The Aberdeen City Context

Aberdeen is a unique place in Scotland. Though the City has benefited from the prosperity brought by the oil and gas industry, now that the rest of the UK economy is recovering from recession, Aberdeen is experiencing a decline due to the drop in the price of oil. This is compounded by pressures on infrastructure, connectivity, housing and skills. The effects of this include job losses, falling property prices and loss of custom.

Despite this decline, Aberdeen City continues to make a significant exchequer contribution to Scotland and the UK and this is expected to continue into the future. At a Scottish level, for example, almost 8% of Non-Domestic Rates was raised within Aberdeen in 2015/16.

Through our Regional Economic Strategy the City / Region is continuing to support the oil & gas industry, but also taking a more sustainable, diversified approach by attracting non-oil business. The City Council is also leading the largest regeneration programme ever seen in Aberdeen to support vastly improved transport, connectivity and investment in the city centre.

The Council is committed to working in partnership, both with other organisations as well as directly with communities themselves, to support the people of Aberdeen to prosper, no matter their social circumstances. We want Aberdeen to be a city where there is equality of outcomes and opportunities for all our children, irrespective of their circumstances. Investment in children is one of the best and most valuable long-term investments we can make. Investing shared resources to target prevention and early intervention for children and young people, and to ensure their safety, is central to tackling inequality and improving life chances.

1. Do you agree with the proposal in the Bill to remove cases relating to historical childhood abuse from the limitation regime set out in the 1973 Act?

Yes.

2. What will the impact of the new exemption be on i) victims of historical childhood abuse who could bring claims; ii) the individuals, organisations and insurers who might be involved in defending claims; and iii) the Scottish courts?

It is clear that organisations, including councils, could be liable to pay compensation to victims of abuse, however, the scale of this cannot be estimated. As concluded within the Financial Memorandum, there is no basis upon which to make an estimation of likely costs to local authorities. It is not known how many potential claims there could be as a result of the exemption, nor is it possible to estimate the costs of any case.
Potentially, however, there are significant implications for Councils in terms of staffing resource to deal with any claims that may arise and in terms of the potential costs of any compensation that may be due in the event of any such claims being accepted. In cases where costs incurred are not substantially covered by insurers, this will fall as additional costs against the Council. Unless additional Scottish Government funding is provided to meet such costs, then the additional costs incurred will have to be met from within existing budgets by reducing spend in other areas. This will increase the pressure on budgets which are already severely stretched by the ongoing reductions in local authority funding, particularly in Aberdeen City which has the lowest level of funding per head of population in Scotland.

Were some costs potentially covered by insurance policies, further complications may result if organisations were insured, at the time of the alleged abuse, by an insurer which is no longer in existence.

Specifically regarding local authorities, liability will need to be established in cases where abuse occurred prior to local government reorganisation. This may not be straightforward in some cases.

The older a claim is, the more challenging are likely to be the evidential issues. The length of time in some cases may pose challenges in sourcing documentation to defend any claims. Claims may be presented on the basis of testimonies from witnesses and it is not known whether documentation or records would be adequate to support or challenge any particular claim.

3. The Scottish Government consulted on whether the proposed exemption in the Bill should cover all children or be restricted to those abused in a care setting. The Bill takes the wider approach – do you agree with its proposed scope in this regard?

No comments.

4. Do you agree with the definitions of “child” and “abuse” found in the proposed new section 17A (2) of the 1973 Act (which would be inserted by section 1 of the Bill)?

Yes.

5. The exemption in the Bill does not just apply to entirely new claims. Section 1 of the Bill (which would insert a new section 17C into the 1973 Act) allows claims previously raised but found to be time-barred to be raised again under the new regime. What are your views on this aspect of the Bill?

No comments.

6. Section 1 of the Bill (which would insert a new section 17D into the 1973 Act) empowers the court to dismiss a case in two specific sets of circumstances. These are where the defender can demonstrate either that i) it would not be possible for a fair hearing to take place; or ii) the defender would be subject to "substantial
“prejudice” if the case did proceed. What are your views on the proposed new section 17D?

No comments.

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