



## **Redress Scotland: Chair's Circular Five: Composition of Panels**

**To: All Redress Scotland Panel Members**

**From: Bill Matthews, Interim Chair of Redress Scotland**

**Re: Composition of panels**

### ***1. Chair's Circular and composition of panels***

This Chair's Circular is aligned to my responsibilities as Interim 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 direction to panel members. When relevant and appropriate, I will distribute such guidance notes in the form of these Chair's Circulars.

This Chair's circular advises you of an operational change that I am making to the composition of panels and the rationale for this.

### ***2. Optimising the capacity of Redress Scotland for decision making***

As you will already be aware, Redress Scotland has been receiving increased numbers of completed applications. The Scottish Government Redress, Relations and Response team have provided us with a forecast of the numbers of completed applications they expect to send to Redress Scotland over the coming months, which shows that these will continue to increase. We have also asked panel members for more information about their availability and have assessed what our overall capacity in Redress Scotland is for managing this increased number of completed applications. The assessment included analysis of the impact of panel member capacity on survivors, particularly how long they would have to wait for a decision after their completed application has been sent to Redress Scotland. With increased numbers of completed applications, we have identified the risk that the pace of decision making could slow considerably; as a consequence we would not meet our key performance indicator of making decisions in 30 working days and many survivors would have to wait much longer.

The analysis work also demonstrated that making a change to the current operational practise (where there is a panel member with a legal

background on every sitting panel) means that Redress Scotland can mobilise a higher number of sitting panels every month. Our assessment is that this will meet the expectations of survivors and increase the likelihood that we will deliver on our key performance indicator for pace of decision making. We also assess that there is no risk to the quality of our decision making through this change. As you would expect, we have taken legal advice on this matter.

### **3. Composition of panels**

The Chair has the authority to appoint members to sitting panels to make determinations. The Redress Scotland Panels (Standing Orders) 2022 govern the appointment of panels, and this states that:

*D2. In appointing a panel, the Chair of Redress Scotland shall have regard to the following matters:*

*D2.1. the overriding objective;*

*D2.2. the relevant orders of priority in accordance with section 34 of the Act and/or part C of these standing orders;*

*D2.3. the availability and capacity of the members of Redress Scotland;*

*D2.4. Redress Scotland's objective that each panel has an appropriate combination of knowledge, skills and experience.*

In making this operational change, particular regard has been taken of the overriding objective, the capacity of members and the need for an appropriate combination of knowledge, skill and experience.

It is now more than a year since Scotland's Redress Scheme opened for applications from survivors of historic abuse in care. Over that time Redress Scotland has gained considerable experience in managing the processes of assessing and making determinations on completed applications. Quality assurance and improvement work, particularly in the observation of panels and analysis of errors, has shown that one of the organisational key strengths is the multi-disciplinary approach to decision-making.

The Policy Memorandum stated that 'It is intended that at least one legally qualified member will sit on each panel' and this was one of the reasons for previous operational practice.. However, this intention was not carried through into the Act, the statutory guidance or in the Standing Orders for panel members. Whilst important for indicating the thinking behind a piece of proposed legislation, there is no compulsion or requirement to follow the policy memorandum, particularly where there is clear evidence to suggest a public body's responsibilities can be met more effectively and efficiently by taking a different operational approach. This is the position that we find

ourselves in and our priority is to deliver decision making efficiently and effectively and with the interests of survivors at the centre.

It is also clear from our founding legislation, the statutory guidance, Standing Orders and the Rules of Procedure that there is no distinction between different panel members based on their background or professional qualifications. All panel members are equal with an equal contribution to make. To realise the full potential of such a diverse cohort with such a considerable range of expertise, it is important that we ensure the composition of panels fully reflects this. In practice this will mean that scheduling sitting panels will take into account the individual expertise of all panel members and there will be a balance of knowledge, skills and expertise from lived experience, to expertise in care settings to understanding of interpreting and applying legislation.

#### **4. Supporting this change to the composition of panels**

To support this change to the composition of panels Redress Scotland will take a number of actions. This will include:

- updating and reissuing the guidance for panel members on the processes for sitting panels;
- changing scheduling practice as outlined in this Chair's Circular with an increased emphasis on balancing the composition of panels; and
- removing the information about the background and professional qualifications of panel members from organisational documents.

Panel members are already aware that Redress Scotland has appointed legal advisors, Harper Macleod, who can provide independent legal advice to panel members and sitting panels. This ensures that all panel members have access to high quality independent advice and that we have a clear record of this, and any influence this has had on assessments and determinations. This is important should there be a request for review or a judicial review. Accessing this resource is straightforward and any panel member can discuss a request for independent legal advice with the Panel support Co-ordinator for the sitting panel; Gary Gallacher, Head of Operations; Andrew Bryers, Operations Manager; or Joanna McCreadie, Chief Executive.

#### **5. Conclusion**

Whilst the Act enables me to appoint panel members and direct the composition of panels I nevertheless considered this change with the Oversight Board to ensure I had taken the experience and views of others into account. This contributed to the conclusion that this change would

better serve the needs of survivors and meet expectations of Redress Scotland as a public body. I trust you understand the rationale for making this change and share my commitment to further developing our work as a multi-disciplinary and inclusive public body. I look forward to working with you as we continue to develop and improve, retaining our focus on delivering Redress Scotland's mission to be an excellent public body that makes high quality decisions and fulfils expectations of our role in Scotland's Redress Scheme.

Bill Matthews  
Interim Chair, Redress Scotland