

PE1351/BB

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Dear Anne

CONSIDERATION OF PETITION PE1351

Thank you for your letter of 12 September 2012 requesting an update for the Petitions Committee on PE1351, a Time for All to be Heard forum incorporating a compensation scheme.

I enclose a response to the points raised in PE1351/Z as requested. Please contact Linda Watters in the SurvivorScotland Team on 41723 if you require any further information.

Yours sincerely

JEAN MACLELLAN
Adult Care and Support Division

PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1351: UPDATE

Scottish Government Response to PE1351/Z

Petitioners Helen Holland and Chris Daly.

1. Tom Shaw's Recommendation within the Time to Be Heard Report was that the roll out of TTBH to the National Confidential Forum should be totally independent of Government. This was also pointed out by PPC member John Wilson. (TTBH Recommendation 1)

- The Scottish Government issued a consultation on the National Confidential Forum (TTBH recommendation 1) <http://www.scotland.gov.uk/Publications/2012/07/7583> on 20 July 2012. Views on the independence of the Forum are being sought as part of the consultation. The closing date for responses to the consultation is 12 October 2012. A consultation report will be published by early December.

2. The Pilot Forum was to inform the roll out. Why repeat the same process with a Reference Group and a Stakeholders Group?

- The Scottish Government established a stakeholder Reference Group and Survivor Stakeholder Group to inform proposals for the consultation and development of legislation. This is part of the engagement process for the National Confidential Forum. The importance of engagement with survivors was highlighted by Tom Shaw in the Time to be Heard report. The Reference Group held its first meeting on 1 May 2012. The next meeting will be held on 4 October. The Survivor Stakeholder group has held three meetings since May 2012. We also held 4 stakeholder events on the consultation and have met with a few individuals who did not wish to participate in the events.

3. We await with interest the publication of the report into "Resilience of Survivors".

- The report on resilience, commissioned by the Scottish Government (TTBH recommendation 8) has been completed and is available on the Scottish Government website - <http://www.scotland.gov.uk/Publications/2012/06/5914/0> and on the SurvivorScotland website - <http://www.survivorscotland.org.uk/news-and-events/item/uncertain-legacies-resilience-and-institutional-child-abuse---a-literature-review/>

4. What is the timescale for completion of the Scottish Human Rights? "Interaction"? SHRC Tom Shaw and Government all agreed that action should be the watchword. We petitioners feel this whole process should have been timely years ago.

- The Interaction is led by the Scottish Human Rights Commission. They appointed the Centre for Excellence for Looked After Children in Scotland (CELCIS) to take forward the work on the Interaction. A website for the Interaction was launched on 13 August <http://www.shrcinteraction.org/News/tabid/1063/articleType/ArticleView/articleId/178/Launch-of-the-InterAction.aspx>. CELCIS have been carrying out preparatory work over the summer and are discussing the appointment of an independent chair for the Interaction which is due to begin in October.

5. Government has been aware of the Time Bar issue and it's injustice since 2004. What assurances can we be given that this report will be delayed no further?

- The Scottish Government hopes to publish the consultation paper, which will seek views on the Scottish Law Commission's reports on Damages for Psychiatric Injury (2004 report), and Personal Injury Actions: Limitations and Prescribed Claims (2007 report), by the end of the year.

6. We will follow the progress of Margaret Mitchell MSP's Private Members Bill with interest. We also hope to engage with the MSP on this issue.

- The consultation on the proposal for a Private Members Bill on Apologies was published on 29 June and closes on 28 September <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/52684.aspx> The Scottish Government will be interested to see the outcome of the consultation and will consider its position further then.

7. We feel that survivors need action now rather than sympathy.

- The First Minister announced the legislative programme on 4 September. This includes the Victims and Witnesses (Scotland) Bill. Provisions for the National Confidential Forum will be taken forward as part of the Victims and Witnesses Bill.

8. We petitioners recognise the importance of this research. However the needs of survivors living with the legacy of the trauma should be addressed now.

- As previously advised the Scottish Government is working with NHS Health Scotland to produce a database that will help us understand what lies behind some suicides and to get a clearer picture of all the factors underlying suicides in the general population. We are waiting on the views of the National Suicide and Self Harm Monitoring and Implementation Group on the possibility of including in the database information on whether someone was a care leaver. (TTBH recommendation 7).

9. Research has its place however now the time is for Acknowledgement Accountability and Redress.

- The work commissioned by the Scottish Government to scope out the number of children in care is complete. A report has been published on the SurvivorScotland website. As previously advised this work will inform our participation in the SHRC Interaction.

<http://www.survivorscotland.org.uk/news-and-events/item/scoping-project-on-children-in-care-in-scotland-1930---2005/>