

Scottish Council of Independent Schools (SCIS)

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

The Scottish Council of Independent Schools (SCIS) is responding to the call for views on behalf of those boarding schools called to give evidence to the Scottish Child Abuse Inquiry. All of those schools are responding accurately and in detail to requests made by the Inquiry team, as well as actively encouraging contact from any potential applicants wishing to raise historical issues related to any of the schools. SCIS has also offered further information on the boarding school sector and SCIS training of school staff.

In the main, the membership of SCIS supports the basic principles of the Bill; covering the establishment of Redress Scotland, scheme eligibility, definitions, and non-financial redress.

However, in Section 18.2 the Bill states explicitly that:

“a place is not a relevant care setting by virtue of subsection (1)(b) where the child was boarded-out or fostered—

(a) with a relative or guardian of the child, or

(b) under arrangements between a parent or guardian of the child and another person unless that other person was either—

(i) a public authority, or

(ii) a voluntary organisation exercising functions in relation to the safeguarding or promotion of the welfare of the child or the protection or furthering of the child’s interests.”

This would exclude almost all pupils based in boarding schools during the period up to 2004 (and after) from the terms of the Bill and remit of Redress Scotland. As such, it does not appear to be appropriate to offer comment on aspects of the Bill covering the application for, and provision of, financial redress through the terms of the Bill.

Whether or not schools are in a position to respond to any request to contribute to a redress scheme will depend on the nature and volume of applications made by former pupils, providing those pupils are not seeking alternative forms of redress from schools directly. Such schools will also be required to study the outcome of Sections 14 and 15 of the Bill, which cover the legal ability of registered charities to make financial contributions under the terms of their individual charity covenants.

SCIS is ready to engage with the Committee in the conduct of scrutiny of the Bill.