

PE1351/X

PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1351: UPDATE

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 drafting a consultation on the National Confidential Forum (TTBH recommendation 1). The aim is to issue this by July 2012.
- The Scottish Government has established a stakeholder Reference Group, including survivor representation, for the National Confidential Forum. It held its first meeting on 1 May 2012. In addition to this a survivor stakeholder group has been established and held its first meeting on 31 May 2012.
- The report on resilience, commissioned by the Scottish Government (TTBH recommendation 8) has been completed and will be available on the Scottish Government website by the end of June 2012.
- The Scottish Government has agreed to take part in the SHRC Interaction, which will consider the recommendations contained in the Human Rights Framework of February 2010. A meeting to carry out preparatory work for the SHRC Interaction was held on 31 May 2012. The SHRC Interaction is due to begin in September 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. The public consultation paper has been delayed and is due to be published in late summer 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.
- Margaret Mitchell MSP has indicated her intention to introduce a Members' Bill, under which expressions of apology could be given without admitting legal liability. Scottish Government officials met Ms Mitchell to discuss her proposals on 20 March 2012.
- While the Scottish Government itself has no immediate plans to bring forward legislation in this field, it is sympathetic to measures which will assist people who have suffered harm to obtain a satisfactory resolution, and encourage openness and learning when things go wrong. There are of course a considerable number of issues of practice and principle raised by

apology legislation, and a range of different experiences in other jurisdictions, so the matter will need careful thought and scrutiny.

It is understood that Ms Mitchell intends to carry out a consultation on proposals for legislation in this regard in due course and the Scottish Government looks forward to its findings. The Cabinet Secretary for Justice wrote to Ms Mitchell on 12 April 2012 regarding her plans, noting that the Scottish Government will be interested to see her proposals for legislation and will consider its position further then.

- 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. We are still awaiting the views of the Group.
- The Scottish Government has commissioned work to scope out the number of adults who were in care as children. The report will be available on the website by the end of June 2012. This will help inform our discussions on reparation as part of our participation in the Interaction.