

**PE1351/V**

**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). Legislation is required to establish this. The legislative programme will be announced in June 2012.
- The Scottish Government commissioned some work in relation to resilience (TTBH recommendation 8) and the report from this work should be available by May 2012.
- 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. The SHRC anticipate that the Interaction will begin in June 2012.
- 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. The necessary legislation will be brought forward in the current Parliamentary session. To inform the development of that legislation, a public consultation paper is being finalised for publication around Easter 2012. This paper will cover a range of important issues, including time-bar. Amongst other things, it will seek to take account of evidence from other jurisdictions: Ireland has been a specific focus for Petition PE1351 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). The Group met on 2 February 2012 and agreed to consider this further.

**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. The SHRC anticipate that the Interaction will begin in June 2012.

**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 the number of adults who were in care as children. The results should be available in May 2012. This will help inform our discussions on reparation as part of our participation in the Interaction.
- 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 UK Government has no dedicated policy for Adult survivors of abuse. It sits as part of the policy on Victims of Violence and Abuse which focuses mainly on violence against women. As such there are no plans to have any discussions with the UK Government.
- 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.