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James Dornan MSP
Convener
Education and Skills Committee
The Scottish Parliament

13 February 2017

Dear James,

Thank you for your letter of 20 January requesting an update on the work to progress the consultation on financial redress for survivors of in-care abuse.

During my statement to Parliament on 17 November, I committed to a formal process of consultation and engagement with survivors and other relevant parties to fully explore the issues and gather a wide range of views on the provision of financial redress.

The forthcoming consultation and engagement will specifically consider the issue of financial redress for in-care survivors of abuse, as defined in the terms of reference of the Scottish Child Abuse Inquiry. It will, therefore, include all in-care survivors, including those whose status in care was pre-1964.

Before I provide an update on progress, I should clarify what I mean by 'redress', as the term can be used in different ways by different people. Internationally, the terms 'redress' and 'reparation' are often used interchangeably to mean a package of measures for effective remedies and justice for victims of human rights violations, in this case survivors of in-care child abuse. In Scotland this is best represented by the Scottish Human Rights Commission's Action Plan on Justice for Victims of Historic Abuse of Children in Care. In addition, the term 'redress' can be used as shorthand for one specific measure – the provision of financial compensation. In my statement to Parliament on 17 November, I referred to redress as monetary payment to provide tangible recognition of the harm done. From now on, and for the avoidance of doubt, I will refer to financial redress in this context.

I also want to acknowledge Lady Smith's statement on 31 January at the preliminary hearing on the Scottish Child Abuse Inquiry. She specifically referred to whether a redress scheme could play a part in Scotland in the future. Given the need to progress this matter in a timely fashion, I do not think it would be appropriate to wait until the Inquiry has concluded its work. We need to be mindful of the length of time some survivors have been waiting and that some survivors are elderly and frail. I will however be rightly informed by the findings and recommendations from the Inquiry's work.



I know that some survivors have expressed frustration at the prospect of further consultation. However, our intention is that this consultation will build on previous work which has looked more broadly at access to justice for survivors, or which has focused on specific elements, such as the role of a public inquiry and the provision of a survivor support fund. To move forward we now require a greater level of detail on the issues and complexities involved.

In doing so, it is important that we take account of the evidence and lessons from those other countries which have already implemented financial redress or are planning to do so, and the experiences and voices of survivors who have participated. We must also take account of the wider Scottish context and the progress that has been made in implementing the recommendations of the SHRCs Action Plan, including the current provision of needs-based survivor support services.

Since November, we have been working hard to make sure we get this consultation and engagement process right, recognising that each formal consultation with survivors makes demands on individuals and it is our responsibility to progress this with sensitivity to ensure it is effective from the outset. We have had detailed discussions with CELCIS, the Centre for Excellence for Looked After Children, about how best to approach the issue and agreed that they will lead taking this forward, building on their extensive knowledge and experience in this area.

CELCIS has been undertaking a significant amount of preparatory work and the intention is to work in partnership with the Interaction Action Plan Review Group to design an approach to engagement which is inclusive and which aims to maximise participation. The survivors on the Review Group have had a long-standing involvement in the response to the SHRCs Action Plan. We will be guided by, and responsive to, the advice and views of the Review Group and CELCIS as to the approach, content and timing of the formal consultation. A special meeting of the Interaction Action Plan Review Group has been arranged to progress these matters.

Following this preparatory stage, we envisage a three month formal consultation period which will provide the opportunity for all survivors and a wide range of interested parties to participate and express their views. Analysis of the findings from the consultation, and further work to develop options, will inform a final decision by the Scottish Government on this issue.

I will provide a further update on the detail and timing of the consultation once this has been agreed by CELCIS and the Interaction Action Plan Review Group in partnership. You will understand I do not wish to pre-empt those important discussions.

Finally, I would like to clarify that support for in-care survivors is already available through the In Care Survivor Support Fund and to highlight that accessing support from this Fund will not impact on any financial redress that may be available in the future.

JOHN SWINNEY