

28 May 2015

National Inquiry into Historical Child Abuse

I am writing to provide you with an update on the progress being made on setting up Scotland's first National Inquiry into Historical Child Abuse. I hope this will encourage you to think about what your involvement with the Inquiry, once established, will be.

As you may be aware, I made a statement to the Scottish Parliament last December, setting out this Government's intention to hold National Inquiry into Historical Child Abuse. I also made a commitment at that time to engage with survivors and relevant organisations on (i) the terms of reference of the Inquiry and (ii) the Inquiry Panel, including the Chair. I wrote to all MSPs and interested groups on 22 April to inform that I would make an announcement on both points in May.

The Scottish Government, with the support of the Centre for Excellence in Looked After Children (CELCIS) has engaged with survivors, survivor support organisations and other relevant organisations inviting responses by e-mail, in writing, over the dedicated helpline or through the on-line survey, as well as holding a number of engagement events across the country. I have also met with a range of survivors on different occasions to listen to their views and concerns first hand. That engagement process is now complete and a summary of the views of survivors and relevant organisations has been published today.

It is through engaging with survivors, and hearing their thoughts and experiences, that I have arrived at the proposed Terms of Reference, which are attached at Annex A. I have sought to strike a balance between the need for the Inquiry to investigate those issues which survivors have said are most important to them, with the need for the Inquiry to report on systemic issues and within a reasonable timescale.

You will wish to consider these Terms of Reference carefully and the implications for your organisation once the Inquiry is established where you have had a duty of care to children. Key challenges for you may be in terms of locating records and in ensuring provision of those records to the Inquiry in a timely manner. You will also wish to consider whether it is likely that your organisation may wish to or be called upon to submit evidence to the Inquiry.

I would also like to take this opportunity to inform you about who is going to lead this Inquiry.

Under the Inquiries Act 2005 an Inquiry may be undertaken by a Chair acting alone or a Chair and an Inquiry Panel. I consider that a Chair and small but suitably expert panel is required. I have considered a number of avenues for appointing a Chair and am now able to confirm that Susan O'Brien QC will take on this role. I am keen, in the interests of transparency, that Panel members are appointed following a formal nomination and selection process, which will involve the Inquiry Chair.

As part of the engagement process, I also undertook to seek views on other commitments this Government made as part of the Scottish Human Rights Commission (SHRC) InterAction process. This included issues associated with the 3 year limitation time-bar period, commemoration and support for survivors. In my statement today, I also announced progress on these issues.

Future support for survivors will be enhanced in two ways, by the development of;

- A bespoke support fund/service for in care survivors, and
- Enhanced support package for ALL survivors

£14.5 million has been allocated to this support package.

In relation to the 3 year limitation period, I am clear that this should be removed for survivors of historical child abuse who were in care in Scotland. A consultation on this intention will be issued by this Government before the summer recess. You may wish to consider whether the removal of the 3 year limitation period might have implications for your organisation and to respond to the consultation in due course.

All of this information is available on the Scottish Government website at www.gov.scot/historicalchildabuse, where you can also sign up to an e-newsletter, to be kept up to date with progress being made on setting up the Inquiry.

I expect the Inquiry to start its work this year. In the meantime, I would be grateful if you could cascade this information as appropriate within your organisation.



ANGELA CONSTANCE