

Submission from Angus Council

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

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

We did provide a response to the consultation but I am not aware of any comments from us on the financial assumptions made.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Not applicable.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

The potential administrative costs to Councils have been estimated in the FM but these are likely to be minor in comparison to any potential financial contribution towards redress costs sought by Government from local authorities through COSLA. The GAD costs estimates have a wide potential range. In the absence of an agreed local government share it is not possible to assess the financial implications for Angus Council. These could however be very significant based on the total overall costs estimated made by GAD. As many of these claims relates to a period where a previous local authority structure was in place, it is not clear to us that Angus Council or any other Council should incur the liabilities that now arise.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Administrative costs for Councils are based on a couple of exemplars and look reasonable but as stated above these are likely to be minor in comparison to the cost of financial contributions sought from Councils

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

We are absolutely not content that the financial costs can be met because there is no clarity as yet on what they might be. The costs of administration if not funded will be yet another burden on Council budgets already hit hard by real terms reductions in funding and now COVID. The big concern remains the cost of any local government

contribution. Depending on the scale of that and how quickly it needs to be paid the impact on Council budgets and services could be very severe. It needs to be understood that local government finances are not in a resilient position to absorb the impact of further financial pressures at this moment in time.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

No comment

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

No Comments

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

No comments

OTHER COMMENTS

1. Need for support to people affected by abuse

Adults who have suffered significant childhood trauma are more likely to require some support in adulthood from services to help them recover such as mental health support, substance services, Justice services, parenting support etc. As such, a number of adult survivors will already be in contact with statutory or third sector services locally. The bill notes *"The approach adopted is intended to provide a trauma-informed system which is sensitive to survivors in a way that is often challenging to achieve with the use of points or tariffs. It also avoids creating an assessment system in which the decisions are purely based on discretion. For the purposes of creating a simple, transparent assessment process, drawing on research and following engagement with relevant professionals, an assessment framework will be published based on general examples and descriptions of abuse"*. The application of this framework is likely to rely heavily on local support to people affected by abuse and the resource implications of this require more attention. The bill information notes that psychological and practical support will be available to those making an application for redress but more cognisance needs to be taken of the support needs of some individuals and the link to already established supportive and therapeutic relationships.

Payment levels - adults must have access to appropriate and flexible advice and guidance on how to claim and the right type of claim to make. There is a concern that those most traumatised and disadvantaged people will either fail to access the scheme or will take the path of least resistance and make the minimum application. The system itself and those partner agencies working with people must be involved and supported to ensure the best advice, guidance and practical support is on offer to our most vulnerable adults. Redress Scotland and Scottish Government will apply the scheme but there needs to be greater clarity on local support and the resource implications of this to ensure that information and access to the scheme is equitable across Scotland and in our more excluded communities not in direct contact with central belt/larger city based organisations.

2. Provision of Evidence

There are many types of information that would potentially be considered in support of an individually assessed payment in addition to the survivor's account within the application form and several examples are given in the Bill including medical and social care records of the applicant, criminal convictions of perpetrators, information relating to the care setting, relevant inspection reports etc. Access to this information for each applicant has a significant system and resource implication for Angus Council who will be required to provide a range of different information from different sources for each applicant pertaining to both their childhood and adulthood. Systems to access information are already under considerable strain with increased demand already noted from the progress of the Scottish Child Abuse Inquiry. Whilst it is difficult to assess demand, there are likely to be several thousand applications across Scotland.

3. Cost of the Scheme

The redress scheme will be funded by the Scottish Government. However, fair and meaningful financial contributions to the redress scheme will be sought from organisations involved in the care of children during the period covered by the scheme and this has obvious implications for the local authority as the body placing children, overseeing their care and in some part, for the direct delivery of care. Our own work in Angus as part of the Scottish Child Abuse Inquiry has confirmed some abuse and harm to children in foster care as assessed from written records. COSLA are heavily involved in the work on the scheme and have identified this as a risk for local authorities.

4. Non-financial redress

An agreed approach to making a genuine apology to help the victim in their recovery is important and requires some guidance and planning. The delivery

of an apology is a very personal issue and there needs to be consideration of how this can best be achieved.

5. Insurance

We have concern over the definition of “waiver” in the scheme as it is not clear who decides if the council has “made fair and meaningful financial contributions to the scheme”. We understand that the waiver would not legally be able to prevent individuals from submitting a claim against for example, Angus Council, even if they have had financial redress through the scheme. It appears to be the case that such an individual would still have the right to pursue a civil claim and this right is not removed by the signing of a waiver.