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Ur faidhle/Your ref: Victims and Witnessess (Scotland) Bill – NCF  
Ar faidhle/Our ref:

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## **VICTIMS AND WITNESSES (SCOTLAND) BILL - NATIONAL CONFIDENTIAL FORUM ELIGIBILITY TO PARTICIPATE: AGE THRESHOLD**

I am very pleased that the Health and Support Committee is taking the lead in relation to the provisions in the Victims and Witnesses (Scotland) Bill (the Bill) to establish the National Confidential Forum (the NCF). This reflects the proposed aim of the NCF that it enhance the health and wellbeing of people placed in institutional care as children, including survivors of abuse and neglect. I believe the confidential form of acknowledgment which the NCF is designed to provide will be of great benefit to people placed in institutional care as children and their families.

I understand that in the informal briefing on the NCF, and the SurvivorScotland Strategy, delivered by officials on 26 March 2013 to the Committee, a member asked about the proposed age threshold for participation in the NCF set out in the Bill. I thought you might find it useful for me to set out our rationale for proposing that this threshold be set at eighteen years of age.

As you will be aware, the scope of eligibility to participate in the NCF as provided for in the Bill is very expansive. This is to enable maximum participation. It is intended that anyone who has a past experience of being placed in institutional care as a child in Scotland, at any time and for any period of time, will be able to apply to participate in the NCF. An age threshold is considered prudent as those experiences are not to be current. I am sure you will appreciate that the NCF would not be an appropriate mechanism to address the experiences, including of abuse and neglect, of people currently in institutional care.

The options we considered for making provision for an age threshold for participation in the NCF in the Bill were sixteen, eighteen or twenty one years of age. It was considered that a threshold of eighteen years of age was the most reasonable and appropriate option, given that the NCF will only be able to hear experiences which are not current. It is more likely that persons aged eighteen years and over, as opposed to sixteen years and over, will have left institutional care and have historic (ie not current) experiences of that care. On the other hand, it was considered that twenty one years of age was too high a threshold and might lead, even inadvertently, to the exclusion of persons who have recently left care.

We have considered the equality and human rights implications of setting an age threshold at eighteen years and over. This is considered to be reasonable and proportionate, with objective justifications for such.

You may also be interested to know that an age threshold of eighteen years of age was operated by the Confidential Committee in Ireland and is now being used by the Acknowledgement Forum in Northern Ireland.

I hope you find this of use as the Committee considers the provisions in the Bill to establish the NCF. However, please do not hesitate to come back to me if you wish further clarification.

**Michael Matheson**