



CELCS
94 Cathedral Street
GLASGOW
G4 0LG

11th March 2022

Dear Deputy First Minister

The Interaction Action Plan Review Group (the 'Review Group') would like to notify you that we have delivered on our remit and the group is closing. Having worked tirelessly for over a decade, this is a significant milestone for the group, its work and for each of the members.

We would like to thank you for your interest and support in recent years and hope the contents of this letter are helpful.

As we look back to 2013, when the first interactions took place, we can see concrete outputs and clear examples aligned to each of the commitments. The exception being 'commemoration', for reasons set out below. This letter sets out a summary of the progress made.

The original commitments in the Action Plan on Justice for Victims of Historic Abuse of Children in Care (the 'Action Plan') laid out outcomes of acknowledgement and accountability that covered aspects of apology, inquiry, reparation, and access to justice¹. These commitments were rightly ambitious and far reaching, beyond any one organisation and involving a number of procedural, policy and legislative changes in Scotland. They were agreed through the Historic Abuse Interaction process that drew together survivors and duty bearers to consider the Human Rights Framework for Justice and Remedies for Historic Abuse of Children in Care. Fundamental to that process was the engagement of survivors in ensuring their experience was fully reflected in delivering the goals of the Action Plan. We want to acknowledge the efforts of all stakeholders, survivors, Government, and the numerous organisations that played a part in all that has been achieved.

We recognise, however, that further work still needs to be done by Government and other organisations in partnership with survivors of in care abuse.

¹ SHRC InterAction on Historic Abuse of Children in Care Action Plan on Justice for Victims of Historic Abuse of Children in Care. SHRC (2013). Available at: https://www.scottishhumanrights.com/media/2055/3-action-plan-on-historic-abuse-of-children-in-care-nov-2013_final.pdf

High level summary of progress and developments

The Interaction Action Plan Review Group

The Interaction Action Plan Review Group has provided a consistent and effective forum for involvement of all relevant stakeholders in the progress and development of justice for survivors of abuse. It has had a key focus on facilitating survivor views, supporting engagement, and disseminating information. The commitment of Review Group members has been significant, at times involving weekly or full day meetings to consider challenging and complex issues (further detail and background on the Review Group and the Action Plan can be found in Appendix 1). The dedication of survivors has been particularly evident in recent years, with Redress developments involving careful consideration of highly technical, complex and emotive matters as well as promoting broader survivor participation through the process.

We have welcomed progress across the original ‘commitments’ set out in the Action Plan. With the exception of ‘commemoration’ each commitment has seen tangible delivery and developments reaching across legislation, policy and service delivery.

We have set out below a summary overview of progress against each of the individual commitments outlined under the two outcomes in the original Action Plan.

The Action Plan

Outcome 1 – Acknowledgement of historical abuse of children in care and effective apologies are achieved

The human right to an effective remedy includes reparation, one element of which is “satisfaction”. This can include a wide range of measures such as establishing a public historical record, effective apologies and commemorations.²

Commitment: Apology - Barriers to effective apologies from those with historic responsibility for childcare in Scotland are increasingly removed, including through a full consideration of the merits of an Apology Law³.

We were heartened by the public apology that you delivered in the Scottish Parliament in 2018 and that you then reiterated in 2021 at the announcement of the opening of the Scottish Redress scheme.

The Apologies (Scotland) Act 2016 came into force in December 2016. The aim was to make it easier for a person or organisation accused of wrong to issue a meaningful acknowledgement and apology, without the risk that it could be used in civil proceedings against them as an admission of liability. The purpose of the legislation was to help create a culture shift in the use of apology. However, there is little evidence about the impact of the

² SHRC, *Action Plan*, p.7

³ SHRC, *Action Plan*, p.7

legislation for survivors of abuse in care. Anecdotally, some survivors have advised that they have received apologies from organisations without an admission of liability.

In addition, the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, gives scope for applicants to request an apology from organisations. The importance of such an apology was emphasised by survivors in consultations, from feedback by some applicants of the Advance Payment Scheme and in thematic workshops with the Review Group on financial redress.

For many survivors, apology can hold equal or greater meaning than financial redress. Survivors have offered a range of personal perspectives on its significance and delivery. We understand the Scottish Government plans further engagement with a range of stakeholders, including survivors to help drive this forward.

Commitment: Establishing a National Record and the National Confidential Forum - In establishing the National Confidential Forum, every effort will be made to consider how this might contribute to establishing a national record.

The decision to establish the National Confidential Forum prior to the publication of the SHRC Human Rights Framework was one of the factors in setting up the InterAction to have a comprehensive look at the needs of survivors of historic abuse in care.

The Action Plan, therefore, considered the role of the National Confidential Forum in establishing a National Record of the abuse in injustices that children had experienced in care in the past.

The National Confidential Forum focused on children who had been in residential care in Scotland and operated from 2015 – 2020 and published two findings reports.⁴ Over the period, the Forum heard and recorded 174 testimonies from people who had been in residential care. The reports and legacy captures of the NCF webpages can be found in National Records for Scotland web archive⁵.

Commitment: Appropriate forms of commemoration - Consideration will be given to appropriate forms of commemoration, guided by the views of victims/survivors.

Commemoration is the one commitment of the InterAction Action Plan that has not been taken forward to any great extent. There are two important reasons for this.

Many survivors considered that other commitments in the Action Plan should be given priority as these would have more practical benefit and that the time was not right for the broader involvement of survivors needed to address the issue of commemoration.

⁴ “National Confidential Forum – What We’ve Heard”. National Confidential Forum (NCF, 2017). National Records for Scotland Web Archive. Available at: <https://webarchive.nrscotland.gov.uk/20210614212137/https://www.nationalconfidentialforum.org.uk/what-weve-heard/>

⁵ NCF, “National Confidential Forum – What We’ve Heard”

Commemoration was also a highly sensitive issue that drew markedly different reactions from individual survivors. While some considered that commemoration and memorial were important in the acknowledgement of abuse, others questioned why such injustices and abuses should be remembered as this would revive negative feelings and emotions.

The Review Group considered the wide-ranging and, at times, competing views of survivors in a thematic workshop. It recognises that commemoration remains an outstanding commitment from the Action Plan and acknowledges that it is a contentious area that will need to be taken forward with skill, tact and sensitivity.

Outcome 2 – Accountability of historical abuse of children in care will be upheld, including access to justice, effective remedies and reparation

Accountability for historic abuse of children in care includes ensuring effective access to justice, remedies and reparation.

Commitment: Inquiry - There should be a review of the lessons learned from previous inquiries and related processes such as the Historical Abuse Systemic Review. The review should consider what added value a National Inquiry on Historic Abuse would have, and should scope the potential costs

The SHRC Human Rights Framework sets out that the State should be expected to carry out an investigation or inquiry to establish what happened (the facts) and why, to learn systemic lessons and help prevent repetition.⁶

The Action Plan presented a range of views on the lessons gained from previous reviews and inquiries and what the deficits might be, the value of having a national Public Inquiry or an alternative process, and the costs of such an inquiry.

Following a special meeting of the InterAction in December 2014, the Scottish Government announced its intention to hold a Public Inquiry into Historical Child Abuse. Following further consultation with survivors of abuse, the Scottish Child Abuse Inquiry was set up in 2015. The overall aim and purpose of the Inquiry is to raise public awareness of the abuse of children in care. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony

The inquiry has been:

- investigating the nature and extent of abuse of children whilst in care in Scotland.
- considering the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care and in particular identifying any systemic failures in fulfilling that duty.
- creating a national public record and commentary on abuse of children in care in Scotland.

⁶ SHRC, *Action Plan*, p.8

- examining how abuse affected and still affects these victims in the long term, and how in turn it affects their families.

It will consider how failures to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, and whether further changes are needed to protect children in care from such abuse in future.

The interim reports published in the form of case studies have demonstrated how the Inquiry is delivering on its terms of reference. Some Review Group survivors have already or will in the future take part in the Scottish Child Abuse Inquiry, either as individual survivors and/or as representatives of survivor organisations or groups. INCAS Chair and FBGA founder are Core Participants so have a more significant role through the Inquiry process. Scotland having established an Independent Public Inquiry for survivors of abuse in care is a significant milestone for many survivors.

Commitment: Time Bar - The civil justice system should be increasingly accessible, adapted and appropriate for survivors of historic abuse of children in care, including through the review of the way in which “time bar” operates.

The SHRC Human Rights Framework sets out that the State should be expected to ensure access to justice, and that civil justice must be accessible to survivors of abuse and adapted to their needs.⁷

The Limitation (Scotland) (Childhood Abuse) Act 2017 removed the three-year limitation period for childhood abuse claims. This legislation is welcome and is viewed as an important milestone for survivors of abuse in care, opening opportunities for some individuals to pursue recognition and personal damages through the civil court system. We know anecdotally that the lifting of the time bar has enabled a number of people to take forward cases to the civil courts who previously would not have been able to do so.

However, as we know this Act was unable to open up claims that had been prescribed. This meant that survivors who had experienced abuse before 1964 would not have the same access to reparation, including financial redress. This situation was a key driver for discussions about the possibility of a financial redress scheme and furthermore, for an Advance Payment Scheme.

The Review Group’s detailed consideration of the status of ‘pre-1964 victims/survivors’ led to its recommendation that an ‘advanced payment scheme for the elderly and the ill should be progressed as soon as possible. The Advance Payment Scheme operated from April 2019 to December 2021. It has delivered over 700 payments to terminally ill survivors and those aged 68 years and over. Sadly, some survivors will have passed away prior to receiving acknowledgement.⁸

⁷ SHRC, *Action Plan*, p.8

⁸ Redress Scheme: information for organisations. Scottish Government (2021, Dec 21). Available at: <https://www.gov.scot/publications/redress-scheme-information-for-organisations/pages/background/>

The Review Group acknowledge that the Advance Payment Scheme provided tangible recognition for this for the elderly and the ill, many of whom may not have been able to wait until the statutory redress scheme was operational.

Commitment - National Guidelines for investigation of Historical child abuse investigations - there should be a nationally consistent and appropriate approach to the investigation and prosecution of offences relating to historic abuse of children in care.

In the context of its commitments to the InterAction Plan, the Scottish Government highlighted the establishment of the Police Scotland National Child Abuse Investigation Unit to investigate and target both current cases and historic child abuse.⁹ There have been a number of other developments in Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) to address this issue, and representatives from both organisations have engaged with the Review Group in our consideration of progress of the Action Plan. The establishment of the Scottish Child Abuse Inquiry has also influenced developments.

A team of prosecutors, ‘the SCAI Review Team’ has been established in COPFS to: consider reports from Police Scotland relating to child abuse in care settings, to review previous investigations, to support the work of SCAI, and to instruct further criminal investigations where appropriate. The team’s work includes reviewing documents and instructing further criminal investigations when appropriate.

Police Scotland now has specific structures in place to consider core aspects of non-recent child abuse such as, governance and review, significant operations and investigations and clear point of contact for the Redress Scheme.

Police Scotland and COPFS are also undertaking significant engagement work with survivors to increase awareness.^{10 11}

The National Guidance for Child Protection in Scotland, first published in 2010 and updated in 2021 offers multi-agency guidance in relation to safeguarding children today and includes advice for practitioners for how to respond to reports of historical child abuse.

Commitment – Reparation: Consider development of a national survivor support fund - Options for the development of a national survivor support fund should be explored with all of those affected, including victims/survivors, public, private, voluntary and religious bodies, local authorities and others affected.

The SHRC Human Rights Framework sets out that the State should be expected to ensure Reparation – this includes restitution (restoring things that were lost as a result of abuse,

⁹ Statement by Michael Russell (the Cabinet Secretary for Education and Lifelong Learning). The Scottish Parliament (2014, 11 November), p.7-12 Available at:

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=9616&mode=pdf>

¹⁰ Information and video for adult survivors of child abuse by Police Scotland. Available from:

<https://www.scotland.police.uk/advice-and-information/child-abuse/adult-survivors-of-child-abuse/>

¹¹ Information for adult survivors by COPFS. Available from: <https://www.copfs.gov.uk/involved-in-a-case/victims>

such as education or work opportunities), rehabilitation and compensation. It notes that adequate reparation depends on individual circumstances – it should be proportionate to the harm suffered and the victim/survivor should participate in choosing what is right for them, based on access to reliable information and a range of meaningful choices available to them¹².

The InterAction Action Plan clearly included financial compensation in its consideration of reparation and a national survivor support fund.

In taking forward reparation for survivors of historic abuse in care, in 2015, the Scottish Government proposed a support service for survivors of abuse in care but this did not include financial compensation or redress. Future Pathways was launched in September 2016 and offers support to people who were abused or neglected as children while they were living in care in Scotland. It is funded by Scottish Government and is managed by a group of organisations that make up the Future Pathways Alliance. The purpose of the fund is to provide access to individual outcome support delivered from a network of 70 commissioned delivery partners and access to a discretionary fund. In their recent report, they stated they can support between 200 – 250 people at any one time and, up to the end of 2019, have helped 1,289 people since the service started.¹³

Following ongoing concerns about the issue of financial redress, later in 2016, the Scottish Government asked CELCIS and the Review Group to work in partnership to gather views on a potential financial redress scheme. The Review Group helped to shape the survivor consultation questionnaire and support engagement such as promoting awareness and helping arrange survivor information sessions. In addition, information was gathered on financial redress schemes established in other countries, and engagement with residential and foster care providers, and other professional groups took place to gain their initial high-level views¹⁴. A series of reports and a set of recommendations were presented to the Scottish Government in November 2018. Alongside some key recommendations, the Review Group highlighted there were areas where there was no consensus and that significant further work was required on the detailed scheme design¹⁵. (Further detail about the development of the scheme and the Review Group involvement is in Appendix 2).

The Review Group did not have direct input nor any decision-making role in the content of the pre-legislative consultation or any direct input or foresight of the content of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. It did however, continue to share views, promote and shape public information notes for survivors. The work through the legislative process was extremely demanding, in particular the significant tension between exploring survivor views in a lengthy, complex Bill whilst still meeting the Review Group's recommended timescale. Views shared continued to reflect the diverse broad

¹² SHRC, *Action Plan*, p.8

¹³ Future Pathways Impact Report 2016 – 2019. Future Pathways (2021), p.10 &.33. Available at: <https://future-pathways.co.uk/wp-content/uploads/2021/09/Future-Pathways-Impact-Report.pdf>

¹⁴ Series of reports and recommendations submitted to the Scottish Government can be found here: <https://www.celcis.org/our-work/key-areas/historical-abuse/financial-redress>

¹⁵ Report 2: Analysis and findings of the consultation of victims/survivors of abuse in care – recommendations included in report. CELCIS (2018). Available at: <https://pureportal.strath.ac.uk/en/publications/report-2-analysis-and-findings-of-the-consultation-with-victimssu>

membership that some survivors represent but also group, individual perspectives and personal meaning that such an important milestone can evoke. Given the diversity and ethos of the group, survivor representatives consistently strive to reflect their insight and understanding of the broader survivor community.

The Review Group directly engaged with the Scottish Government Redress Bill and Policy team through the legislative process. The Waiver in particular, at times, proved divisive and difficult both for the Review Group itself and amongst the wider survivor community. For example, SHRC expressed concern that the effect of the waiver meant that survivors were being asked to give up a legal right in order to receive a redress payment through the scheme, and Review Group survivors and the wider survivor community also directly communicated with MSPs to advocate changes. Review Group members raised concerns in the group and directly with MSPs through the Redress parliamentary processes to help mitigate some effects of the Waiver.

Scotland's Redress Scheme opened in December 2021, shortly after the delivery of the Review Group recommendation that the legislation for such a scheme should be passed by the end of the parliamentary term of March 2021. This means Scotland currently has both Future Pathways and a financial redress scheme in place.

Ultimately, the Review Group welcomes the introduction of Scotland's Redress Scheme, recognising that it provides access to financial redress that would not otherwise be there for some survivors, including those who experienced abuse before 1964. The requirements for public reporting, to establish a survivor forum and the principles that applicants are treated with respect, dignity and compassion, showing consideration for their needs embedded in the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 offer particular opportunities to build confidence with survivors of abuse in care.

Commitment, Empowerment: Survivors should be supported to understand and access the range of measures of in this Action Plan.

The Review Group has played a key role in engaging with survivors and raising awareness across all key Action Plan developments. Survivors and survivor organisations have shared information widely through networks, newsletters, websites and, where permissions are in place, mail drops. Other members have also communicated with their own networks when appropriate or helpful. Members have consistently advocated for certain groups and their distinct experiences, for example, the elderly and ill, those who experienced abuse before 1964, and for those who were boarded out to be recognised and explicitly described in communications and materials in relation to Redress.

This has involved contributing to the design and dissemination of information on services such as Future Pathways, the National Confidential Forum, the Scottish Child Abuse Inquiry, the Advance Payment Scheme and Scotland's Redress Scheme. The Review Group has been actively involved in the scrutiny of legislation such as The Apologies (Scotland) Act 2016, The Limitation (Scotland) (Childhood Abuse) Act 2017 and Redress for Survivors (Historical Child

Abuse in Care) (Scotland) Act 2021. Individual survivors on the Review Group were involved in early campaigning for key, relevant legislation and consistently provided oral and written evidence through each Parliamentary process, at times also connecting MSPs with other survivors. When this has been done, they have advocated the views of other survivors. The Review Group, and particularly the survivors on the group, have made an important contribution over the years in securing broader survivor views through a wide range of engagement opportunities across all the aspects of the Action Plan.

The Review Group has also played an important role in engaging with relevant organisations involved in Action Plan activities. By inviting associate members such as Police Scotland, NCF, Future Pathways, and COPFS to Review Group meetings, survivors have been able to offer relevant organisations insight into areas of progress or challenge from a survivor perspective.

Survivor members of the Review Group have also been involved in training for staff on the Advance Payment Scheme and the Financial Redress Scheme to help ensure those involved in delivery could hear important messages directly from survivors.

In summary, the Review Group has worked hard to engage directly with other survivors and survivor groups, to provide up-to-date information of developments, to involve survivors in consultations, and to support them in accessing services. This was particularly important because of the complexity of developments, and the confusing differences in the scope of the different developments, with different remits and eligibility criteria. The promotion of participation also helped ensure that a full range of individual views and insights were secured, often demonstrating the very broad range of needs and perspectives.

Survivors¹⁶ advocated, sometimes directly with MSPs, to have the Survivor Forum directly on the face of the Bill and welcome now having survivor voice embedded in the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021. The Review Group, over the course of two workshops, considered in detail the forthcoming Survivor Forum outlined in the Redress legislation. They also contributed along with other survivors to a broader survivor survey on the Forum, helped raise awareness about that survey and helped shape engagement workshops with two other groups of survivors. The Survivor Forum will play a key role in ensuring survivor voice in redress developments going forward, and it is important that it is participative and inclusive.

The Review Group, itself, is an important example of how survivor voices can be embedded in a process that, over a ten-year period, has considered highly sensitive and contentious issues. It has shown how individuals can work together to secure and harness the perspectives of survivors to address challenging and complex issues, even when at times views are different and at times, even competing. While no solution will please every individual or organisation, the process has ensured that survivor perspectives have made a significant contribution.

¹⁶ FBGA submission to the Scottish Parliament and supplementary paper. (FBGA, 2021). Available from: <https://www.fbga.co.uk/fbgaSurvivorForumSubmitted2ReviewGroup4ApprovalMay2021.pdf>

Commitment: Records: the outcomes of the ongoing review of record keeping and access to historical records should be considered in the implementation and review of the Action Plan

The Action Plan noted issues related to access and historical management of records, a need to ensure that current record keeping is much better and suggesting that there should be a dedicated person within every local authority with responsibility for gathering records. The Review Group recognises the importance of records to care experienced young people and adults. Care records are not simply pieces of paper or part of an administrative task, they provide facts and information on identity, family, the past, and processes and decisions.

Shaw's *Historical Abuse Systemic Review* report highlighted poor record keeping and the loss of many children's records because of poor record management. Following a review of Public Records, the Public Records (Scotland) Act 2011 (the Act) was introduced. It places a legal requirement on public authorities to have an adequate records management system and to prepare and implement a Records Management Plan (RMP) addressing storage, retention, disposal, archiving and security of records. Albeit there remains some concern that the Keeper of the Records of Scotland's authority under Schedule 1 of the Act does not extend to private, commercial, charitable or public bodies not named under the Schedule to the Act even if they are delivering the functions of named public authorities¹⁷.

The Looked After Children (Scotland) Regulations (2009) is another positive introduction, requiring retention of records for those in care for 100 years. For those seeking records today, whether historical or not, the Data Protection Act 2018 now also applies controlling how personal information is used by organisations, businesses or the government. The requirements under the General Data Protection Regulations are broadly similar to the Data Protection Act 1998 (DPA) but they give additional weight to the rights of the subjects of any data collection, most obviously, in terms of penalties.

The Scottish Child Abuse Inquiry addressed the issue of records by notifying all relevant organisations that they should take any steps to preserve relevant records, to identify, catalogue and protect such records and identify any gaps. Social Work Scotland established a historical abuse practice network to share learning and support transformation in the sector including on records and records management. Similarly, other organisations such as Police, Courts and third sector care providers have been obliged to ensure relevant historical records are in order.

There are ongoing practice developments, research activities and developments in support for accessing records. The Review Group will not know of all such actions as these are broad ranging and extend across the broad spectrum of care experience, including improvement work relating to records for children in care today. Of particular relevance to the group, we recognise the timely attention from the Promise noting the significance of records,

¹⁷ Model Records Management Plan. NRS (n.d.) Available from: <https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>

particularly how they are created¹⁸, recent research¹⁹ and the current project, 'Gold Standard – Records Access' established as a sub-group²⁰ of the Social Work Scotland Historic Abuse Practice Network (HAPN) is drawing together primary research from care experienced individuals' perspective.

The Review Group also notes the opportunity to build on learning from the Advance Payments Scheme, where over 700 individual eligible applicants managed to source proof of being in care²¹. We heard how the Advance Payment team established relationships across a network of records providers and support organisations. and developed a tool for case workers to advise applicants and support organisations of public points of contact for potential sources of records, including those organisations no longer in existence. Scotland Redress Scheme again raises the importance of records for applicants for redress.

While these developments are welcomed, it is important that work continues, that emerging learning is captured and that further opportunities to drive change are harnessed. The Review Group remain concerned at the continuing issues in accessing records, redaction, and consistency of approach. Significant work and progress is still required.

Further and on-going work

Providing justice and ensuring support for survivors of historical abuse in care has to be owned by a wide range of stakeholders and take place in a process of continual improvement. It is impossible and unhelpful for the Review Group to make specific recommendations for areas of work that may be embedded across a complex system of organisations, policies and practice. Especially when Scotland has relevant national developments at play such as the Promise and the consultation on proposals for a National Care Service. Instead, the Review Group can highlight some key themes relevant to historical abuse in care which have continued relevance and require future action:

- Apology in the Redress Scheme – The apology process in Scotland's Redress Scheme offers an opportunity to build on existing knowledge and learning to ensure apology is delivered in a way that works for survivors.
- National Guidelines for investigation of Historic child abuse investigations – there has been significant change inspired or necessitated by the establishment of the Scottish Child Abuse inquiry. It is important that learning is captured and that relevant support and procedures that benefit survivors continue to develop and are sustained beyond the life of the Inquiry.

¹⁸ 'The workforce must be considerate and write reports in a clear, relatable way, in plain English. Reports must be written in the assumption that the young person will read them at a later date'. Independent Care Review (2020, p.69). The Promise. Available at: https://www.carereview.scot/wp-content/uploads/2020/03/The-Promise_v7.pdf

¹⁹ Developing practice for care records in Scotland. CELCIS (2022, Feb). Available from: https://www.celcis.org/application/files/7616/4388/5096/Developing_practice_for_care_records_in_Scotland_Inform_FINAL.pdf

²⁰ The 'Gold Standard – Records Access' sub-group comprises representatives from Aberdeen City Council, CELCIS, City of Edinburgh Council, Future Pathways, Who Cares? Scotland and West Dunbartonshire Council Champions Board

²¹ Redress Scheme information for organisations 21 December 2021. Scottish Government (2021). Available from: <https://www.gov.scot/publications/redress-scheme-information-for-organisations/pages/background/>

- Survivor views – a survivor forum is an integral element of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021. It is essential that survivor views continue to shape the development of the forum and that its work commences now that the scheme has opened.
- Survivor views – it is essential that engagement and participation with survivors continues through the work of the forum, that it is inclusive, accessible and reflects the broad, diverse survivor community.
- Records – Despite some significant progress, the records landscape and the processes involved can still hold many of the concerns noted over a decade ago. For individuals embarking on the process, it is clear there is further work to be done (from ‘production’ and ‘access’, through to ‘what is received’ and ‘how information is delivered’).
- Records – There is a full range of organisations and services involved in preparing, storing and providing records. Care providers can be from the voluntary sector, religious orders or Local Authorities and other such as COPFS, Health and Police Scotland also hold individual records. A co-ordinated and collective approach with all relevant stakeholders is recommended. Survivor involvement is essential either directly on some kind of stakeholder group or/and survivor views being shared through the survivor forum.
- Records - Records remain vulnerable today and while the Act is making a difference there is a long way to go before Scotland, our public, private and charitable bodies, can be content about how we manage and safeguard the records of the vulnerable in our society. There is a need for closer working across the public sector, in particular, on the systems and processes we use to manage records and which ultimately guarantee that future generations have records to access.
- Records of significance – National developments such as Future Pathways, The Scottish Child Abuse Inquiry and the Redress Scheme will all need to consider their own legacy and historical records plan. Furthermore, organisations such as Police Scotland and others that have retained records to support the work of the Inquiry will need to consider the potential significance on an individual or national basis for survivors of abuse in care for those records after the Inquiry has ended. Engaging with an archive provider, such as National Records for Scotland, is recommended for organisations who have not already done so, to ensure its records are subject to robust disposal arrangements and those with enduring value are managed into permanent preservation.²²
- Commemoration - The Scottish Government has already made a public commitment to taking forward commemoration and to ensuring survivor views shape developments. This area is a final commitment in the Action Plan and is an essential element of reconciliation, of both recognising the past and of moving forward.

The InterAction process brought together a range of stakeholders, including Survivors and survivor organisations alongside Scottish Government, care representatives, Scottish Human

²² National Records Scotland have played a significant role in improvements relevant to records for survivors of abuse in care and the review group are grateful for their input during to our review of the Action Plan

Rights, Social Work Scotland and CELCIS (Centre for Excellence for Children’s Care and Protection) (with a similar representative group being sustained for over a decade. We know of no other jurisdiction that has taken this approach, with this kind of consistent, representative membership to developing responses to justice for survivors of historical abuse in care. Whilst there have been challenges, having a forum where a range of views, at times varied, shared or even competing – there has been immense value and creativity.

Some survivors, particularly those involved in the original interactions have placed huge value in the bringing together of different groups not just for a sharing of views and to develop solutions but as part of a process of reconciliation. We recognise this process can take place at different levels – the individual, organisational and political. Over the past 15 years, elements of the Action Plan have clearly contributed to reconciliation, with some structural barriers reduced and we have seen some restoration of dignity and some shift in the position of survivors as rights bearers and citizens in Scotland. We have also seen some good examples of organisations taking part in a process of reconciliation with survivors and we hope that, for survivors who want this and for organisations in a position to participate, that further work in this area continues.

There are important lessons to be learned and whilst there have been previous reports that have referenced the InterAction Action Plan and process.^{23 24 25} The Review Group have discussed the option for an independent evaluation after the group has ended and members would welcome this opportunity.²⁶ Group members have committed to making themselves available for any such research interviews to allow examination of what worked well with the Interaction Action Plan Review Group, what were the factors that contributed and what were the barriers and the elements that could have worked better.

There has been a national response to delivering a package of remedies and reparation for justice for survivors of abuse in care with survivor dedication and commitment being the central thread through all the progress made. We also recognise that often it is the influence of individuals that can make a significant difference and, as such, the group is very appreciative of your personal interest and action at critical points.

²³ Working together and moving on: A human rights approach to addressing Historical Abuse. Hawthorn, M Scottish Journal of Residential Child Care, December 2015 – Vol.14, No.3 Scottish Journal of Residential Child Care ISSN 1478 - 1840 53;

²⁴ Kendrick, A., Hawthorn, M., Karim, S., & Shaw, J. (2015). Scotland: Historic abuse in care and human rights. In: J. Sköld & S. Swain (Eds.), *Apology and the legacy of abuse of children in care* (pp.124-133). Basingstoke: Palgrave Macmillan.

²⁵ Reports and materials relevant to the interaction can be found on SHRC webpage. Available from: <https://www.scottishhumanrights.com/projects-and-programmes/historical-child-abuse/>

²⁶ Review Group members are keen that any relevant learning about the group is captured. It considered that some of the following themes might be helpful - what worked well and not so well with the group? What helped? What hindered? What influence did survivors have on the outcomes of the Action Plan? What were the benefits and challenges of having different organisations represented along with survivors and survivor organisations? What was the most successful thing about the group? What could have been better? What things would individuals have changed, Looking at the groups remit, do individuals think it was met? Looking at the group’s principles, were they adhered to?

The Review Group is hoping to arrange a gathering for past and present Review Group members, chairs and associate members. The purpose is to create an informal opportunity to bring people together, acknowledge the work to date and to mark the end of the group. We would like to extend an invitation for you to join us and respond as you would like to this letter.

Regards,

The InterAction Action Plan Review Group

Judith Robertson (Chairperson), Scottish Human Rights Commission

David Whelan, Former Boys and Girls Abused in Quarriers (FBGA)

Helen Holland OBE, InCare Abuse Survivors (INCAS)

Frank McCue, InCare Abuse Survivors (INCAS)

Paul Anderson, Wellbeing Scotland

Harry Aitken, Independent

Eugene Docherty, Independent

Claire Soper, Scottish Government (recused herself from contributing to this letter)

Estelle Carmichael, CELCIS (Secretariat and Professional support)

Sharon McGregor, CELCIS (Research Associate support)

Gaynor Clarke, Aberdeen City Council

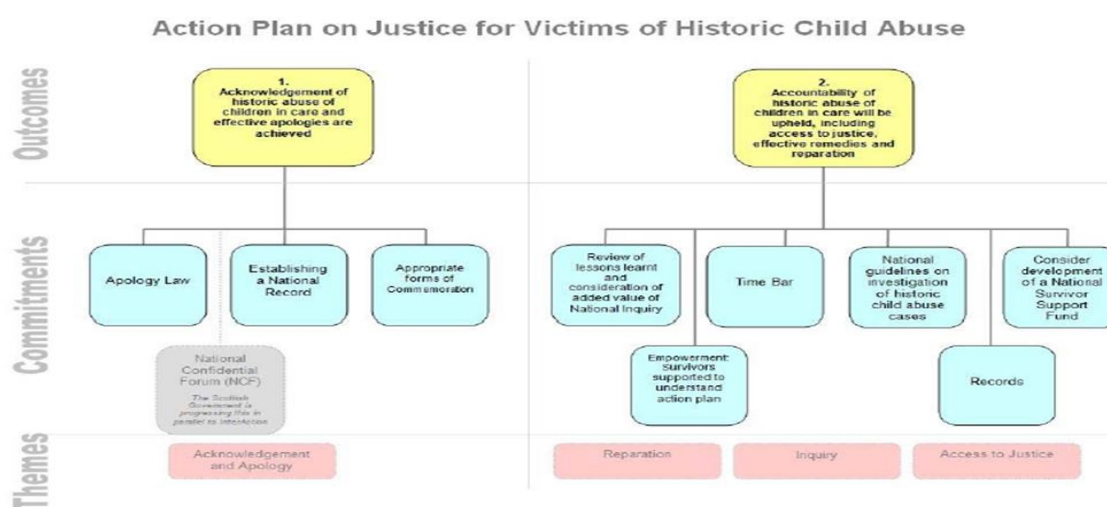
Professor Andy Kendrick (former Chairperson also contributed to this letter)

Appendix 1 - Background, role and remit of the Interaction Action Plan Review Group

The Interaction Action Plan Review Group was first established as a strategic group to help deliver the ‘Interaction process’ (a facilitated negotiation within a human rights framework), set up with the aim to develop an Action Plan to implement the recommendations in the ‘SHRC Framework’ (Framework for Justice and Remedies for Historic Abuse of Children in Care 2010)²⁷. Materials and information relevant to the InterAction process can be found on the SHRC website.²⁸

CELCIS (Centre for Excellence for Children’s Care and Protection) based in the University of Strathclyde was commissioned by the Scottish Human Rights Commission (SHRC) to prepare arrangements for an Interaction with survivors of historical child abuse, representatives of child care institutions, Scottish Government and other bodies which have/had responsibilities for child care. The Action Plan for Justice for Victims of Historic Abuse of Children in Care²⁹ is the result of those InterActions which were prepared in 2012 and held in 2013. The process, particularly the bringing together of this range of stakeholders for the first time, continues to be viewed as a significant milestone.

Ministers confirmed commitments to the Action Plan at a final meeting of the Group and thereafter in Parliament on 11 November 2014. The diagram below provides an overview of the intended outcomes, commitments and themes.



The initial intention was that the Action Plan should be monitored by the parties and periodic review should be undertaken with the participation of all of those involved. It was suggested that Scotland’s Action Plan for Human Rights (SNAP) might be best placed to help

²⁷ [A human rights framework for the design and implementation of the proposed “Acknowledgement and Accountability Forum and other remedies for historic child abuse in Scotland. SHRC \(2010\). Available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.scottishhumanrights.com%2Fmedia%2F1285%2Fjusticehistoricabusewordhrframeworkjustice_remedies.doc&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.scottishhumanrights.com%2Fmedia%2F1285%2Fjusticehistoricabusewordhrframeworkjustice_remedies.doc&wdOrigin=BROWSELINK)

²⁸ SHRC website. Available at: <https://www.scottishhumanrights.com/projects-and-programmes/historical-child-abuse/>

²⁹ [SHRC, Action Plan](#)

with the monitoring and it would include a clear process of monitoring and implementation. However, SNAP did not progress in the way planned and the Review Group shifted from being a steering group for the interaction process to take on more of an action plan review role.

Current remit and membership

The 'InterAction Action Plan Group' agreed to continue in order to monitor the implementation of the Action Plan. It was renamed the InterAction Action Plan Review Group – the 'Review Group' and its remit is as follows:

- Facilitate a survivor-centred approach to the fulfilment of commitments to the Action Plan by Scottish Government and all key stakeholders;
- Enable and facilitate engagement with a wider group of survivors of abuse, key stakeholders and providers of care services (including disseminate information to the wider survivor community)
- Gather together, review, advise on, and disseminate information on the implementation of the Action Plan.

The Review Group is made up of representatives from Care providers, Social Work Scotland, CELCIS, SHRC, representatives from the Scottish Government and currently six survivors (at different points there have been up to 8 survivors) who are independent and among whom represent survivor support organisations that includes Former Boys and Girls Abused in Quarriers (FBGA), InCare Abuse Survivors (INCAS) and Wellbeing Scotland. Professor Kendrick of the University of Strathclyde was the independent chair until October 2019 and since then Judith Robertson, SHRC (Chair of the Commission), has chaired the Review Group. CELCIS, as well as having membership of the Group, provides secretariat and professional support. This involves providing briefing papers and reports for the group and providing support to the Chair.

Appendix 2 - Consultation and engagement on Financial Redress

In late 2016, CELCIS were commissioned by the Scottish Government to take forward a process of consultation and engagement on the matter of financial redress and to do this in partnership with the InterAction Action Plan Review Group. The Review Group helped design the approach with the key focus being a national consultation with survivors of abuse in care.

The Review Group helped to shape the survivor questionnaire and promote engagement. In addition, information was gathered on financial redress schemes established in other countries, and engagement with residential and foster care providers, and other professional groups took place to gain their initial high-level views³⁰.

³⁰ Series of reports and recommendations submitted to the Scottish Government are available at: <https://www.celcis.org/our-work/key-areas/historical-abuse/financial-redress>

A series of reports and a set of recommendations were presented to the Scottish Government in November 2018. Alongside some key recommendations, the Review Group highlighted there were areas where there was no consensus and that significant further work was required on the detailed scheme design³¹.

Sharing views and shaping developments

Over the course of 2019 and early 2020, the Review Group continued to share survivor perspectives on the broader Action Plan and aspects of the implementation and delivery of the Advance Payment Scheme. The group provided a forum to reflect on broad themes³² that may be consulted on in the pre- legislative consultation and played a key role in supporting the engagement and communication with the wider survivor community through that process.

The group has continued to provide a forum to consider Redress developments. A series of meetings took place to consider key aspects of the Bill. Two key members of the Bill team joined these meetings alongside existing Scottish Government representatives (Review Group members). This was agreed with the Group to enable the Bill team to hear first-hand the views being expressed and to respond to any detailed questions being raised. Over the course of discussions, the group acknowledged the Scottish Governments efforts to provide more detailed and accessible information on the Bill and the dialogue with the group contributed to the through the publication of a series of Frequently Asked Question Bulletins.

The Review Group did not have direct input nor any decision-making role in the content of the pre-legislative consultation or any direct input or foresight of the content of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill.

It is important to note that there was not always agreement across the group or with the Government about core components of legislation or policy. Views shared continued to reflect the diverse broad membership that some survivors represent but also group, individual perspectives and personal meaning that such an important Bill can evoke. Given the diversity and ethos of the group, it is important to highlight efforts are made to reflect all member's views. Similar views can at times be shared across all or the majority of members, albeit from a different perspective (for example there can be a shared view from care provider representative and a survivor representative) or they can reflect perspectives of a few or just one member. Survivor representatives consistently strive to reflect their insight and understanding of the broader survivor community.

Some Review Group members or organisations have done and will continue to communicate separately from the Review Group and directly with the Scottish Government. This reflects the broader landscape, where organisations and survivors may reach out directly or at times through MSPs.

³¹ CELCIS (2018), *Report 2: Analysis and findings of the consultation of victims/survivors of abuse in care – recommendations included in report.*

³² The Review Group did not have direct input nor any decision-making role in the content of the pre-legislative consultation or any direct input or foresight of the content of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill.

During the passage of the Bill, the Interaction Action Plan Review Group attended a round table session with the Education and Skills Committee on 9th October. It was not an evidence session and instead was to share some of the views on key themes that had emerged in group discussions. Some individual and organisational members provided evidence in their own right to the Committee.

Following enactment of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, the group continued to play a role often alongside broader survivor engagement activity. Members have been directly involved or at times instead helped connect with other survivors to ensure survivor representation on a number of areas. These activities have included design of scheme materials, training sessions for the new case workers and survivor involvement in the recruitment for Redress Scotland staff.

As with other milestones and information points, when the scheme opened in December 2021 the Interaction Action Plan Review Group were asked to help share all key information with the broader survivor community.