in care settings where a public authority or voluntary organisation exercising public functions, rather than the child's family, became primarily responsible for the day-to-day care of the child. Again, whilst the abuse of children in all circumstances is wrong, these issues were considered carefully during the Act's passage.

Ultimately, the eligibility of an applicant is a matter for Redress Scotland to determine in accordance with the eligibility criteria as reflected in sections 18 to 23 of the Act. However, it may be useful if I set out some of the work being undertaken to address some of these highlighted issues. Over the coming months, my officials will be reviewing the statutory guidance which has been published to support applicants and panel members, including the guidance in relation to eligibility under the scheme², and will consider whether any updates could be made to the guidance to make it clearer and to avoid any uncertainty or misinterpretation. Redress Scotland will be involved in that process.

Communication and transparency

The Scottish Government recognise that for some survivors, applying for redress can be challenging and it is therefore important that applicants are supported through communication that is person-centred and trauma informed. We have listened to feedback that

¹ As reflected in the policy memorandum at the time of the Redress (Historical Child Abuse in Care)(Scotland) Bill, in particular, paragraphs 81 and 82: [policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf](https://www.parliament.scot/parliamentary/publications/2021/policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf) ([parliament.scot](https://www.parliament.scot/))

² <https://www.gov.scot/publications/redress-survivors-historical-child-abuse-care-scotland-act-2021-statutory-guidance-eligibility/>

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

communication about the progress of applications is not frequent enough. Improvements have been made to our ways of working to ensure applicants receive more regular updates about their application going forward. My officials are currently undertaking a review of communications with survivors throughout the application process with the aim of improving the accessibility of materials and the survivor experience.

Survivor Forum

The Scottish Government has established and maintains a Survivor Forum. Everyone who applies to the scheme is given the option to join the Survivor Forum, and as of 21 November 2023 there are 250 members. The purpose of the Forum is to provide feedback to the Scottish Ministers and Redress Scotland on the exercise of the functions conferred on them under or by virtue of the Act.

All members of the Forum are invited to take part in a survey, to provide feedback on their experience of applying to the scheme and to gather their views on publicising the scheme. We have completed this survey a total of three times, once in 2022 and twice in 2023. In total we have received responses from 62% of Forum members. The responses to each survey have been analysed and a summary report was sent to participants. A fourth survey was sent to new members in December of this year and will be analysed early next year.

A newsletter has also been sent out to Forum members, providing them with updated information about the scheme, as well as an invitation for members to suggest topics for in person and online engagement sessions. This feedback was then used to shape 4 engagement sessions in October and November of this year. These sessions were run jointly between the Scottish Government and Redress Scotland and were offered both in person and online.

The sessions brought together groups of survivors to discuss various topics relating to their experience of applying to the Scheme, our communications activity, and what kind of future engagement they would like to see going forward. In total, 49 Forum members signed up to participate across the 4 sessions.

The feedback gathered from Forum members to date has been invaluable to the Scheme and has helped drive improvements to our ways of working. Of course, the existence of the Forum does not limit or replace any applicant's right to make suggestions for improvement, ask questions or give feedback directly to Scottish Government or Redress Scotland.

Identification and prioritisation of cases

The Scottish Government know that, for some applicants, the process of applying for redress is taking longer than expected. The Scheme prioritises applications from those who are over 68 years of age or have a terminal illness. While it is not possible to prioritise further due to the unique nature of each applicant's experiences, all applicants will be provided with information at each stage of the process and signposted to support where required.

In November I appointed an additional 15 Redress Scotland panel members, who will be in post in January 2024. This will bring the total number of panel members to 40. This increase will allow determinations on applications to be made more quickly. Redress Scotland are

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



now issuing applicants a letter on receipt of an application for determination which includes information around expected timescales for their application to be considered.

I hope that you find this response to be helpful.

Yours sincerely,

SHONA ROBISON

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

