



# Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

2021 asp 15

## PART 6

### REPORTING ON WIDER REDRESS ACTIONS

#### 99 Annual report on wider redress actions

- (1) Before the end of the period of 2 months beginning with the last day of each reporting period, a relevant person must prepare and send to the Scottish Ministers a report on the actions which the person has taken during the reporting period to redress the historical abuse of children (a “redress report”).
- (2) A redress report must, in particular, include—
  - (a) information about any support which the relevant person has provided for individuals who were abused as children, for example—
    - (i) funding for emotional, psychological or practical support,
    - (ii) advice and assistance on accessing historical records,
    - (iii) advice and assistance on tracing and reuniting families,
    - (iv) activity relating to the provision of an apology to such individuals,
  - (b) such information as the relevant person considers appropriate about any other support which the relevant person has provided for individuals who were abused as children,
  - (c) where no support as described in paragraphs (a) and (b) has been provided by the relevant person, the reasons why.
- (3) But a redress report must not, unless and to the extent that subsection (4) applies, include—
  - (a) the name of any individual, or
  - (b) any other information which could reasonably be used to identify any individual.
- (4) This subsection applies where—
  - (a) the relevant person consults an individual, and

- (b) that individual gives the relevant person notification of the individual’s consent to be identified in the report.
- (5) The Scottish Ministers must—
  - (a) collate the information from the redress reports sent to them under subsection (1) into a combined report for the year to which the reports relate, and
  - (b) publish the combined report.
- (6) Where a person prepares a redress report and sends it to the Scottish Ministers despite not having a duty under subsection (1) to do so, the Scottish Ministers may collate the information from that report into the combined report to be published under subsection (5).
- (7) In this section—
  - “relevant person” means, in relation to a reporting period, a person included in the contributor list during the first 9 months of the reporting period,
  - “reporting period” means—
    - (a) in the case of the first redress report, the period of 12 months beginning with the day this section comes into force,
    - (b) each successive period of 12 months until a date specified in regulations made by the Scottish Ministers.

## **100 Power of the Scottish Ministers to require production of report**

- (1) This section applies where—
  - (a) the Scottish Ministers consider that a person has a duty under section 99(1) to prepare a redress report and send it to Ministers, and has failed to comply with that duty, or
  - (b) an application for a redress payment which results in an offer of a redress payment involves a person (other than an individual) who is not included in the contributor list on the date the panel appointed under section 35 or, as the case may be, a review panel appointed under section 55 determines that the applicant is eligible for the redress payment.
- (2) The Scottish Ministers may give a direction (a “reporting direction”) requiring the person to prepare a redress report and send it to Ministers before the end of—
  - (a) the period of 3 months beginning with the date on which the direction was given, or
  - (b) such longer period as Ministers specify in the direction.
- (3) A person to whom a reporting direction is given must comply with it.
- (4) If the Scottish Ministers consider that a person to whom a reporting direction is given has failed to comply with it, they may publish the fact that the person has failed to do so.
- (5) The Scottish Ministers may revise or revoke a reporting direction.

## **101 Power to make provision about additional redress reporting**

The Scottish Ministers may by regulations make provision requiring a person who is a relevant person for the purpose of section 99 to include an additional statement in—

- (a) the person's annual report, or
- (b) an equivalent document,

on the support as described in paragraphs (a) and (b) of section 99(2) which the person has provided during a period specified in the regulations or, where no such support has been provided, that fact and the reasons why.