

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

Islands Communities Impact Assessment

August 2020

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Section 13 of the Islands (Scotland) Act 2018 introduces a requirement on Scottish Ministers to undertake an Islands Communities Impact Assessment (ICIA) on any new legislation which is likely to have an effect on an island community which is significantly different from its effect on other communities.

Although the requirement to carry out an Islands Communities Impact Assessment (ICIA) has not yet been formally commenced, the expectation is that Scottish Ministers should, where possible, be operating in the spirit of the Act and taking island issues into account when developing or reviewing policies, strategies or services.

Purpose of the Bill

The Bill seeks to establish a financial redress scheme for survivors of historical child abuse in relevant residential care settings in Scotland, and, where eligible, their next of kin. The main purpose of the scheme is to acknowledge and provide tangible recognition of the harm suffered as a result of historical child abuse whilst residing in an eligible care setting in Scotland. The scheme will also provide access to non-financial redress - such as acknowledgement, apology and support, and it will sit alongside existing measures that the Scottish Government has put in place for survivors of historical child abuse.

Potential Impact of Bill

The below table sets out the issues that have been identified, what kind of impact this has (direct/indirect), who the impact affects, and the mitigations we have put in place to prevent negative impacts from affecting the Highlands and Islands communities.

| Issue Identified | Impact | Those Impacted | Mitigations |
|---|--------|----------------|--|
| Accessibility - translation to Gaelic | Direct | Applicants | <ul style="list-style-type: none"> In the Highlands and Islands communities, Gaelic is still spoken, with it being the first language for some. We will ensure that all information, application forms and services (e.g. legal advice) are available in Gaelic for those who require it. |
| Survivor population in the Highlands and Islands | Direct | Survivors | <ul style="list-style-type: none"> Scotland has a history of “boarding out” children to foster parents in the Highlands and Islands communities. At times the numbers have been significant, for example between 5849-6385 children were cared for in this way between 1952 and 1969¹. |

¹ (2012) Kendrick. A and Hawthorn, National Confidential Forum for Adult Survivors of Childhood Abuse in Care Scoping Project on Children in Care in Scotland, 1930–2005, University of Strathclyde

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|---|--------|------------------------------------|--|
| | | | <p>Some children may have settled in the area they were placed and may be eligible to apply to the scheme. The potential number of applicants in this context is unknown but there may be an increase in applicants from the Highlands and Islands given the potential awareness raising of boarding out in relation to the Scottish Child Abuse Inquiry.</p> <ul style="list-style-type: none"> • Many of the relevant care settings included in the eligibility criteria were based in the Highlands and Islands. • There will be a robust engagement strategy for the launch of the scheme, which will continue until the closure of the scheme. Fair and equal engagement will be ensured across the country, utilising local networks where possible to spread the message. |
| Access to counselling services (and other wider support) | Direct | Survivors Existing services | <ul style="list-style-type: none"> • Within the Bill, we reference the intention to provide support and counselling for applicants. As part of the development of this wider support offer, we are exploring the possibility of introducing a phone counselling service for survivors, which could reduce geographical barriers. • We will assist survivors in accessing local services which may be most appropriate for them. |
| Access to legal advice | Direct | Applicants | <ul style="list-style-type: none"> • We will provide funding so that no applicant is disadvantaged due to their location in regards to receiving effective legal advice. • Applicants will have the choice of who they hire, allowing them to access whoever they deem most appropriate for them. • If there is not an existing service locally we will provide reimbursement for reasonable costs incurred by applicants. |
| Access to the public body or psychological assessments | Direct | Survivors | <ul style="list-style-type: none"> • The location of the public body is currently undecided but it is likely to be somewhere in central Scotland. |

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|--|----------|--------------------------------------|--|
| | | | Some survivors may be invited to give evidence to Redress Scotland or to receive a psychological assessment. If this cannot be done in their local area, we will provide reimbursement for any reasonable costs incurred by the applicant. |
| Risk of existing services closing | Indirect | Community Existing service providers | <ul style="list-style-type: none"> • Relevant organisations within the Highlands and Islands may be faced with civil action on the part of survivors, the result of which could have a significant impact on the organisation through costs and damages, and upon services as a result. • These organisations will have the opportunity to make a fair and meaningful financial contribution to the scheme. Organisations may be able to mitigate the potential impact of action relating to historical abuse and crystallise risk they may otherwise face. In an effort to make the delivery of the contribution fair, meaningful and manageable for the scheme and the organisation, it may be possible to tailor the delivery of the contribution in a way which seeks to protect the provision of services. The provision of fair and meaningful financial contributions therefore does not seek to directly affect the provision of services, but rather to offer an appropriate, proportionate and positive opportunity to address the harms of the past. • Engagement is ongoing with COSLA, Social Work Scotland and other relevant organisations in relation to the indirect impact the scheme may have on their services. |

This is a live document and it will continue to be monitored and updated alongside the development of the policy and the assessment of the impacts the policy may have in practice.



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