

Redress For Survivors (Historical Child Abuse In Care) (Scotland) Act 2021: Assessment Framework

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Riaghaltas na h-Alba
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Assessment Framework

Please note this document contains detailed descriptions of abuse including explicit and graphic language. It also sets out levels of payment for different types of abuse.

If you are affected by the contents of this document and require immediate support you may find these organisations useful:

Telephone free of charge [Breathing Space](#) on 0800 83 85 87 (Monday-Thursday 6pm to 2am Weekend: Friday 6pm-Monday 6am) or [Samaritans](#) on 116 123 (anytime).

Status of this Guidance

1. This guidance is issued under section 106 of the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021 (“the Act”).
2. This guidance applies to all those with an interest in connection with the making, or consideration of an application for an individually assessed payment. This includes applicants to the redress scheme, their legal representatives and Redress Scotland, who must have regard to the guidance.

Introduction

3. The purpose of the Framework is to assist Redress Scotland in making determinations on what is the appropriate level of individually assessed payment for individual applications. It has been designed with the support of clinical psychologists to facilitate fair, transparent and consistent decision-making. The Framework will also assist survivors to consider where their own experience of abuse may sit within the payment levels.
4. Redress Scotland is an independent body and has the flexibility to consider and respond to individual applications and the experience of survivors by drawing on other matters deemed relevant, beyond those considered in this Framework, when assessing an application.

Scotland’s Redress Scheme

5. The purpose of redress in this scheme is to provide tangible recognition of the harm caused by abuse and to acknowledge that it should not have happened.
6. All abuse is wrong and every experience is individual. Different types of abuse frequently happen at the same time, for example emotional abuse occurring alongside neglect, sexual abuse or physical abuse. The Assessment Framework acknowledges this complexity and the need for a holistic approach in considering the experience of everyone who makes an application to the scheme.

7. It is recognised that all abuse has lasting impact. The focus of Redress Scotland will be on the nature, severity, frequency and duration of the abuse itself, as well as other matters it considers relevant when assessing an individual application.

8. All applicants for an individually assessed payment will need to complete an application form (Part 1 and Part 3). Applicants will also need to provide a statement and supporting evidence to support their account of abuse in care. Further information on the evidence requirements can be found in [the relevant guidance](#).

Payment Levels

9. When Redress Scotland is satisfied that an applicant is eligible for a redress payment, they must decide whether a further payment, in addition to the £10,000 fixed rate payment, is appropriate. There are five levels of further payment available, leading to potential total redress payments of £20,000, £40,000, £60,000, £80,000 or £100,000. All redress payments are subject to deductions of previous payments under section 42 of the Act. All applicants are encouraged to read applicant guidance [‘Help to apply’](#) for further detail on previous payments.

10. A fixed rate payment of £10,000 is available for applicants who prefer not to provide a detailed statement of their abuse, or if Redress Scotland assess that their individually assessed application does not meet the threshold for a Level 1 payment.

Assessment of applications

Definitions of abuse

11. “Abuse” is defined in section 19(1) of the Act as including sexual abuse, physical abuse, emotional abuse and abuse that takes the form of neglect. Further detailed information on the meaning of each of those terms and further examples of the types of behaviours can be found in the [eligibility guidance](#) for the scheme.

Examples of abuse

12. It is not possible to fully describe all experiences of abuse. Every applicant will have a unique experience. This may reflect their identity, personal circumstances and the type of care setting they were placed in. The Assessment Framework sets out some examples of abuse and where these may sit within the payment levels. These examples are drawn from the definitions of abuse and are not intended to be the only experiences that would fall into a relevant payment level.

Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
<p>Redress Scotland will consider the nature, severity, frequency, duration and other relevant matters relating to the abuse, assessing the facts and circumstances for each person as described in their application and all accompanying supporting documents or information, before making any determination.</p> <p>Other relevant factors for consideration may include but are not limited to:</p> <ul style="list-style-type: none"> • the length of time the applicant spent in care • the age and developmental stage(s) of the applicant at the time of the abuse • the relationship to the perpetrator • the number of perpetrators • the number of relevant care settings in which the applicant was abused • the concurrence, combination or accumulation of different types of abuse • the personal identity and circumstances and/or emotional vulnerability of the applicant (for example, race, religion or disability) • the extent to which the applicant was singled out and treated differently from others resident in the care setting at the same time • the response by a care provider to disclosures of abuse made by the applicant at the time, including lack of action and/or being punished for the disclosure • other additional elements relating to the character of the setting, for example isolation in the case of children boarded out to crofts or placed in, large impersonal institutions, the place of religion in the abuse, or day to day harsh punitive regime • the extent to which relationships with family members were not supported, circumstances were not explained to children or contact was in itself distressing (regardless of where each of the children lived) <p>These factors are among those known to indicate an elevated risk of harm to the child and are an important consideration in any assessment of the applicant's experience.</p> <p>Redress Scotland may conclude that although the description of abuse in this Framework indicates a certain payment level, consideration of all the other facts and circumstances mean that payment level would not appropriately reflect the totality of the nature and severity of the abuse and the broader context within which the abuse took place. In these cases, the duration of the abuse and the relevant factors will be of particular significance. Redress Scotland may consider that, once other relevant factors are taken into account, a higher or lower level of payment is appropriate.</p> <p>The list of examples of abuse noted below is not exhaustive. Survivors have a unique and individual experience of abuse.</p>				

Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
Applicants at this level will have suffered one or more type(s) of abuse and a consideration of other relevant factors means that this payment level is appropriate.	<p>Applicants at this level will have suffered one or more type(s) of abuse and a consideration of other relevant factors means that this payment level is appropriate.</p> <p>At this level, a combination of types, incidents and patterns of abuse, together with a consideration of other relevant factors, mean that the applicant's overall experience would not be appropriately reflected by a Level 1 payment.</p>	<p>Applicants at this level will have suffered one or more type(s) of abuse and the time spent in the relevant care setting(s) where the abuse occurred is likely to have been a number of years.</p> <p>At this level, a combination of types, incidents and patterns of abuse, together with a consideration of other relevant factors, mean that the applicant's overall experience is not appropriately reflected by a Level 1 or 2 payment.</p>	<p>Applicants at this level will have suffered one or more type(s) of abuse and the time spent in the relevant care setting(s) where the abuse occurred is likely to be a significant proportion of childhood.</p> <p>At this level, a combination of types, incidents and patterns of abuse, together with a consideration of other relevant factors, mean that the applicant's overall experience is not appropriately reflected by a Level 1, 2 or 3 payment.</p>	<p>Applicants at this level will have suffered one or more type(s) of abuse and the time spent in the relevant care setting(s) where the abuse occurred is likely to be a significant proportion of childhood.</p> <p>At this level, a combination of types, incidents and patterns of abuse, together with a consideration of other relevant factors, mean that the applicant's overall experience is not appropriately reflected by a Level 1, 2, 3 or 4 payment.</p>

Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
Sexual Abuse <ul style="list-style-type: none"> • Exposure to harmful sexual behaviours causing fear, distress and alarm. These behaviours may include, for example: <ul style="list-style-type: none"> ○ voyeurism, or exposure to sexual images or materials. ○ instances of the use of sexualised language or gestures in front of a child. ○ incidents of sexual touching over clothing. 	Sexual Abuse <ul style="list-style-type: none"> • A single incident of non-penetrative sexual touching under clothing or bedding. • Repeated exposure to abusive sexual behaviours, such as the child being encouraged to behave in a sexual way. 	Sexual abuse <ul style="list-style-type: none"> • An incident of sexual abuse involving masturbation and/or being forced to carry out masturbation. • An incident of being forced to engage in sexual activity with other children. • Being the subject of indecent images of a child. 	Sexual abuse <ul style="list-style-type: none"> • Regular and repeated incidents of sexual abuse involving masturbation and/or being forced to carry out masturbation. • Regularly and repeatedly forced to engage in sexual activity with other children • Being the subject of indecent images of a child that are shared and/or circulated to others. • One incident of sexual abuse involving a penetrative act (including oral, vaginal, anal rape and sexual assault with an object). 	Sexual abuse <ul style="list-style-type: none"> • Repeated incidents of sexual abuse involving penetrative acts (including oral, vaginal or anal rape and sexual assault with an object). • Being trafficked for the purpose of sexual abuse while resident in the care of the relevant care setting in Scotland.

Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
Physical Abuse <ul style="list-style-type: none"> Physical abuse carried out in connection with day to day care needs. Infrequent incidents of physical abuse including striking (with or without an implement), shaking, throwing, kicking, or similar conduct, which may or may not have caused injury. This includes incidents where the physical abuse was corporal punishment or physical chastisement that by the standards of the time was excessive, arbitrary or cruel, and was not within acceptable norms and regulations. 	Physical Abuse <ul style="list-style-type: none"> Repeated incidents of physical abuse including striking (with or without an implement), shaking, throwing, kicking, or similar conduct, (which may or may not have caused injury). This includes incidents where the physical abuse was corporal punishment or physical chastisement that by the standards of the time was excessive, arbitrary or cruel and was not within acceptable norms and regulations. A single incident of physical abuse including striking (with or without an implement), shaking, throwing or kicking, or similar conduct, causing injury of a nature which received, or ought to have received, medical treatment. 	Physical abuse <ul style="list-style-type: none"> Repeated incidents of physical abuse including striking (with or without an implement), shaking, throwing or kicking, or similar conduct, causing injury which received, or ought to have received, medical treatment. Physical abuse at this level may also include single incidents of physical abuse involving scalding, burning, stabbing, drowning, poisoning, and suffocating which may or may not have caused injury. 	Physical abuse <ul style="list-style-type: none"> Physical abuse causing severe injury which received, or ought to have received, medical treatment and which may or may not have resulted in permanent impairment or disfigurement. Physical abuse at this level may include the full spectrum of abusive behaviours including striking (with or without an implement), shaking, throwing, kicking, scalding, burning, stabbing, drowning, poisoning, suffocating or other conduct. 	Physical abuse <ul style="list-style-type: none"> Physical abuse causing severe injury and/or was potentially life threatening, which received, or ought to have received, medical treatment. It is likely that the abuse resulted in permanent impairment or disfigurement. Physical abuse at this level may include the full spectrum of abusive behaviours including striking (with or without an implement), shaking, throwing, kicking, scalding, burning, stabbing, drowning, poisoning, suffocating or other conduct.

Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
Emotional Abuse <ul style="list-style-type: none"> • Persistent, verbal abuse, such as demeaning or humiliating comments impacting on identity and self-esteem such as continued name calling, racist or discriminatory treatment, use/misuse of religion or religious practices to exert coercive control, derogatory remarks about the child's family and how the child came to be in care and their life chances after care. • Emotional abuse at this level may also include the deliberate separation of a child from their siblings and refusal of any requests from family members for contact or communication. • Emotional abuse in connection with basic day to day care needs such as: 	Emotional abuse <ul style="list-style-type: none"> • Persistent emotional abuse, which together with its duration and frequency, take it beyond the type of emotional abuse described at Level 1. • Frequently forced to engage in the physical or emotional abuse of other children. 	Emotional abuse <ul style="list-style-type: none"> • Severe emotional abuse over a significant period of time. 	Emotional abuse <ul style="list-style-type: none"> • Sustained, severe emotional abuse of an extent and duration that is not adequately reflected at previous levels. 	Emotional abuse <ul style="list-style-type: none"> • Sustained, severe emotional abuse of an extent, duration and frequency that take it beyond the type of abuse described at Level 4.

<ul style="list-style-type: none"> ○ humiliating and/or degrading practices around bathing; ○ humiliating and/or degrading practices around bed wetting; or ○ humiliating and/or degrading practices around force feeding. <ul style="list-style-type: none"> ● Regularly being forced to carry out chores or other activities unreasonable for the age and capacity of the child at the time or the nature of that work being abusive and distressing in itself. ● Witnessing the abuse of other children and living in a climate of fear. 				
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Redress Payment Level 1 £20,000	Redress Payment Level 2 £40,000	Redress Payment Level 3 £60,000	Redress Payment Level 4 £80,000	Redress Payment Level 5 £100,000
Neglect <ul style="list-style-type: none"> Neglect is the persistent failure to meet a child's basic physical and/or psychological needs or failure to respond to basic emotional needs. It may involve: <ul style="list-style-type: none"> failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, failing to ensure access to appropriate medical care or treatment, causing sleep disturbance as a form of punishment, being locked in rooms/cupboards, being shut outside for long periods without care and inadequate clothing for winter. A continuous or intermittent pattern of failure to provide 	Neglect <ul style="list-style-type: none"> Severe neglect, e.g. actions which go beyond the types of neglect described at Level 1. 	Neglect <ul style="list-style-type: none"> Severe neglect over a significant period of time. 	Neglect <ul style="list-style-type: none"> Sustained, severe neglect of an extent and duration that is not adequately reflected at previous levels. 	Neglect <ul style="list-style-type: none"> Sustained, severe neglect of an extent, duration and frequency that take it beyond the type of abuse described at Level 4.

adequate emotional support, education, leisure and play. It may also include failure to support/encourage a child to develop as an individual or pursue their personal or cultural beliefs and preferences.				
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