

Thursday 11th February 2021; received from Claire Soper Scottish Government Official via the Interaction Review Group by email

STAGE 2 - DAY 1 SUMMARY

Amendments, both from the government and other political parties, relating to Parts 1 – 3 of the Bill were grouped into themes and debated yesterday:

- **Waiver (Iain Gray, DFM)** – the debate on waiver took place first, starting with Iain Gray's amendments to remove the waiver. Iain Gray's amendments were rejected by the Committee, meaning that the waiver will remain in the Bill. All SNP and Conservative Party members voted to reject Iain Gray's amendments. **The Deputy First Minister agreed to explore, before Stage 3, whether it would be possible to revoke the waiver where material new evidence comes to light. The Scottish Government's amendments to allow the waiver to be revoked, and rights returned to survivors, where an organisation which has agreed to make a contortion, defaults and fails to do so.**
- **Redress Scotland: chief executive (DFM)** – the Committee voted **unanimously** to support the amendments which require the appointment of a Chief Executive to Redress Scotland. There were no significant comments on this amendment.
- **Principle of dignity, respect and compassion (Clare Adamson)** – the Convener's amendment to put the principle of treating survivor's with dignity compassion and respect on the face of the Bill was **unanimously** supported.
- **Scheme contributors: acknowledgment of harm (Daniel Johnson)** – discussion took place on this amendment, with the Deputy First Minister highlighting that he whilst he shared the objective of the amendment, ensuring proper acknowledgment of historical abuse, the particular drafting of this amendment caused some difficulties in that it may unintentionally infer liability. **Daniel Johnson did not press the amendment and he and the Deputy First Minister agreed to work together to bring something forward at Stage 3 on this issue.**
- **Scheme contributors: amount of contribution (Jamie Greene, Iain Gray, DFM)** – Jamie Greene put forward his amendments on publication of contribution amounts and to include a reference to the consideration of affordability of the making of contributions in the Bill. These amendments were **unanimously** supported by the Committee. Iain Gray had lodged an amendment on affordability and sustainability of charities, but he did not press this amendment following the debate. **Iain Gray and Daniel Johnson both think it is important that sustainability (and the protection of charities' services) should be included on the face of the Bill, like affordability. The Deputy First Minister agreed to work with Committee members to bring something forward at Stage 3. The Deputy First Minister's amendment to remove section 15 of the Bill (use of restricted funds) was unanimously supported by the Committee.**
- **Eligibility: abuse (DFM, Rona Mackay)** – the Deputy First Minister put forward amendments on eligibility (largely technical amendments), followed by Rona Mackay's amendment on corporal punishment. All of the amendments were **unanimously** supported without significant comment.
- **Eligibility: next of kin payments (DFM, Ross Greer)** – the Deputy First Minister's amendments on next of eligibility, including the change to the eligibility date to next of kin who died on or after 1 December 2004, were **unanimously** supported by the Committee. Ross Greer's amendment on the definition of eligible cohabitants (to require a minimum of 6 months cohabitation) was also **unanimously** supported by the Committee.

- **Previous payments (DFM)** - the Deputy First Minister's minor and technical amendments to the treatment of payments under the scheme were unanimously supported by the Committee with no comments.
- **Extension to time periods (DFM)** – the Deputy First Minister's amendments to extend the time periods for making decisions (6 months to accept an offer, 8 weeks to request a review) were supported by the Committee with no comments.

STAGE 2 - DAY 2 ANTICIPATED GROUPINGS

All the remaining amendments will be debated and voted on next Wednesday. The groupings of themes to be debated is not yet finalised but we anticipate the main groups to be:

- Ability for redress payments already accepted to be revisited should material new evidence come to light
- Removal of interim payments and strengthening ability of Redress Scotland to prioritise application on basis of age and health
- Change to the duration of the scheme to be 5 years or two years after the Inquiry concludes, whichever is later.
- Inclusion of standard of proof of 'balance of probabilities'
- Amendment from Alex Neil to include a presumption of credibility
- Changes to payment levels (Scottish Govt have lodged amendments to add additional levels of £60k and £100k)
- Amendment from Kenneth Gibson to change provision on payments to vulnerable people
- Legal fees – changing the approach to one of fixed fees
- Daniel Johnson's amendment to ensure applications have access to information obtained through the redress scheme
- Daniel Johnson's amendment to place the Survivor's Forum in the Bill
- Iain Gray's amendment to require the Scottish Govt to produce a report to the Parliament in relation to the opening of the scheme and matters relating to the Advance Payment Scheme