

Redress For Survivors (Historical Child Abuse In Care) (Scotland) Act 2021: Statutory Guidance – Annual Reports by Redress Scheme Contributors

December 2021



Scottish Government
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Annual Reports by Redress Scheme Contributors

Status of this Guidance

1. This guidance is issued under section 106 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (“the Act”).
2. This guidance applies to organisations included on the scheme contributor list and other relevant organisations named in a redress application. They must have regard to this guidance.
3. This guidance covers:
 - The reporting requirements imposed on relevant organisations named in redress applications in relation to their wider redress actions.
 - The types of information that a redress report must contain.

Policy intention

4. The Act requires certain organisations to report annually on their wider (i.e. non-financial) redress activities, such as providing emotional, psychological, or practical support for people who were abused as children; providing assistance to survivors to access historical records; providing assistance in tracing and reuniting families; or providing apologies to survivors.
5. The intention of this provision is to provide an opportunity for organisations to demonstrate all that they have done to acknowledge and address their role in the context of historical child abuse – on the basis that redress involves taking a range of actions to meaningfully respond to the harms of the past, not just making financial payments to survivors.

Reporting requirements for organisations on the contributor list

6. Organisations included on the scheme contributor list during the first 9 months of the reporting period must prepare a report on the actions which the organisation has taken during the reporting period to redress the historical abuse of children. This report, known as a “redress report”, must be sent to the Scottish Ministers within two months of the end of the reporting period (see below). The Scottish Ministers will collate the information from the annual reports sent to them by scheme contributors into a combined report for the year to which the reports relate, and publish this combined report.
7. The first reporting period begins on 7 December 2021. The reporting period then begins on the same date every successive period of 12 months. The reporting

periods will continue until such date as is specified in regulations by the Scottish Ministers.

8. Where an organisation on the contributor list fails to produce a report by the end of the reporting period, the Scottish Ministers may give a reporting direction to that organisation requiring them to produce a report within 3 months (or a longer period if specified) of the direction. The reporting direction may be changed or revoked by the Scottish Ministers at any time.

9. Where the organisation does not submit a report following this direction, Scottish Ministers may publish their failure to produce the report and will engage with the organisation accordingly, as failure to produce the report would constitute a breach of contractual arrangements between the Scottish Ministers and the organisations. The Scottish Ministers would be entitled to take appropriate action in this circumstance which may include removing the organisation from the contributor list.

10. Organisations which do not have a duty to report, and have not been directed to report, can report voluntarily, if they so choose. Where this happens, the Scottish Ministers will collate this information into the combined report to be published.

Reporting directions for other relevant organisations

11. The Scottish Ministers may give a reporting direction to other relevant organisations which are not included on the scheme contributor list but have been named in an eligible application.

12. The report must be sent to Scottish Ministers by 3 months from the date the direction is given, or a longer period, as specified in the direction. If the organisation fails to comply with the reporting direction, then Scottish Ministers may publish that the organisation has failed to comply.

13. The reporting direction may be changed or revoked by the Scottish Ministers at any time.

The redress report

14. Annual redress reports by redress scheme contributors must include the following:

- information about any support which the relevant organisation has provided for individuals who were abused as children, for example:
 - funding for emotional, psychological or practical support,
 - advice and assistance on accessing historical records,
 - advice and assistance on tracing and reuniting families,
 - activity relating to the provision of an apology to those abused.
- information that the relevant organisation considers appropriate about any other support which that organisation has provided for individuals who were abused

as children. This could include, for example, memorial events for survivors of abuse, or an invitation to survivors to demonstrate the ways in which the organisation now works to prevent abuse.

- where no support or actions have been taken by the relevant organisation then they must provide the reasons as to why this is the case.

15. Redress reports may also include other relevant information such as:

- information about the actions a relevant organisation is taking to ensure that the services they provide satisfy or exceed the relevant care standards to meet the well-being, development and safety needs of these children and vulnerable people;
- information about how safeguarding policy and procedures are implemented by the organisation; and
- any further developments or activities in place to improve care and protection.

16. Redress reports must not include the names of individuals or any other information which could be used to identify an individual. Names and identifying information may only be used where an organisation can demonstrate that the individual has been consulted and has given a clear and specific statement of consent.

17. The requirements are set out in sections 99 to 101 of the Act.



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