

**PE1351/S**

**Health and Social Care Integration Directorate**  
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Alison Wilson  
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The Scottish Parliament  
Room T3.40  
Edinburgh  
EH99 1SP



26 January 2012

Dear Alison

**CONSIDERATION OF PETITION PE1351**

Thank you for your letter of 19 December 2011 requesting a response to the Petition Committee's questions of 13 December on Petition PE1351, a Time for All to be Heard forum incorporating a compensation scheme.

I enclose a response to the questions of 13 December. I have not included a response to the earlier questions as a reply to these has previously been provided. 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: QUESTIONS / REQUESTS FOR INFORMATION**

**TUESDAY 13 DECEMBER 2011—**

### **Scottish Government—**

**To what extent is the Scottish Government taking the lead on the work that needs to be taken forward?**

The SurvivorScotland Team, part of the Adult Care and Support Division within Health, is taking the lead and is ensuring that relevant work being undertaken by other parts of central government is linked into developments.

**What is the Scottish Government's timetable for taking forward the issues highlighted in Tom Shaw's February 2011 report and the Scottish Human Rights Commission February 2010 recommendations?**

- The Scottish Government is moving ahead with establishing a National Confidential Forum (TTBH recommendation 1).
- The Scottish Government commissioned some work in relation to resilience (TTBH recommendation 8) and the report from this work will be available soon.
- The Scottish Government has agreed to take part in the Interaction, the remit of which is to be agreed with the SHRC, which will consider the recommendations contained in the Human Rights Framework of February 2010.
- In relation to civil actions for damages, the Scottish Government has a clear commitment to build on the work of the Scottish Law Commission and update the law. To inform the fulfilment of that commitment, a broad public consultation paper, which will cover issues of time-bar, is being finalised for publication in the near future. This will seek to take account of evidence from other jurisdictions: Ireland has been a specific focus for Petition 1351 and, with that in mind, careful consideration is being given to the Irish Law Reform Commission's report on 'Limitation of Actions', which was published shortly before Christmas.
- The Scottish Government is working with NHS Health Scotland to produce a database that will help us to understand what lies behind some suicides and to get a clearer picture of all the factors underlying suicides in the general population. We are working with the National Suicide and Self Harm Monitoring and Implementation Group to investigate the possibility of including in the database information on whether someone was a care leaver. (TTBH recommendation 7).

**Has the Scottish Government now committed to engaging with the interaction to consider the full range of recommendations made by the SHRC?**

- Ministers agreed that the Scottish Government should take part with an open mind in the Interaction process proposed by the SHRC and would engage in exploring all the different remedies presented in the SHRC Human Rights Framework.

**As the interaction is not expected to take place until sometime in 2012, what scoping work does the Scottish Government propose to do before then on (1) a possible reparations scheme and (2) consideration of legislation to facilitate apologies?**

- The Scottish Government has commissioned work to scope out issues surrounding possible reparation and the results should be available soon.
- The Scottish Parliament and the Scottish Government have both considered legislation to secure apologies in the past, and not been persuaded of its effectiveness. However, Justice Directorate officials have recently met with the SHRC and are considering evidence from other jurisdictions. During 2012, we intend to review the benefits and potential drawbacks of such legislation and will discuss further with interested parties, including the SHRC.

**What discussions has the Scottish Government had with the UK Government about mechanisms for providing access to effective remedies (including compensation)? If no discussions have taken place are any planned?**

- The Criminal Injuries Compensation Scheme is being reviewed by the Ministry of Justice. The Scottish Government will need to consider options for the way forward in light of the UK Government's proposals.
- Criminal Injuries Compensation comes right at the end of the process for most victims. The Scottish Government places a high priority on victims of crime getting fast and effective support from police, other public authorities and victim support organisations.