

F/T: 0300 244 4000  
E: dfmcse@gov.scot

Lady Smith  
Scottish Child Abuse Inquiry  
PO Box 24085  
EDINBURGH  
EH7 9EA

2 September 2019

Dear Lady Smith

## **Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care**

I am writing to let you know that the public consultation on financial redress for historical child abuse in care opens today. It will run for 12 weeks, closing on 25 November 2019.

The consultation covers a number of matters relating to the detailed design of a statutory financial redress scheme, including eligibility, approach to payments, evidence and assessment, and provision for next-of-kin. It also asks about how those responsible should make financial contributions to a redress scheme and to wider support. Finally, it looks at how the redress scheme might be delivered, and how redress might fit alongside acknowledgement, apology and support for survivors.

The consultation builds on the findings from an earlier consultation with survivors that was carried out by CELCIS in 2017. Many of those earlier findings were high-level, and it is now necessary to consider these issues in more detail.

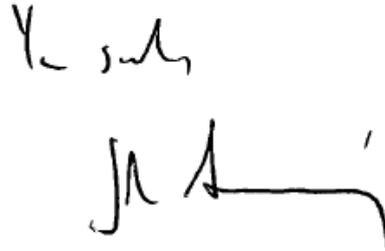
It is our intention to introduce draft legislation in Parliament next year with the intention of completing the legislative process by the end of this Parliamentary term in March 2021, subject to Parliamentary approval. The statutory financial redress scheme will open as soon as possible after that.

As you will be aware, the Advanced Payment Scheme for survivors who have a terminal illness or are age 70 or over opened in April 2019. It is intended that it will remain open until the statutory redress scheme is operational.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



All of the consultation materials can be found at <https://consult.gov.scot/redress-survivor-relations/financial-redress-historical-child-abuse-in-care>. We will be in touch separately with the Inquiry's legal team in respect of the relevancy of this consultation to (i) the report which we're currently preparing for the Inquiry on the Scottish Government's engagement with child migrant survivors and (ii) the Spring 2020 hearings.

Handwritten signature of John Swinney in black ink.

**JOHN SWINNEY**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



INVESTORS  
IN PEOPLE

Accredited  
Until 2020



**From:** [redacted] on behalf of [Deputy First Minister and Cabinet Secretary for Education and Skills](#) [redacted]  
**To:** [Deputy First Minister and Cabinet Secretary for Education and Skills](#)  
**Cc:** [redacted][redacted] [redacted]Henderson D (Donald); [redacted]  
**Subject:** RE: OFFICIAL-SENSITIVE: SG Response to SCAI - Redress Consultation Launch - Letter to Lady Smith - For awareness/consideration  
**Date:** 02 September 2019 14:36:47

---

Hi David,

Please find attached the issued letter.

Thanks

Craig

**[redacted]** | Deputy Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: [redacted] | Mob: [redacted] | Email: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)  
*All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.*

---

**From:** [redacted]<[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Sent:** 30 August 2019 15:58  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>  
**Cc:** [redacted]<[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted]<[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted]<[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Henderson D (Donald) <[Donald.Henderson@gov.scot](mailto:Donald.Henderson@gov.scot)>; [redacted]<[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Subject:** RE: OFFICIAL-SENSITIVE: SG Response to SCAI - Redress Consultation Launch - Letter to Lady Smith - For awareness/consideration

Thanks very much Amy. Appreciate the quick turnaround.

[redacted] (redress team) will call Craig on Monday to let him know when to issue the letter.

David

**[redacted]** | SG Response Unit - Scottish Child Abuse Inquiry | Scottish Government | 1G North, Victoria Quay, Edinburgh EH6 6QQ | T: [redacted] | E: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)

---

**From:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 30 August 2019 15:43  
**To:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>

**Cc:** Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Solicitor General <[SolicitorGeneral@gov.scot](mailto:SolicitorGeneral@gov.scot)>; Henderson D (Donald) <[Donald.Henderson@gov.scot](mailto:Donald.Henderson@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; DG Constitution and External Affairs <[dgcea@gov.scot](mailto:dgcea@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Corporate Communications <[CorporateCommunications@gov.scot](mailto:CorporateCommunications@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Troup C (Colin) (Dr) <[Colin.Troup@gov.scot](mailto:Colin.Troup@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Ferguson SE (Shirley) <[Shirley.Ferguson@gov.scot](mailto:Shirley.Ferguson@gov.scot)>

**Subject:** RE: OFFICIAL-SENSITIVE: SG Response to SCAI - Redress Consultation Launch - Letter to Lady Smith - For awareness/consideration

Hi David,

DFM is content for this letter to issue but would like it sent in his name. Our office can issue it on Monday. Grateful if you could give us a call on Monday to let us know when we can issue it. I'm out of the office with DFM on Monday so you should call [redacted] in my team and he'll issue it.

Thanks,  
Amy

[redacted] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [redacted]

*All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.*

---

**From:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>

**Sent:** 30 August 2019 14:01

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>

**Cc:** Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Solicitor General <[SolicitorGeneral@gov.scot](mailto:SolicitorGeneral@gov.scot)>; Henderson D (Donald) <[Donald.Henderson@gov.scot](mailto:Donald.Henderson@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; DG Constitution and External Affairs <[dgcea@gov.scot](mailto:dgcea@gov.scot)>; Beattie C (Caroline) <[Caroline.Beattie@gov.scot](mailto:Caroline.Beattie@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; [redacted]

<[redacted]@gov.scot>; Corporate Communications  
<CorporateCommunications@gov.scot>; [redacted]<[redacted]@gov.scot>; Troup C (Colin) (Dr)  
<Colin.Troup@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>;  
[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Ferguson SE (Shirley)  
<Shirley.Ferguson@gov.scot>

**Subject:** OFFICIAL-SENSITIVE: SG Response to SCAI - Redress Consultation Launch - Letter to Lady Smith - For awareness/consideration

Amy,

We spoke – draft letter attached to Lady Smith, which as a courtesy, formally notifies the Inquiry of SG’s redress consultation launch on Monday. I’d be grateful if you could bring this to the DFM’s attention.

The letter was prepared with SGLD solicitors and redress colleagues, who have already been in touch with the Inquiry team informally to make them aware of the consultation launch on Monday. On timing, we’re minded to send the letter immediately after the consultation has gone live (a link to the consultation material is in the letter).

We’re conscious the consultation contains a section on child migration, which may be of immediate interest to the Inquiry given the upcoming hearings on that topic in December and the Inquiry has asked SG for a report to include information on redress in the context of child migration (briefing on that was sent to the DFM this morning). The final line of the letter notes that we’ll be in touch separately with the Inquiry’s legal team as regards the report and also the Spring 2020 hearings (at which the Chair may want an update from SG on redress).

The letter is drafted from the Response Unit, but of course, if the DFM prefers we can put it in his name.

David

**[redacted]** | SG Response Unit - Scottish Child Abuse Inquiry | Scottish Government | 1G North, Victoria Quay, Edinburgh EH6 6QQ | T: [redacted] | E: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)