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Solicitor to the Scottish Child Abuse Inquiry

By email only

2 October 2020

Dear [REDACTED]

PHASE 5 CHILD MIGRATION – UPDATED SG REPORT ON CHILD MIGRATION

The Scottish Government submitted a report on child migration to the Scottish Child Abuse Inquiry in November 2019 for the current phase of the hearings. There have been a number of developments since the report was lodged with the Inquiry and the Government is keen to ensure that the Inquiry has up to date information before the hearings on child migration conclude.

We enclose an updated report. The changes from the original are as follows:

1. On page 1 of the original report, the date 'November 2019' has been replaced with 'September 2020'.
2. On page 8 of the original report, under the heading 'SG Advance Payment Scheme' the following sentence has been added at the end of the first paragraph:

"The age threshold was lowered to 68 on 4 December 2019 after a planned review of that element of the Scheme."

Attached to this sentence is the accompanying footnote which becomes Footnote 14 in the updated report and the subsequent footnotes have been renumbered accordingly:

<https://www.gov.scot/publications/financial-redress-survivors-historical-child-abuse-care-review-advance-payment-scheme/>



3. On page 8 of the original report, there is a reference to a footnote numbered 15 at the end of the first sentence of the first paragraph under the heading ‘Redress – child migrant survivors’. Please note that no corresponding footnote appeared in the original report. This was an error which has been corrected in the updated report. The subsequent footnotes have been renumbered accordingly.
4. On page 9 of the original report, the first paragraph is deleted and replaced with the following text, the key changes to which are highlighted here in red:

*“If a child migrant survivor was not abused **while resident in an eligible care setting in Scotland prior to being migrated** then that survivor would not be eligible for a payment under the Advance Payment Scheme but may be eligible for a payment under compensation schemes available in the country the individual was migrated to or under the UK Government’s payment scheme for former British child migrants.”*

5. On page 9 of the original report, under the heading ‘Advance Payment Scheme – applications from child migrant survivors’, the first paragraph under that heading has been replaced with the following text, the key changes to which are highlighted here in red:

*“Since the Advance Payment Scheme opened, SG has received a total of **563** applications. Of those applications, **41** were made by individuals who are child migrant survivors who were abused in care in Scotland. Of those **41** applications: (i) **40** individuals were migrated to Australia and one individual was migrated to Canada; (ii) **40** applications were approved and those individuals received payment under the scheme; and (iii) 1 application was on hold pending further information being submitted by the applicant.”*

6. On page 9 of the original report, the following changes have been made to the footnotes on that page:

- Footnote 19 in the original report has been removed.
- New Footnote 18 has been added with following text –

“If the abuse happened while elsewhere on holiday but the holiday was arranged by, and the child was still in the care of, the eligible setting the survivor is eligible for AP.”

- New Footnote 20 has been added with the following text -

“Applications received as at 11 September 2020.”

7. On page 10 of the original report, the text at paragraph ‘i’ has been replaced with the following, the key changes to which are highlighted here in red:

“In most cases, the originating establishment of survivors of child migration who have applied for a payment under the Advance Payment Scheme has been one of the Nazareth House homes in Scotland. The majority of overseas applicants (52) have been from Australia. Of those applicants, we know that 40 were migrated from Scotland as children.”

8. On page 11 of the original report, under the heading ‘Statutory Redress Scheme’ the first paragraph has been replaced in its entirety with the following text, with the changes highlighted here in red:

“SG introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill on 13 August²⁵ and intends that it will pass its final parliamentary stages by March 2021. A pre-legislative public consultation on financial redress took place between 2 September 2019 and 25 November 2019. It was shared widely with survivor organisations and the Child Migrant Trust, who published the consultation paper on its website.²⁶ The consultation responses were analysed independently and published on 23 March 2020.²⁷”

9. On page 11 of the original report, the second paragraph has been replaced with the following text, the key changes to which are highlighted here in red:

“Question 9 in Part 1.2 of the consultation asked respondents whether they had any comments that they would like to make in relation to child migrants who also meet the eligibility requirements of the proposed Statutory Redress Scheme. The paper explained SG’s proposal that survivors who were part of UK-wide child migration programmes would be eligible to apply if they also suffered abuse in Scotland and meet all the eligibility criteria of the proposed Statutory Redress Scheme. The consultation explained that in SG’s view this would be the case even if the survivor had already received a payment under the UK Government’s scheme or were planning to apply to that scheme. Almost all of the substantive responses from organisational respondents, and the vast majority of those from individuals, were supportive of the provisions for child migrants as outlined in the consultation paper.

The Bill as introduced makes provision for the eligibility of child migrant survivors on the same basis as for the Advance Payment Scheme described above. Since the UK Government’s scheme is intended to provide compensation for the fact that migration took place, and is not therefore a payment in respect of abuse in Scotland, this would not be deducted from any future redress payment in the statutory scheme.”

10. On page 11 of the original report, following changes have been made to the footnotes:

- Footnotes 24 and 25 in the original report have been removed.
- New Footnote 25 has been added –

<https://beta.parliament.scot/bills/redress-for-survivors-historical-child-abuse-in-care-scotland-bill>

- New Footnote 26 has been added –

<https://www.childmigrantstrust.com/news/2019/9/16/scottish-government-announcement-redress-scheme-consultation>

- New Footnote 27 has been added -

<https://www.gov.scot/publications/financial-redress-historical-child-abuse-care-analysis-consultation-responses/>

11. On page 12 of the original report, the following sentence has been added to the sixth line of the penultimate paragraph which is shown in red in the context of the existing paragraph below:

“In February 2019, Future Pathways became aware, through an individual who was registered with Future Pathways, of the organisation Tuart Place . Tuart Place is an Australian resource service for adults who were in any type of “out-of-home care during childhood, including foster care and children’s homes”. Future Pathways made contact with Tuart Place and arranged for an article regarding Future Pathways to be published in Tuart Place’s newsletter. (February 2019). They shared the Scottish Child Abuse Inquiry’s visit to Australia and developments around apology and redress in Scotland (August 2019). This exercise resulted in a number of enquiries and 16 registrations. 15 of those registrations were from individuals who were child migrant survivors. Future Pathways has provided support services to those individuals.”

12. On page 13 of the original report, the first paragraph has been updated with the text shown in red:

“At present, SG is aware of 22 individuals registered with Future Pathways who were migrated from Scotland as children. There may be more survivors of child migration now living in Scotland who have met the eligibility criteria and registered but have not disclosed that they were migrated as children.”

13. On page 13 of the original report, the text under the heading ‘Survivor Support Innovation and Development Fund’ has been updated as follows with the key changes shown here in red:

“Survivors of Childhood Abuse Support Fund 2020-2024

The Survivors of Childhood Abuse Support (SOCAS) Fund went live in April 2020 and is managed by Inspiring Scotland on behalf of SG. £10m over the period 2020-24 has been invested in the SOCAS Fund with awards made to 29 third/sector community-based organisations in Scotland which run projects working with survivors in Scotland. The purpose of the fund is to support recovery and resilience of adult survivors of abuse, by enhancing capacity and capability of third sector and community-based organisations providing dedicated support. Working with a range of organisations, the priorities are to reduce waiting lists for support, improve quality

standards, encourage collaboration and partnership working amongst providers, and build integration with statutory service.³²

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14. On page 13 of the original report, the following changes have been made to the footnotes on that page:

- Footnote 30 in the original report has been removed.
- Footnote 32 in the original report has been removed.
- New Footnote 32 has been added -

<https://www.gov.scot/publications/survivors-of-childhood-abuse-support-fund-2020-2021/>

15. On page 13 of the original report, the final paragraph which consists of one sentence has been removed.

16. On page 14 of the original report, under the heading 'Annex A' the 13th bullet point has been updated with the following changes shown here in red:

*“launching a new Survivor Support Innovation and Development Fund for survivor services across the support sector in 2017, which **was** replaced by the Survivors of Childhood Abuse Support Fund **2020-2024**.”*

17. On page 14 of the original report, the following changes have been made to the footnotes on that page:

- Footnote 38 in the original report has been removed.
- New Footnote 40 has been added –

<https://www.gov.scot/publications/survivors-of-childhood-abuse-support-fund-2020-2021/>

- New Footnote 41 has been added –

<https://www.gov.scot/publications/survivor-support-innovation-and-development-funding-2019-2020/>. Since 2017, the Survivor Support Innovation and Development Fund has made awards to 29 third sector and community based organisations who run projects working with survivors in Scotland.

18. On page 15 of the updated report, the following text has been added at the end of the listed bullet points under the heading 'Annex A' which beings in page 14 of the original report:

“introducing the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill on 13 August 2020.”

19. On page 15 of the updated report, a new footnote 44 has been added as follows:

<https://beta.parliament.scot/bills/redress-for-survivors-historical-child-abuse-in-care-scotland-bill>

I trust that this sufficiently sets out the changes that have been made to the November 2019 report and I enclose a clean version of the updated report dated September 2020.

I should be grateful if you could confirm whether this updated report will be released on Nuix: Mr Henderson and Mr MacDougall who are to attend the Inquiry as witnesses next week have been involved in the updating of the report and if questions are to be asked about the report it might be useful to ask those by reference to the updated report.

Yours sincerely,

Laura Kennedy
Solicitor
Scottish Government Legal Directorate