



T: 0300 244 4000

Ralph Roberts Chief Executive, NHS Borders Chair,  
NHS Scotland Board Chief Executives

05 May 2022

Dear Ralph

Further to my letter of 30 March accepting your proposal to join Scotland's Redress Scheme on the Redress Payments Determined model, I am pleased to provide the clarifications that have been sought, and to confirm the final steps to be taken so that the NHS Bodies listed at the foot of this letter (referred to as "NHS Bodies") are added to the Contributor List in accordance with the requirements set out in section 14 of the Redress for Survivors (Historical Child Abuse in Care)(Scotland) Act 2021 ("the 2021 Act").

The principles of the Financial Contribution Agreement for the Redress Payments Determined Model will be followed and adhered to by Scottish Ministers and the NHS Bodies throughout the operating period of Scotland's Redress Scheme.

[The Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021: Financial Contributions - Statement of Principles also apply.](#)

The agreed initial contribution of £100 000 will be a collective contribution on behalf of all 22 NHS Bodies. This, together with the acknowledgement that is required by section 14 of the 2021 Act, will allow all 22 NHS Bodies in Scotland to be added to the Contributor List.

The said NHS Bodies will commit to collectively contributing an amount up to two thirds of each redress payment made where a NHS Body is considered responsible for a care setting where abuse occurred, or exercised public functions to organise the child's care in respect of the care setting where abuse occurred.

In respect of your query regarding contribution amounts where there is a £20 000 payment, the Scottish Government would pay £10 000, as its contribution is one third or £10 000 (whichever is greater)<sup>1</sup>. As outlined above, whilst the starting point is that the NHS Bodies contribution is equal to two thirds of the remainder, in this particular case it would be less

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<sup>1</sup> See paragraph 2.8 of the Statement of Principles.  
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given that if NHS Bodies paid the whole two thirds, this would exceed the total payment made. So in that example, the Scottish Government would pay £10 000 and NHS Bodies would collectively pay the balance of £10 000.

It should also be noted that [The Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021: Financial Contributions - Statement of Principles](#), paragraph 2.23 also applies in the case where more than one care setting is relevant to the application, and it is necessary for the Scottish Government to determine the share of the Individually Assessed Payment allocated to each relevant care setting.

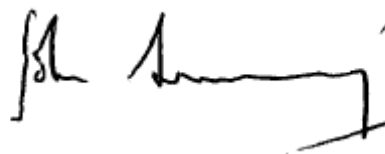
For the avoidance of doubt, the contribution from NHS Bodies will apply only to Individually Assessed Payments, as the Scottish Government will meet the cost of all Fixed Rate Payments and Next of Kin payments.

NHS Bodies are joining Scotland's Redress Scheme on the understanding that redress payments will only be made to applicants who sign a waiver that relinquishes their right to raise or continue civil action in respect of the abuse eligible for redress. All 22 NHS Bodies will be individually placed on the Contributor List, and benefit from any waivers granted as from the date they are added to that List.

I can confirm that for the NHS Bodies to be added to the Contributor List we require

- Acceptance of the terms set out in this letter signed by the Chief Executive of each NHS Body.
- Confirmation that the initial contribution of £100 000 is being actioned.
- All 22 Bodies to publish their acknowledgement statement as required by Section 14 of the Act.

Yours Sincerely,



**JOHN SWINNEY**

The 22 NHS Bodies referred to throughout this letter are:

NHS 24  
NHS Ayrshire and Arran  
NHS Borders  
NHS Dumfries and Galloway  
NHS Fife  
NHS Forth Valley  
NHS Golden Jubilee  
NHS Grampian  
NHS Greater Glasgow and Clyde

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