

## **Engagement Session Q&A – 17<sup>th</sup> February 2023**

### **Can you give insight on priority applications for the elderly and terminally ill?**

**Joanna** – If a completed application is a priority then we treat it as a priority - it's allocated quickly to a sitting panel as a priority. Because of our scheduling arrangements it's straightforward for us to do this.

### **When you receive an application from Scottish Government, do you inform applicant?**

**Joanna** – No, and we are now looking at introducing a formal letter to the applicant to let them know that we have received their application. It's been helpful to hear today that this is something that would be valued by survivors. We now have our full team in place and we will look at a process to do this – I can understand that this would be useful.

### **You did mention something about a review, is that what you would class as an appeal? Is that the terminology?**

**Joanna** – Yes, if the survivor receives a decision letter they have a right to request a review of that decision. The survivor should then put together their reasons for requesting a review with any additional information they want to share. We then send the request for review to a completely different panel - this makes sure the review is robust and independent. The three new panel members will look at what original panel's decision was, review all of the information again, consider the reasons the review was requested and any additional information and then make a decision. Requests for review have resulted in different decisions for survivors.

### **How often are sitting panels held?**

**Joanna** – That varies because it depends on number of completed applications we receive. We work from the Scottish Government forecast and our own forecast. To assess how many sitting panels we need

### **One survivor suggested they should be able to request something more in depth. Just wanted to clarify this is something that is available?**

**Joanna** – We've never been asked for a more in-depth letter or information. It's not something we offer because we're focused on what we're doing and getting decision letters right. It is of course entirely up to individual survivors to contact us and ask for more information. If we received a request then we would look at that, see what more information they're looking for and see if that's something we could do. Survivors can also make a subject access request (SAR) and are likely get minutes of meetings etc. This is not something we've had yet but we expect it will happen.

### **Is the number of applications received by Redress Scotland quite low or just about right, where do you stand with Redress Scotland decisions?**

**Joanna** – It is likely that the number of applications will change over time and that is what has happened with other redress schemes. We do think that if we build trust and confidence in the scheme and how we are working, then people will be more confident about applying. We currently have a good pace of decision making but we know that it will be more challenging to keep this up if the numbers of applications being sent to us increases.

### **I would like to hear more on clarifying questions as we've had some feedback of survivors feeling that they're not being believed?**

**Joanna** – To explain this from a panel member perspective, all of the panel members are trying to get their decisions right the first time. This means if there is information that is not clear or that they don't have, then they may ask for more information or clarifying questions. Panel members are trying to make sure that they have all of the available relevant information so they make robust decisions. For example, individually assessed applications should have one piece of supporting information. A lot of letters asking clarifying questions are because this supporting information hasn't been included. Panel members then ask for this so that they have followed the legislation and statutory guidance and to make sure their decision is robust and has the survivor at the centre.

We are aware that some survivors can feel that they are not believed when they receive a letter asking clarifying questions or for more information. This is absolutely not the case as panel members start with the presumption of truth. They do however have to make sure they have all the information that's relevant so that they make the most robust decision possible.

### **Has oral representation happened and when would you feel that's appropriate way forward?**

**Joanna** – We call oral representation 'in-person meetings' as we do try to use straightforward language. In person meetings tend to happen when the panel decide it would be helpful to hear directly from the survivor.

We have had five in-person meetings and these have taken place in a few different formats including in person and by phone. The arrangements are all down to what the survivor prefers. If we were requesting an in person meeting we would speak with the Scottish Government case worker and gather any additional information we needed then communicate directly with the survivor to ensure this part of the process was managed in a way in which they felt comfortable.

**Rachael** – On the lead up to the in-person meetings we can have as much interaction as possible with the survivors, or as little. My experience was speaking to survivors most days on the lead up as they felt this was important

to them. The survivors helped to identify locations that were suitable for them and we worked with them to design the format in which we would have the meeting, so that they knew we were focused on them feeling as comfortable as possible during this. At the end of a meeting we then arranged a time to get in touch and see if they would like any more information.

**Can a survivor ask for an in-person meeting ?**

**Joanna** – Yes, and there is nothing to prevent a survivor doing this and including it in their application.

**Why would an in-person meeting be requested by the panel?**

**Joanna** – There are a number of different reasons but one example would be when a survivor can't provide supporting information and a panel could ask for in-person meeting

**The way the question is asked about clarifying questions has improved, it was horrendous in the beginning,. Letters can be taken differently depending on different survivors.**

**Joanna** –Agreed, and it can be very difficult to write the letter so that it works for the person reading it. I'm pleased to hear that you feel this has improved but I am sure we can make more improvements. One of the things we are working on is a leaflet about clarifying questions that hopefully will help explain why these are asked and give survivors more reassurance.