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Primary and Community Care Directorate
Adult Care and Support Division

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Mr Tom Shaw



12 November 2009

Dear Tom

ACKNOWLEDGEMENT AND ACCOUNTABILITY PILOT FORUM CHAIR- TERMS AND CONDITIONS OF APPOINTMENT

I am writing to confirm the terms and conditions of your appointment as the independent Chair of the Pilot Acknowledgment and Accountability Forum. The purpose of the Pilot Forum is to test out the feasibility of establishing a forum where adult survivors of abuse in care can describe their experiences in a confidential supportive setting. The Pilot Forum forms part of the commitment made to the Scottish Parliament by Adam Ingram, Minister for Children and Early Years, in February 2008 to actively scope a model 'to give survivors the chance to speak about their experiences and to help them come to terms with the past'.

The pilot site has yet to be confirmed but we are in discussion with a particular organisation that has indicated interest in providing the pilot site. I attach an outline of the proposals for the Pilot Forum that have been approved by Ministers.

Your appointment as independent expert is part-time, fee paid, non-salaried and non-pensionable and does not constitute a contract of employment. The daily fee rate payable for your input has been recommended to the Remunerations

Committee and we will advise you of Scottish Ministers' decision about this as soon as possible. The Scottish Government working week comprises 37 hours and a working day is deemed to be 7 hours and 24 minutes. We understand that there will be no VAT payable in relation to these amounts. Payment of fees will be made on receipt of an invoice from you. These should be addressed to Linda Watters and should be submitted on a monthly basis. All payments will be made without deduction of tax or national insurance contributions. Travel costs, together with accommodation and subsistence costs, will be based on the Scottish Government entitlements and will be met on receipt of completed claim forms.

Your appointment will last until such time as the Pilot Forum has completed its work, including the publication of a report containing the aggregated and anonymised evidence given by survivors, a review of the process adopted for the Pilot Forum and an analysis of its compliance with Human Rights being conducted by the Scottish Human Rights Commission. This work is expected to conclude by the end of December 2010. If the work is not completed by this time then an extension to your appointment will be negotiated to allow for a later date. Responsibility for the publication of your final report will rest with the Scottish Ministers and any liability occurring from publication will rest with the Scottish Government.

We anticipate that the Pilot Forum will begin taking evidence in March/April 2010 and that evidence taking will last no more than 10 weeks. However, there is considerable work to be done before the Pilot Forum starts and we would therefore expect that you would take up your appointment as soon as possible and certainly no later than 1 December 2009.

We intend to secure premises in Glasgow for the Pilot Forum that will include office space for you. However, these premises will not be available until next year. In the meantime we will provide administrative support, equipment and some limited accommodation at Saint Andrew's House in Edinburgh. We will reimburse all reasonable additional costs (telephone, fax, photocopying) that may arise and these will be met by invoice direct to the Scottish Executive.

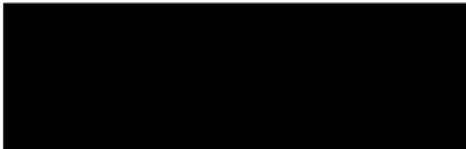
The SurvivorScotland Team has already prepared outline plans for the Pilot Forum in line with the submission approved by Ministers. You will be assisted in the Pilot

Forum by two Commissioners, one of whom will sit with you to hear evidence. The work of the Pilot Forum will be supported by an Advisory Group composed of experts and including survivors of in care abuse (see Annex E attached). It will be part of your responsibilities to chair the Advisory Group. You will also have responsibility for ensuring that confidentiality is assured for survivors and others identified in the evidence given at the Pilot Forum except where disclosure is required to prevent a serious offence or substantial risk to life or to prevent the continuance of abuse to a child or vulnerable adult. and other necessary procedures are in place. Your remit will include oversight of the arrangements for the Pilot Forum and, in particular, the conduct of business at each hearing.

The SurvivorScotland Team will assist you in the preparations for the Pilot Forum, during the hearings and thereafter in the completion of reports. Linda Watters is joining the team on 19 October as Team Leader. Sue Moody, who is on secondment from the Crown Office and Procurator Fiscal Service to deal with legal and procedural issues relating to the Pilot Forum, will sit on the Advisory Group. Her remit is outlined at Annex E attached.

I should be grateful if you could confirm that you are willing to accept. I am of course happy to discuss any other issues as and when they arise.

Yours sincerely

A large black rectangular redaction box covering the signature area.

JEAN MACLELLAN

Encs.