



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND SKILLS COMMITTEE

By e-mail

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5 November 2020

Dear Mr Swinney

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

On behalf of the Convener, Clare Adamson MSP, I would like to thank you for your appearance before the Education and Skills Committee yesterday.

Committee Members had undertaken to follow up on a several issues raised in the session:

Calculation of contributions

- Please can you provide the Committee with further detail of the methodology used to calculate contributions by organisations to the Redress Scheme, including any algorithm that has been produced for this purpose.
- The Committee would also appreciate sight of any calculations you may have made in respect of additional payments organisations may have to make beyond an initial contribution, for example, where more survivors than anticipated apply to the scheme, and whether this additional figure will be capped or open-ended.
- Please can you provide details of the information organisations considering becoming a contributor to the Redress Scheme would receive prior to making that decision, particularly in relation to the level of contribution they might be expected to make to the scheme.

- Can you also outline the payment terms that might apply to a) initial payments by organisations and b) payments for additional claims (i.e. beyond the amount calculated when the organisation joins the scheme). Would this include, for example, the option to make contributions beyond the 5-year duration of the scheme?
- Please can you confirm that the Scottish Government intends to underwrite any individualised payments to survivors from organisations no longer in existence or unable to contribute to the Redress Scheme.

Discussions with Insurance Companies

- Please can you provide further details of discussions that have been held between the Scottish Government and insurance organisations in relation to this Bill.
- Specifically, the Committee would appreciate sight of any documentation or correspondence which relates to a) the waiver, b) what would constitute an admission of liability and c) the conditions which would need to be satisfied for an insurance company to make a payment to the Redress Scheme on an organisation's behalf.

Waiver Scheme

- In evidence to the Committee on [7 October 2020](#), Judith Robertson of the SHRC stated that in a consultation carried out by CELCIS '*survivors were clear that the responsibility of providers to contribute to the scheme was uppermost in their minds*'. However, she then went on to highlight concerns that '*asking a survivor to sign a waiver is asking them to effectively give up the right to take a civil route*'. Can you provide further detail of how you have sought to balance the needs of survivors with an affordable scheme that will allow the maximum number of organisations/bodies to contribute?
- Please also outline which alternatives to the waiver scheme were considered and the reasons why these were rejected.

Capacity

- Please can you expand on the points you made in your evidence regarding the provisions in the Bill for vulnerable individuals, including how these are designed to interact with existing law e.g. the Adults with Incapacity (Scotland) Act 2000.

As the Committee is now in the process of drafting its Stage 1 report, an early reply would be much appreciated, ideally by **Thursday 12 November 2020**.

Yours sincerely

Pauline McIntyre
Assistant Clerk
Education and Skills Committee