

Convener  
Education and Skills Committee  
Scottish Parliament

2 November 2020

Dear Convenor,

**Redress for Survivors (Historical Child Abuse in Care) (Scotland) (Bill)**  
**Draft Assessment Framework**  
**Draft statement of Fair and Meaningful Principles**

During the officials' evidence session on 30 September 2020, I said we would share a draft version of the assessment framework with the Committee in advance of the closing of the Stage One evidence sessions. I also said that work was ongoing in respect of the draft statement of the principles ("Fair and Meaningful Principles"), which will be the basis by which Ministers determine whether to include an organisation in the contributor list under section 12 of the Bill, or remove a scheme contributor from the list.

I am pleased to submit these documents to you today and I hope that they will provide the Committee with helpful additional information and a broader understanding of how we envisage these crucial elements of the Bill working in practice.

The draft Assessment Framework paper provides an outline of the work undertaken to date. The aim is to provide a framework to be used by Redress Scotland in determining individually assessed payments, and the Framework paper sets out how the guidance is being developed with the input of clinical psychologists and others with relevant experience and expertise. Given the very sensitive nature of some of the terms used in the section which provides descriptors of abuse, we would appreciate if a trigger warning could be provided when it is published on the Committee webpages.

The draft Fair and Meaningful Principles set out that an organisation will make a fair and meaningful contribution by paying redress payments determined by Redress Scotland, where it is named in an application, which results in an offer of a payment above a £10,000 government-funded contribution being made and accepted, as being the care setting where abuse occurred.

The approach to the making of fair and meaningful contributions is designed to be straightforward, transparent and fair, looking to all organisations to play their part for survivors in the same way. We intend that no organisation should be included on the Contributor List without at least making an initial contribution to the scheme, nor that any survivor should be asked to sign a waiver when accepting a redress payment without

knowing to which organisations it would relate, and without being given the opportunity to seek independent legal advice as to its consequences.

The Scottish Government will pay all the costs of setting up and delivering the redress scheme, the costs associated with providing support to survivors during the application process, the legal costs for survivors to apply and the costs associated with delivering non-financial redress. The contributions from organisations will therefore directly relate to payments made to survivors over the lifetime of the scheme and not with the setting up or administration of the scheme.

It is important to reiterate that these documents are drafts, and are subject to ongoing consideration.

I hope that the draft documents will be helpful to the Committee in considering the Bill.

Yours sincerely

Donald Henderson  
Deputy Director, Redress, Relations and Response Division