

POLICY & RESOURCES COMMITTEE – 27 OCTOBER 2020

REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) BILL

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report advises the Committee that the Scottish Government has introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (“the Bill”) to the Scottish Parliament and has sought comments on the Bill. The deadline for responses was 9 October 2020. A proposed response on behalf of Angus Council is attached at Appendix 1 and the Committee is asked to consider this draft response and to provide any further comments prior to approving a final response for submission.

1. RECOMMENDATION

1.1 It is recommended that the Committee:

- a) Notes that the Scottish Government has introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (“the Bill”) to the Scottish Parliament as detailed in this report;
- b) Notes that a proposed response to the consultation on behalf of Angus Council has been intimated to the Scottish Government by the deadline of 9 October 2020, on the condition that it is subject to approval and further comment by this Committee;
- c) Considers the Council’s draft response to the consultation attached at Appendix 1 and provides any further comments for inclusion in the final response and agrees a final response; and
- d) Delegates authority to the Director of Legal and Democratic Services to confirm the Council’s final response to the Scottish Government.

2. BACKGROUND

2.1 On 13 August 2020, the Scottish Government introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (“the Bill”) to the Scottish Parliament. Further detail can be found here: - <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/115971.aspx>

2.2 The Bill seeks to establish a financial redress scheme for survivors of historical child abuse in relevant care settings in Scotland and, in some circumstances, where the survivor has died, their next of kin. The purpose of the redress scheme is to acknowledge and provide tangible recognition of the harm suffered as a result of that abuse. The redress scheme will also offer survivors access to some nonfinancial elements of redress such as acknowledgement, apology and therapeutic support.

3. CURRENT POSITION

3.1 The deadline for responses to the consultation was 9 October 2020. There was insufficient time to take a proposed response to Committee prior to this deadline therefore a proposed response on behalf of Angus Council (as attached at Appendix

1) was intimated to the Scottish Government by the deadline of 9 October 2020. This was on the condition that the draft response is subject to approval and further comment by this Committee. This proposal appears to be acceptable to the Scottish Government officials.

4. PROPOSALS

- 4.1 Committee is asked to consider the draft response at Appendix 1 and to provide any further comments prior to approving a final response for submission.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications associated with approving the specific recommendations in this report. There are of course financial implications associated with the proposed legislation and this has been commented on in our response to the consultation.
- 5.2 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. As many of these claims relate 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.

NOTE: There are no background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

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List of Appendices:

Appendix 1 – Angus Council draft response to consultation