



Redress Scotland: Chair's Circular Four: Publicly Available Information

To: All Redress Scotland Panel Members

From: Johnny Gwynne, Chair of Redress Scotland

Re: Information in the public domain and decision making

1. Chair's Circular and publicly available information

This Chair's Circular is aligned to my responsibilities as Chair for issuing guidance notes in the exercise of your functions as panel members under paragraph G5 of the standing orders, as well as helping give general information to panel members. When relevant and appropriate, I will distribute such guidance notes in the form of these Chair's Circulars.

I am now writing to you all in relation to the matter of information in the public domain. I am aware there have been a number of discussions about managing this type of information and this Chair's Circular sets out further guidance for panel members.

2. Legislation and statutory guidance

Under section 36(2) of the Act, *an application is to be determined on the basis of:*

- *the information provided in or with the application;*
- *any further information provided in response to a request by the panel;*
and
- *any other information which the panel considers relevant.*

While section 36(2)(c) permits a panel to consider other information which it considers to be relevant, it is important that a panel does not base its decision on irrelevant factors.

The statutory guidance ***Evidential Requirements and determinations by Redress Scotland*** states the following.

101. It is important that survivors, organisations and others have confidence in the redress scheme. In determining an application, Redress Scotland can consider any information it considers relevant. This may include publicly available information, for example in relation to the relevant care setting:

- *Criminal convictions relating to abuse occurring within the care setting;*
- *Findings of liability within previous civil cases relating to the abuse occurring in the care setting;*
- *Relevant findings published by the Scottish Child Abuse Inquiry in relation to the care setting;*
- *Relevant inspection reports or other records noting concerns regarding the care setting.*

3. Managing publicly available information

There was discussion of using publicly available information during the training for panel members and I am aware that a number of sitting panels have discussed reports from the Scottish Child Abuse Inquiry and then included reference to these materials in the decision letter.

We must build and maintain the trust and confidence of survivors in Scotland's redress scheme and in the decision making process. It is therefore critically important that any publicly available information that panel members seek out and review is fully included in the panel member notes template and that such information is trustworthy and verifiable.

It will generally not be necessary to seek out publicly available information for completed applications and all panel members should respect the choices of survivors and what they have selected for inclusion in their completed application.

Publicly available information should only be sought out when it will be useful in supporting the process of decision making. When any such information is sought, shared and used, it must be trustworthy, referenced and verifiable. This means that it must be from a reliable source; accurate; and where possible checked against other sources.

All panel members should ensure that:

- the panel member notes template is completed to include any publicly available information that has been sought out;
- any publicly available information listed in the notes template includes web links, the date each web page was accessed, and commentary on how trustworthy and verifiable the information is;
- discussion in the sitting panel of publicly available information should clearly conclude whether it is relevant to decision making;
- if it is relevant, consideration should be given to how this has impacted on decision making; and
- the minutes of the panel sitting should clearly record the use of any publicly available information and how it impacted on decision making.

4. Raising concerns about the use of publicly available information

If you do have concerns at any time about publicly available information, these should be raised so that they can be openly discussed and resolved. Such discussions can be with the other panel members on a sitting panel; the Chief Executive or Head of Operations; and with the Deputy Chair or Chair of Redress Scotland. Any such concerns will be carefully considered with the aim of supporting robust decision-making.

Johnny Gwynne
Chair of Redress Scotland